



## North Australian Aboriginal Justice Agency

### NAAJA Cultural Competency Framework

A key differentiator of NAAJA in our service delivery model is the emphasis, value and priority we place on developing cultural competency. We take this work seriously because Aboriginal people across the NT tell us how important this work is to them.

We understand that, as an organisation, if we are to say we are culturally appropriate then we must make a meaningful commitment to developing cultural competency. We must integrate this across our practice, and be accountable. We set ourselves a high standard in our commitment to developing cultural competency and put ourselves forward as a unique and distinct service working with Aboriginal people in this context. We aspire to be a leader in this field and serve as an example to other government and non-government services where Aboriginal peoples feature prominently.

We are a culturally appropriate organisation because we make a meaningful commitment to developing cultural competency, and because:

1. We are managed and led by an Aboriginal board
2. Aboriginal people serve senior roles across our practice and key roles across our workforce
3. We provide a quality education and professional development program for staff
4. We integrate learnings in cultural competency across our practice
5. We are culturally responsive and adapt to local and regional contexts
6. We are accountable in this work

The 'Cultural Competency Framework 2020-2025 outlines NAAJA's approach to developing and integrating best practice cultural competency across our services for Aboriginal people in the Northern Territory.

#### Guiding principles

The following principles guide our work in aspiring to be cultural competent:

- We value the importance of being genuine and authentic in this space, and have mechanisms across our practice to be accountable.
- The cultural landscape in the NT is rich and diverse and we value this diversity.
- We seek to be trauma-informed and embed these practices across our work.
- We recognise cultural competency as a continual process and from an individual, organisational and systems perspective.
- We are an Aboriginal organisation and must ensure every facet of our service delivery is culturally responsive and adequately meets the needs of the community we are funded to serve.
- What we learn and experience at 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.



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The guiding principles provide a foundation to inform how NAAJA values the work of our commitment to cultural competency. These principles are supported by actions.

### 1. We are managed and led by an Aboriginal board

#### Strategies for 2020-2025

- NAAJA is governed by an Aboriginal Board.
- NAAJA Directors adhere to the principles of transparent corporate governance and recognise the need for the highest standard of corporate behaviour and accountability.
- NAAJA Board has 4 Directors from each of the Katherine, Darwin, Miwatj regions and 2 Directors in the Barkley and Central Australia region.

### 2. Aboriginal people serve senior roles across our practice and key roles across our workforce

#### Strategies for 2020-2025

- Implementation of NAAJA's Aboriginal Employment Policy as best practice policy in this area.
- Commitment to ensure that Aboriginal people constitute a minimum of 60% of overall staffing numbers by 2022.
- Aboriginal people serving senior roles including Chief Executive Officer, Principal Legal Officer and senior positions across the organisation.
- Build a network of relationships with local Aboriginal communities and community partners to encourage Aboriginal people to apply for jobs at NAAJA and to promote NAAJA as a desirable employer for Aboriginal people.
- Encourage NAAJA staff who are leaving to promote NAAJA as a preferred employer and continue to support NAAJA through Pro Bono support.
- Ensure new NAAJA staff are allocated with a Client Service Officer as their Cultural Mentor
- Ensure all new NAAJA staff are debriefed with a Client Service Officer on their first remote community visit and court attendance

### 3. We provide a quality education and professional development program for staff

#### Strategies for 2020-2025

- A NAAJA Education and Professional Development Program delivering educational sessions and activities involving staff and external providers as co-facilitators and legal educators. The core focus of this program is developing cultural competency.
- Provide career development options for existing and newly recruited staff. All staff have a professional development plan.



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- An instrumental role establishing the Bilata Legal Pathways Program as a partnership approach across the legal system to encourage greater Aboriginal and Torres Strait Islander access and participation in law.
- Promotion of Winkiku Rumbangi NT Indigenous Lawyers Aboriginal Corporation.

### 4. We integrate learnings in cultural competency across our practice

#### Strategies for 2020-2025

- A NAAJA Certificate in Cultural Competency program requiring all staff to outline their participation in education and professional development sessions with a core focus in cultural competency and how they integrate their learnings in their practice. This program will increase cultural sensitivity, promote effective work communication and enhance relationships between Aboriginal and non-Aboriginal people. This program also includes the delivery of a wide range of sessions facilitated by NAAJA staff and external inputs.
- All staff receive a Welcome To Country from the Traditional Owners
- Ensure all employment programs offered provide a level of flexibility and menu of employment options to meet different work, study and family situations.
- Inclusion in the Performance Review process of questions relating to observations of cultural competency and how learnings are integrated in the individual's practice
- Inclusion in NAAJA Collective agreement cultural leave and language allowance
- Delivery of culturally appropriate trauma-informed training by Aboriginal Medical Services Association NT for NAAJA staff to understand how trauma effects our communities and people in the context of the specific circumstances and characteristics of Aboriginal identity and history in the NT.
- Develop and contribute to an understanding of how trauma-informed practices are used (or not used) in the broader justice system, and advocate for reform.
- Programs that actively engage Cultural Brokers, Mentors and Advisers.

### 5. We are culturally responsive and adapt to local and regional contexts

#### Strategies for 2020-2025

- All new NAAJA offices have a smoking ceremony.
- All Staff engage in a thorough and comprehensive induction process with a particular focus on developing cultural competency.  
This induction includes:
  - A Welcome To Country
  - In-house cross-cultural induction delivered by NAAJA Community Legal Education;
  - A cross cultural workshop with a local Aboriginal Cultural Mentor;
  - An induction pack and specific cross-cultural materials; and Development of Community Profiles for each major Aboriginal community or region.
- All NAAJA staff are to introduce themselves to Aboriginal Elders on their first visit to an Aboriginal community
- Work with Law and Justice groups including;



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- Lajamanu: Kurdiji
- Maningrida: Burnawarra
- Ramingining: Mala Leaders
- Galiwinku: Makarr Dhuni
- Ngukurr: Yugul Mangi
- Wurrumiyanga: Ponki Mediators
- Management to invite all key government officials to an Aboriginal community
- Expansion of Client Service Officers (CSOs). CSOs are people with a deep understanding of Aboriginal culture and community – generally Aboriginal themselves or with significant connections to Aboriginal societies. CSOs assist clients to access legal services and with issues related to their legal problems.
- A NAAJA Aboriginal Interpreter Service Policy.
- NAAJA staff to use a plain English and Yolngu Matha legal dictionary.
- A NAAJA Appropriate Dress Policy

### 6. We are accountable in this work

#### Strategies for 2020-2025

- Law & Justice Manager to report to Board every quarter on the Framework
- A 'Cultural Competency Committee' comprising senior leaders of NAAJA and other respected community persons as a senior oversight mechanism for this Framework. This Committee will ensure the policy and framework is monitored, reviewed and evaluated and with a view of continual improvement.
- An extensive review of the policy will be undertaken every 12 months commencing 1 January 2021
- The review will include an evaluation of:
  - Progress towards achieving 60% of Aboriginal employees by 2022;
  - Adequacy of reporting to NAAJA Board meetings;
  - Evidence of consultation with the local Aboriginal community and community partners;
  - Implementation of the actions of the Framework.

#### Supporting documents

1. NAAJA Board Profile
2. NAAJA Aboriginal Interpreter Service Policy
3. NAAJA Aboriginal Employment Policy
4. NAAJA Education and Professional Development Program
5. NAAJA Communications Policy
6. Bilata Legal Pathways Program
7. NAAJA Cadetship and Graduate Program
8. NAAJA Collective Agreement
9. NAAJA Appropriate Dress Policy



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### NAAJA BOARD PROFILE

The NAAJA Board is responsible for ensuring the efficient performance of the functions of NAAJA and for determining NAAJA policies. NAAJA Directors adhere to the highest standard of corporate behaviour and accountability as well as principles of transparent corporate governance.

#### NAAJA Board 2020/2021



#### KATHERINE



#### RUBY STANLEY – Deputy Chairperson

Ruby is originally from Queensland but has lived and worked in Darwin and Katherine for 40 years. She has worked tirelessly for many years with the Age Care services at the Kalano and Binjari Communities, and with the Department of Health & Community Services in Katherine. Ruby has been a valuable member of various Committees' such as the Indigenous HACC Reference Group for 4 years, the Katherine Club for 4 years and the NAIDOC Committee for 2 years. Ruby is recently retired and enjoys relaxing at home, reading and socializing with family and friends.



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**SHIRLEY GARLETT – Director**

Shirley was born of Baladong heritage on her father's side {Nyungar Sth of Perth} and {Yawuru Broome} heritage on her mother's side.

Shirley has travelled a lot in her years and ended up in Katherine in 1988, her first connection to community living in the NT was 1991 at Bulman for 5 years, it was there where my real education commence, Shirley attended the Batchelor Institute due to community demand and completed an Associate Diploma in Broadcasting & Journalism on completion I worked at the Bulman BRACS (Broadcasting in Remote Aboriginal Communities Scheme) now RIBS (Remote Indigenous Broadcasting Service) for two years while training a local to take over. There was a demand for an Aboriginal Radio Service in Katherine, Shirley left Bulman in 1994 and became the Training Officer for 'Munguy Gawanbi Garriyi" Radio, as well as working contiguously as Guest Lecturer at Batchelor Institute, this position took her throughout the Territory travelling and working with local community broadcasters from the Top End to Central Australia and the Kimberley regions.

Shirley left Batchelor and ended up in the Timber Creek Region where her partner is a Traditional Owner.

Katherine West offered Shirley a position as a Coordinator of the Flexible Aged Care for the region. She then moved into Job Services with Mission Australia and ITEC Employment Services for 6yrs working with the Ngarinjinim people of the Timber Creek region.

Shirley moved into a Community Probation and Parole position with Correctional Services which saw her participate in assisting with the delivery of Family Violence Program and the Elders Visiting program. During her time at Corrections Shirley initiated the implementation of the CPPO conference to encourage networking and brainstorming on best practice delivery for their remote regions.

Shirley was elected to Victoria Daly Regional Council in 2016 and currently sits in the Deputy Mayor role.

Shirley is a Law Student studying at Charles Darwin University.

Shirley philosophy in life is to always have a positive attitude and turn negatives into positives. She believes that appropriate Education programs will help to empower our people to become better at the transition into a new way of life, with the main focus on our youth as they are our future - the struggle is still evident in our remote areas.



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### **NATALIE ELLIS - Director**



Natalie's Aboriginal origins are with the Dalabon people from the Barunga to Bulman region. Her mother was part of the Croker Island Stolen Generation and Natalie continues to be a member of the Northern Territory Stolen Generation Association. She is currently employed as the Regional Coordinator with the Aboriginal Interpreter Service for the Big Rivers and Barkly Regions. Natalie believes that education plays a major part in all Indigenous issues. Her particular interests are the over-representation of Indigenous people in the justice system and jails, prisoner's rehabilitation, mental health and support programs that promote stronger families.

### **ROSEMARY BIRCH – Director**



Rosemary has extensive experience in the Katherine region where she has resided her entire life.

Rosemary comes from a local family as her mother's clan comes from the Roper River region and her father's clan comes from Neutral Junction area. Her family connections range from Darwin in the North to Alice Springs in the Central Region. She is a traditional owner for the Roper River Region, and English is her first language.

Rosemary recently retired from the Wurli Wurlijang Health clinic after about 25 years of service as an Aboriginal health worker. Health has always been a passion of hers.

During my working period, she has provided high level of leadership and management within the Wurli-Wurlijang Health service health team to ensure that departmental objectives are met.



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**MIWATJ**



**TONY WURRAMARRBA - Director**

Tony is a well-known leader and spokesperson for the 'Anindilyakwa people. He had held Chairman Deputy Chairman positions on the 'Anindilyakwa Land Council for more than six years. He was previously Council Clerk at the Angurugu Community Government Council and a member of a number of Indigenous organizations as a Board Member.

With the support of the Chairman Walter Amagula, and the Land Council's other Executive Members, Tony has been working closely with all levels of Governments, as well as BHP Billiton, to meet the needs of his people. He has supported changes which improve the positive impact government programs and policies have in the Groote Archipelago, with a particular focus on raising living standards, including through the creation of jobs and training activities. Under Tony's leadership there has been a much greater involvement of Traditional Owners in the monitoring of the large housing program, SIHIP.

**ARALUEN MAYMURU– Director**



**JOANNA ASSAN – Director**



**DARWIN**





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### **MICHAEL PETTEYSON – Public Officer**

Michael is of Aboriginal/Torres Strait Islander decent.

Michael has lived in Darwin most of his life and has worked in various Government departments including Department of Justice, Family Court of Australia and is currently employed by the Northern Territory Legal Aid Commission as an Indigenous Community Liaison worker.

His work involves delivering Legal Services to remote communities.

He has been a Board member of several Indigenous organisations trying to ensure that services are delivered effectively and appropriately for our people.



### **COLLEEN ROSAS - CHAIRPERSON**

Colleen Rosas has lived in the Northern Territory for 50 + years and is originally from Cairns, North Queensland and is a descendant of the Gudjula nation.

Colleen's employment history has been across a range of areas including Aboriginal education and the criminal justice area. Colleen was the inaugural Director of the Northern Territory Aboriginal Interpreter Service and held this position for approximately 20 years. Under Colleen's directorship, the Northern Territory Aboriginal Interpreter Service grew from 2 staff in 2000 to become a service with a national reputation of excellence. She has formal qualifications in Management, and Indigenous research and Development.



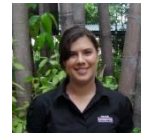
### **JOEL McLennan - Director**



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Joel is from the Larrakia clan in Darwin. Joel has extensive experience in Correction Services extending 13 years. Joel is active in working with Indigenous people to address their social and economic needs.

### HANNAH ROE - Secretary



Hannah Roe is of Yawuru decent. Her family is originally from Broome Western Australia. She was born in Darwin and has lived in the Territory all her life. She comes from a long time Darwin family and continues to maintain strong family ties to Broome WA. She graduated in 2002 with a Bachelor of Laws with Honours from the Northern Territory University. She was admitted to legal practise in the Supreme Court of the Northern Territory in 2004 then went on to work as a lawyer for the Australian Securities and Investments Commission (ASIC) and is currently working for the Office of the Registrar of Indigenous Corporations (ORIC).

### CENTRAL AUSTRALIA



### CAROL SMITH – Director

Carol is an Arrernte woman from Central Australia, having been born and raised in Alice Springs.

Carol initially studied for a Bachelor of Law at the Queensland University of Technology whilst working as a Field Officer at the Aboriginal & Torres Strait Islander Legal Service in Brisbane. Carol was then successful in obtaining a Cadetship with the Defence Material Organisation (DMO) of the Department of Defence, where she continued my studies and completed a Graduate Diploma of Legal Practice at the Australian National University. After she graduated, Carol was employed by the DMO as a Contract Officer. Carol returned to Alice Springs in 2011 and was admitted to the NT Supreme Court in 2012.

Since being admitted to practice, Carol has worked for the Central Australian Aboriginal Family Legal Unit (CAAFLU) in Alice Springs and the Domestic Violence Legal Service in Darwin.



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Carol is currently employed as a Solicitor with CAAFLU, providing advice and representation to Aboriginal victims of domestic violence”

### LEISA MCCARTHY – Director



Leisa McCarthy is a Warumungu woman from the Tennant Creek region and grew up in Alice Springs and the Top End. Leisa’s professional background is a Public Health Nutritionist with a 25-year career in Aboriginal health within Government and the Aboriginal Community Controlled Health sectors. For the past 10 years Leisa has worked in health research, specifically in the Aboriginal community control and management of health research and in Aboriginal social and nutrition research. During this time Leisa studied and obtained a Doctor of Philosophy in Public Health Nutrition. With Leisa’s experience as an Aboriginal health researcher, for the past four years has had membership as an independent Aboriginal researcher on the Central Australian Aboriginal Congress Aboriginal Corporation Board Research Subcommittee.

### BARKLY REGION

#### JOE CARTER- Director`



Joe comes from the Warrumungu (Tennant Creek) and Anmatjere (Ti Tree) peoples in Central Australia.

He has worked at the senior management level for over 20 years in Aboriginal organisations and government agencies.

Joe has worked in Aboriginal Affairs since the early 1980’s, and he has been a member on many boards & committees over the years.

He has travelled extensively through the NT visiting almost every remote Aboriginal community.

He has established many networks and friends in his travels in the NT and nationally.

Joe is currently the Regional Housing Manager for the Barkly Region based in Tennant Creek.



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**Rebecca Moore - Director**

Rebecca is a local Aboriginal woman from Tennant Creek.

Rebecca is committed to supporting Aboriginal people in the Barkly region to access essential services including housing, education, employment and health.

She is fully engaged in pursuing the rights of Aboriginal people through law and policy reform.



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### NAAJA ABORIGINAL INTERPRETER SERVICE POLICY

NAAJA is committed to seeking justice for all clients, and therefore recognises the importance of using interpreters in all situations where a client or community may be disadvantaged due to language barriers.

The use of professional interpreters maximises service delivery in situations where a client speaks English as an additional language. NAAJA will err on the side of using an interpreter rather than not using one. This is the case in all circumstances, even when the client is unsure or reluctant to request an interpreter.

Aboriginal Territorians who speak English as an additional language may not feel confident in their communications with NAAJA staff and may feel they cannot fully express themselves, or fully understand staff. When this is the case, they may avoid or minimise contact with our service. The regular use of interpreters enhances good communication and strengthens relationships with the community.

As an organisation, NAAJA supports the ongoing development of professional, high quality Aboriginal interpreters. Professional interpreters are an asset to the organisation and Aboriginal communities. One way of supporting the development of interpreters is through frequent and regular use of interpreters, regardless of whether the matter is a minor matter or serious matter. Another way of support the development of interpreters is through providing regular and accurate feedback on the performance of interpreters.

NAAJA aims to set an example in terms of best-practices in working with interpreters. Setting a high standard when working with interpreters allows NAAJA to hold other organisations accountable for their lack of use of interpreters and poor communication with Aboriginal Territorians.

#### 1. OTHER RELEVANT DOCUMENTS

There are a number of documents that will influence how NAAJA works with interpreters, and staff should be aware of these documents.

1. The NT Supreme Court Interpreter Protocols
2. The NT Law Society Indigenous Protocols
3. The Aboriginal Interpreter Service (AIS) Guidelines for Court Interpreters at Court rosters and Bush Courts
4. The AIS assessment – ‘Steps for deciding if you should work with an interpreter – legal’
5. The AIS guide – ‘Working with an interpreter’
6. The NT Police General Order - Interpreters and Translators
7. The NT Police General Order - Questioning People who have Difficulties with the English Language - The ‘Anunga’ Guidelines

#### 2. FUNDING & PAYMENT FOR INTERPRETERS

The use of Interpreters in any client interaction, whether in court or out of court, criminal, civil or family law, is funded by the Federal Attorney General’s Department. As such, NAAJA does not pay for interpreting in these situations. It is the responsibility of staff, however, to complete the interpreter timesheet and send it to the AIS at the completion of the interpreting assignment. Timesheets should be sent to AIS on the day of the assignment wherever possible, or 1-2 days after the assignment at the latest.



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Interpreting for Community Legal Education (CLE) programs is not funded by the Federal Attorney General's Department. Staff should seek pre-approval from management prior to booking an interpreter for CLE activities. Staff can also contact the AIS directly to discuss options for interpreting for CLE activities.

### 3. STAFF RESPONSIBILITIES

Staff should acknowledge that the time spent booking and waiting for an interpreter is justified. Ensuring accurate and clear communication at the start of an interaction with a client will often save time and resources in the long run.

NAAJA supports the right of Aboriginal Territorians to access services in their first language.

Interpreters will occasionally need to request extra assistance or information to complete their interpreting assignments. Staff will work cooperatively with interpreters and assist the interpreter to complete their interpreting assignment.

When an interpreter is required, NAAJA will work with a registered, professional Aboriginal Interpreter. In the vast majority of cases, this involves a booking through the AIS. The use of a family member or other bi-lingual speaker as an interpreter is discouraged. Where information has been obtained through an unregistered interpreter, staff must corroborate those instructions through a professional interpreter before acting on that information.

### 4. BOOKING AN INTERPRETER

AIS allocate interpreters on a 'most appropriate interpreter for the assignment basis.' A number of factors are considered, including the complexity of the matter, the interpreter's qualifications and experience, and family and cultural conflict of interest.

Staff must provide all the information requested by AIS on the booking form in order for AIS to allocate the most suitable interpreter. The AIS maintains client information in a confidential manner, and staff will provide a client's biographical details (age, name, D.O.B, address/community etc.) and generic details of the legal matter to the AIS to assist in allocating the most appropriate interpreter. In criminal matters, the booking form must always contain, at a minimum, the charges and what the matter is listed for (bail application, hearing, plea and sentence etc).

Staff should not obtain the services of an AIS interpreter without making a prior booking. For example, staff are discouraged from directly approaching an interpreter unless this has been arranged beforehand through the AIS.

Where staff directly approach an interpreter in a situation that requires urgent interpreting, staff will assist the interpreter to contact the interpreter's supervisor so that the AIS is aware of the interpreter's location and assignment and can begin conducting conflict checks for the matter.

The AIS has specific booking forms for criminal and civil matters. Staff should use the correct booking form.

### 5. WORKING WITH INTERPRETERS

Staff should adhere to the AIS guidelines 'Working with Interpreters' (attached).

In the Supreme Court, lawyers should follow the NT Supreme Court Interpreter Protocols.



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In the Magistrates Court, lawyers should follow the NT Supreme Court Interpreter Protocols to the greatest extent possible.

Staff should note the name of the interpreter on the file, whether it be for a court appearance or taking instructions.

### 6. BUSH COURTS & COURT ROSTERED INTERPRETERS

Staff should follow to the AIS 'Guidelines for Court Interpreters at Court rosters and Bush Courts' (attached).

In situations where a Court Interpreter Roster is in operation, staff will not ordinarily be expected to sign the interpreter's timesheet. This is the responsibility of court staff.

For contested matters, staff must submit an interpreter booking request to the AIS. Ordinarily this request should be submitted two weeks in advance.

Where NAAJA have made a booking for an interpreter in a contested matter, the interpreter's services remains with the staff. Police, prosecutions, corrections must make their own bookings.

### 7. HOW TO DECIDE IF AN INTERPRETER IS NEEDED

Assessing a client's English language proficiency is a complex task that is ideally done by a trained linguist. Most untrained people, including many lawyers, tend to underestimate the difficulties that a person has communicating in their second language. The ideal in most cases is for a client to give instructions and receive legal advice in their first language.

Staff will use the process detailed in 'Steps for deciding if you should work with an interpreter – legal' to assess whether an interpreter is needed. Staff should also familiarise themselves with the background information in 'How to decide if you should work with an interpreter – legal' to better understand the linguistic issues involved in deciding if an interpreter is needed.

In particular, the use of closed 'do you understand' type questions, or conversations about a client's biographical data (where do you live?) is not a suitable basis for assessing whether an interpreter is needed.

Staff must also recognise that a client who can speak comfortably about everyday topics does not necessarily have the proficiency to discuss legal matters, and a client who can speak comfortably in a relaxed setting will not necessarily have the proficiency to understand the language used in a court setting.

### 8. DISCUSSING INTERPRETERS WITH A CLIENT

Staff must avoid causing a client to feel embarrassed or deficient because of a need to work with an interpreter. Clients have a right to access services in their first language, regardless of English proficiency.

Avoid questions and statements such as 'Do you need an interpreter?' or 'I'm adjourning this matter because I have to get an interpreter for you.'

Instead, use phrases such as, 'I don't speak [your language], so I've asked an interpreter to help me' or 'I'd like you to tell your story using [your language], so I've asked an interpreter to come help us.'

### 9. WHEN NO INTERPRETER IS AVAILABLE



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From time to time, lawyers will face a situation where a client who requires an interpreter is in custody, with reasonable prospects of release (through bail or sentence) and no interpreter is available. The lawyer must make an assessment as to whether or not to proceed without an interpreter. If a decision is made to proceed without an interpreter, the lawyer's reasoning must be carefully documented in the file notes.

When deciding whether to proceed without an interpreter, the lawyer must consider, amongst other factors, the ability to obtain informed instructions, and the likelihood of the client complying with any conditions (bail or sentencing) when those conditions have not been interpreted to the client.

Lawyers should be aware that there have been cases in the NT where a client has appealed a decision on the basis that the client's original lawyer acted without the use of an interpreter.

Where a client is not in custody, and no interpreter is available, ordinarily the matter should be adjourned to obtain the services of an interpreter.





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### NAAJA ABORIGINAL EMPLOYMENT POLICY

#### **Purpose**

The purpose of this policy is to provide successful work opportunities and employment outcomes for Aboriginal people. NAAJA aims to increase the numbers of Aboriginal people it employs and to ensure that Aboriginal people make up the majority proportion of its overall staff.

#### **Outcomes**

As part of NAAJA's commitment to Aboriginal employment NAAJA will broaden employment and development opportunities for Aboriginal people at all levels within the organisation with an overall commitment to ensure that Aboriginal people constitute a minimum of 60% of overall staffing numbers by 2022.

To ensure that outcome is achieved NAAJA will continuously:

- Develop strategies to increase the number of Aboriginal staff in its employ;
- Develop an organisational culture which values and respects Aboriginal culture, accommodates cultural differences, and which is recognised in NAAJA policies and practices;
- Establish relationships with Aboriginal employees based on the principles of social justice and equity;
- Facilitate professional development opportunities and achievable career path goals for all Aboriginal staff; and
- Commit to the principles of equal opportunity.

#### **Preference**

NAAJA will give preference in recruitment to people within the following guidelines:

- Quality of client service is paramount and all applicants will be assessed against prescribed selection criteria with the person who best meets or exceeds the criteria to be selected, i.e., selection is merit based.
- Where 2 or more applicants are assessed as equal against the selection criteria an Aboriginal applicant is to be given preference in employment.
- The selection process will be used to give unsuccessful Aboriginal applicants preference in career path development and training if they are already employees or for traineeships, placements and scholarships if they are not (see 2.5 below).
- Selection criteria for vacancies will recognise and give effect to the purpose and outcomes of this Policy.

#### **Key objectives**

1. Building Relationships
2. Recruitment



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3. Career Development
4. Retention
5. Support mechanisms

### Strategies

#### Objective No. 1 Building Relationships

*To build a network of relationships with local Aboriginal communities and community partners to encourage Aboriginal people to apply for jobs at NAAJA and to promote NAAJA as a desirable employer for Aboriginal people.*

- 1.1.1 Develop and disseminate information to external agencies, in particular Aboriginal community organisations.
- 1.2 Develop or participate in existing consultative forums on the promotion of employment opportunities for local Aboriginal people.
- 1.3 Have one NAAJA Board Director Sit as community representatives on  
Selection panels for Katherine interviews, encourage potential applicants to apply for positions, and participate in ongoing monitoring of the Policy.
- 1.4 Develop relationships with other employers that will facilitate employment and training opportunities for local Aboriginal people.
- 1.5 Promote NAAJAs employment opportunities through the NAAJA Website

#### Objective No. 2 Recruitment

*To increase the number of Aboriginal employees at all levels of employment at NAAJA so as to improve equality of employment opportunity for the Aboriginal population of the Top End.*

- 2.1 Advertise all job vacancies so as to attract the attention of Aboriginal people, for example, in newspapers such as the Koori Mail and through Aboriginal community organisations and other
- 2.2 Prepare position descriptions, which are written in plain English.
- 2.3 Include in all advertisements “Aboriginal people are urged to apply”
- 2.4 Develop programs targeting recruitment of Aboriginal people to NAAJA for other positions including: -
  - Work experience programs
  - Cadetships, traineeships, apprenticeships
  - Academic internships
  - Management training programs
  - In house training



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- Study time and study leave

- Job rotation and/or exchange programs both internally and with community partners

- 2.6 Include one Board Director (only for Executive positions) on the selection panel. The Director will be a representative from the relevant region
- 2.7 Ensure Aboriginal people are on selection panels for positions involving Aboriginal applicants.
- 2.8 Include cross-cultural awareness training for non-Aboriginal staff.
- 2.9 Through negotiations with accredited training providers, establish relevant courses to help Aboriginal people apply for positions at NAAJA.
- 2.10 Where an applicant has a family member currently employed at NAAJA the panel are to ask the applicant if this will affect their working relationship.

### Objective No. 3 Career Development

*To provide career development options for existing and newly recruited Aboriginal staff.*

- 3.1 Undertake a skills analysis of existing Aboriginal employees to identify their skills gaps in relation to the job they currently hold.
- 3.2 Provide induction to newly recruited Aboriginal employees introducing them to employment at NAAJA and recognising they may have special needs in adapting to employment.
- 3.3 Ensure that both on- and off-the-job training is available to Aboriginal Employees through programs such as job sharing, job rotation or exchanges, secondments, NAAJA staff training courses, and TAFE and University level courses; and provide specific training as necessary.
- 3.4 Ensure supervisors conduct annual career development interviews with Aboriginal employees to assist them in identifying and addressing their training needs.
- 3.5 Enable Aboriginal employees to fast track their careers by providing appropriate support for readiness for promotion.

### Objective No. 4 Retention

*To maximise retention of Aboriginal employees by offering a culturally sensitive, supportive and rewarding environment.*

- 4.1 Ensure that all conditions of employment and service for Aboriginal employees are equitably and are culturally relevant.
- 4.2 Ensure all employment programs offered provide a level of flexibility and menu of employment options to meet different work, study and family situations (e.g. different combinations of full and



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part-time work and study and flexibility to change between different options with changed circumstances).

- 4.3 Ensure a clear position description is prepared for each position targeted for an Aboriginal employee.
- 4.4 Develop and introduce an Aboriginal Cultural Awareness Training program for all NAAJA staff to increase cultural sensitivity, promote effective work communication and enhance relationships between Aboriginal and non-Aboriginal people. Such training will be mandatory for all staff.
- 4.5 Promote the Aboriginal Employment Policy across NAAJA, as general awareness raising of Aboriginal employment issues and to foster a supportive employment environment.
- 4.6 NAAJA will encourage any Aboriginal employee leaving the employment of the NAAJA to participate in an exit interview with a senior staff member of choice. The purpose of these interviews will be to understand reasons for separation and to take remedial action

### **Objective No. 5 Support Mechanisms**

*To develop and foster support networks for Aboriginal employees.*

- 5.1 Develop a mentoring program for Aboriginal employees, in particular Newly recruited staff.
- 5.4 Promote information about the Aboriginal Employment Policy across NAAJA specifically to supervisors / managers to encourage participation in the Policy and delivery of appropriate training and support.

### **Implementation, Monitoring and Evaluation**

Implementation, monitoring and evaluation of this Policy will be undertaken by the Executive Services Co-ordinator and reported at each NAAJA Board Directors meeting.

An extensive review of the policy will be undertaken every 12 months commencing 1 January 2020



## North Australian Aboriginal Justice Agency

### NAAJA APPROPRIATE DRESS POLICY

The NAAJA policy on dress standards is that all staff are required to be dressed in a professional and appropriate manner at all times during working hours.

Under the NAAJA policy, the following are not acceptable: thongs,<sup>[1]</sup> shorts (other than dress shorts) and, for anyone working at court, t-shirts.

Our clients deserve to feel that they are getting a professional service. How we look is an important part of this.

If you have an office day, you still need to dress professionally – a client may drop in, you may be called to court and, in any event, our client's see our staff come and go.

Staff working at court, including bush courts, must make a particular effort to ensure they are dressed professionally. Going to court is stressful enough without feeling like you don't have a 'real' lawyer. Our clients notice and the Court notices - it is something that has been specifically raised with us by the Magistrates. It doesn't help your client if the court is annoyed at you for dressing inappropriately.

Our clients at bush courts should also feel that they are getting the same service they would get in town.

For lawyers, the NT generally has a 'jackets off' policy in the Magistrates Court. This does not mean 'casual'. This means that you should dress as a lawyer normally would, just without the jacket.

Some tips for female lawyers:<sup>[2]</sup>

- You might want to reconsider wearing low cut tops, see through clothing or tight outfits. For many of our clients, this can be very embarrassing and culturally inappropriate. Sometimes we have to talk about nasty sexual things, and we need to make this as easy as possible for our clients, who may be culturally struggling with the fact you are a woman in the first place. In addition, the view from the Magistrate's chair when you are leaning on the lectern or picking up a file may not be quite what you intended.
- At bush courts, even when not in court, you should not wear short shorts, miniskirts or be too exposed. Look at what the women in the community are wearing and take that as some sort of guide. You don't have to go out and buy two long floral skirts and wear them both at the same time, but put some thought into what you take with you. In some places, women have been asked not to wearing trousers. It's complicated stuff, but keep it in mind.
- Think about this when you are visiting clients at the goal as well, especially when going casual on the weekend. Many prisoner's girlfriends or wives dress 'sexy' when they visit their blokes. As a professional, you may wish to distinguish yourself from those visitors (although your client, who may have been in prison for some time, may not want you to!). You might be going off to your own social event after your prison visit, but take a change of clothes.
- You may (unbeknownst to you) be having trouble being taken seriously as a 'female' lawyer by your client. You may not like this, but it is possibly true. The more professional and 'like a lawyer' you dress, the easier it will be for your client to get over this.

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<sup>[1]</sup> That includes Havainas – they are just expensive thongs.

<sup>[2]</sup> Courtesy of Michelle Swift, one of NAAJA's finest – and best dressed – lawyers.



## North Australian Aboriginal Justice Agency

### PERFORMANCE REVIEW PROCEDURE

NAAJA's system of performance reviews designed to help staff members and manager's work together to maintain a productive and professional work environment. It aims to do this through:

- Establishing clear expectations of performance standards through each staff member's duty statement;
- Providing for regular informal and formal feedback;
- Encourage an interaction for the employee to outline their key observations in cultural competency and how they integrate learnings into their practice;
- Encouraging self-assessment; and
- Ensuring professional development.

The system seeks to provide transparency and structure, while also retaining flexibility and avoiding excess formality.

#### **Maintaining a staff file**

Managers should maintain a staff file for each staff member.

The purpose of the staff file is to make sure that managers can properly monitor and keep a record of the staff member's performance.

The staff file should initially contain the staff member's CV, their latest contract and duty statement. The file should be created when a staff member starts at NAAJA.

The file is then used to record details of a staff member's performance, including outcomes of formal reviews, notes of examples of positive performance and details of any problems with performance and action taken.

Managers are encouraged to use the staff file to keep a detailed record of performance – it makes formal reviews much easier if the manager has printed off emails as examples of good performance; taken notes of issues that have arisen and how they were addressed; or made a short note of something the person has done to benefit their team. These things can otherwise be forgotten as the year passes.

This file is separate to the personnel file maintained by NAAJA's HR Manager which contains other information, for example details about a person's leave.

#### **Measuring performance: duty statements**

It is important that each person has a duty statement that clearly sets out the scope of a person's employment.

A staff member's duty statement should be reviewed as part of their annual performance review to ensure that it is accurate and relevant.

If the nature of a person's duties change significantly during the review period, their manager should meet with them and agree on an amended duty statement.

#### **Informal feedback**

Managers should try to provide feedback to their staff as often as possible. This should be recorded on a person's staff file (for example by printing off the relevant email or making a short note) so that reference can be



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made to it in formal reviews – formal reviews are much more helpful when they draw on feedback given throughout the period.

Feedback is most effective when delivered promptly. It is particularly important that critical feedback is given at the time of an event and that concerns about performance are not left unaddressed.

It is also important to provide regular positive feedback to staff and to keep a note of this so you can reflect on it in formal reviews. It is hard to provide too much positive feedback and very easy not to provide enough.

### **Formal feedback: the review process**

Managers should conduct two formal reviews with staff: an annual review and a mid-term review. If regular informal feedback has been provided to the staff member, there should be no real surprises at these reviews and that should be the goal.

### **Annual review**

This is to be held in June/July and is the more formal review. It is a chance to reflect on the year that has passed and also to set up performance and development goals for the coming year.

As noted above, a staff member's duty statement should be reviewed as part of their annual review. The staff member's performance of those duties can then be assessed against criteria including timeliness, accuracy, effectiveness, collegiality and professionalism.

Attached is a pro forma for use in the annual review.

Before conducting the review you should ask staff to come prepared to discuss the following:

Examples of good and improved performance over the last period: What are you doing well? What are your successes over the past period?

Areas for improved performance: What things do you think you can do better?

Plans for improved performance: What are you going to change or do differently to perform better?

Professional/skills development needs/goals: What skills do you want to improve upon and how can you achieve this (for example, a course you could do)?

A meaningful commitment to developing cultural competency: What have been your key observations in cultural competency in the previous period? Reflecting on your work, how have you incorporated learnings into your practice?

What can I do as your supervisor to help you improve your performance and develop your skills?

Do you have any other ideas for how our team can work more effectively?

When you have completed the annual review, you should send a copy to the Human Resource Manager so that it can be placed on the staff member's personnel file.

Note that if a person is performing at an unsatisfactory level, their performance should be closely managed. You should develop a plan with them and make a regular time to meet to assess their performance. You should discuss the situation with the CEO or PLO and the Human Resource Manager. It is important to address these situations early and thoroughly and will not be enough to review their performance only twice a year.



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### Mid-term review

This is held in December/January and can be less formal. It is a chance to check in with staff on progress against the goals set in the formal review and ensure that any performance concerns that have been identified are being addressed.

You should take notes of the mid-term review and keep them on the staff file, but it is not necessary to complete any forms.

For legal staff, managers should also use the mid-term review as an opportunity to conduct a file review with staff. You should have approximately 4 files selected at random covering different types of matters. A file review should consider issues such as:

- Is the file complete and up-to-date?
- Does it contain a full chronological record of the matter?
- Are the client's instructions fully and clearly recorded?
- Are handwritten file notes legible and do they contain all required information (name, date, nature of file note etc.)?
- Are all court attendances adequately file noted?

A file review is also an opportunity to review the quality of the legal work as reflected on the file.

At the conclusion of the mid-term review, the manager will send an email to the staff member and the HR Manager to record any significant matters covered.

### Salary increases

Salary increases will be linked to the performance review system.

NAAJA salaries will be set according to 'grades' which contain a number of 'bands'.

Staff will progress up a band within their grade at the end of each year of service, unless their performance is determined by their manager to be unsatisfactory. If a manager believes that a staff member's performance is unsatisfactory they should discuss the situation with the CEO prior to the person's performance review.

When a staff member has reached the top band within their grade they will be entitled to seek a promotion to a higher grade. Promotions will be determined according to performance as well as the financial position of the organization and are to be approved by the CEO.

### Probation reviews

Managers should conduct two reviews during a person's 3-month probation period.

The first should be after 6 weeks. Where necessary, this is a chance to flag any concerns with performance and in appropriate cases to indicate that if the concerns are not addressed the person's employment may be terminated under the terms of the contract.

The second should be shortly before the probation period expires. Where this second review falls in or around the period for annual or mid-term reviews, the probation review can take the place of that review.

The following issues should be addressed/questions asked at a probation review:





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- Provide some positive feedback on performance – what are they doing well?
- How are you finding your work at NAAJA?
- What was your experience of induction – did it tell you what you needed to know? Are there things that you still don't understand?
- Is work meeting your expectations?
- Provide any corrective feedback – are there things that they could improve?
- Do they have any training needs?
- What things can I do as your manager to help you perform at your best?
- Set an action plan for anything required to meet their/your expectations.



## North Australian Aboriginal Justice Agency

### Bilata Legal Pathways Program

NAAJA served an instrumental role establishing the Bilata Legal Pathways Program as a partnership across the legal system aimed at increasing the number of Aboriginal and Torres Strait Islander people within the legal profession in the NT. (The Law Society NT 'Balance' publication 2/15 reports this number as 10 of 533 practitioners - approximately 2% - whilst the NT population is 30%, our prisons and youth detention centres 80-100% and our judiciary 0%). Qualifications in law also open up a wide range of career pathways outside of legal practice and with more Aboriginal and Torres Strait Islander people gaining qualifications in law there will be increased benefits for our communities.

#### *THE NAME 'BILATA'*

Bilata (pronounced, Bee-la-ta) is the Larrakia word for a wooden spear-throwing device, also commonly known as a woomera. The Bilata was traditionally used to guide a spear along a pathway and assists with direction, speed and accuracy. It is used for many purposes and is sometimes more revered and more valued than a spear.

#### *PROGRAM PRINCIPLES*

The following principles underpin the program:

- Knowledge is shared 2 ways
- Encourage expectations, no shame in failing
- Pushing boundaries, being culturally safe
- Fostering connections

#### *REFERENCE GROUP MEMBERS*

The program is guided by a Reference group comprising:

- Honourable Trevor Riley (co-chair)
- North Australian Aboriginal Justice Agency CEO, Priscilla Collins (co-chair)
- Chief Justice Michael Grant QC
- Law Society NT CEO,
- Charles Darwin University
- Anti-Discrimination Commissioner, Sally Sievers
- Barrister, Mr. John Lawrence SC
- Lawyer, Ms. Amanda Nobbs-Carcuro

### NAAJA COLLECTIVE AGREEMENT



## North Australian Aboriginal Justice Agency

### COMMUNITY LANGUAGE ALLOWANCE

#### 15.1 Criteria

The Chief Executive Officer may approve the payment of Community Language Allowance to an employee where the following conditions are met.

15.1.1 There is an identifiable and continuing need for the particular skills possessed by the employee in providing client or staff services. Language skills are required for communication in languages other than English including using Aboriginal and Torres Strait Islander and AUSLAN or other deaf communication skills; and

15.1.2 The employee's language competence is of the standard set out under 15.2.1(a).

#### 15.2 Rates

15.2.1 Rate payable is \$2500.00 per annum (full –time).

15.2.1(a) Community language allowance rate I (Language Aide) is payable to an employee who:

15.2.1 (a) (i) passes the Language Aide Test conducted by the National Accreditation Authority for Translators and Interpreters (NAATI); or

15.2.1(a)(ii) is assessed to be at the equivalent level by an individual or body approved by the Chief Executive Officer.

### CEREMONIAL LEAVE

21.1 Ceremonial leave without pay may be granted, with approval of the Chief Executive Officer, to an employee of Aboriginal or Torres Strait Islander descent:

21.1.1 for ceremonial purposes connected with the death of a member of the immediate family or extended family and is in addition to the provisions of Compassionate Leave; or

21.1.2 for other ceremonial obligations under Aboriginal and Torres Strait Islander law and tradition.



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### **21.2 Period of leave**

The maximum period of ceremonial leave that may be granted to an employee is 10 days in any calendar year.