Background

It has been accepted for some years that cultural awareness training of judicial officers in relation to Aboriginal people is a useful means of equipping those officers to better decide cases and better deal with Aboriginal witnesses and parties. (French 2007)

The Royal Commission into Aboriginal Deaths in Custody (RCADC) was established in October 1987 to inquire into the deaths of 99 Aboriginal and Torres Strait Islander people who had died in custody between 1980 and 1989. The task of the Commission was not only to examine the deaths and related action by authorities, but also to explore any underlying issues related to the deaths in custody. This included social, legal and cultural correlations to the deaths in custody.

In 1991 the Commission delivered a set of 339 recommendations to the government covering a multitude of areas. Specific to justice sector workers was recommendation 96 stating:

That judicial officers and persons who work in the court service and in the probation and parole services whose duties bring them into contact with Aboriginal people be encouraged to participate in an appropriate training and development program, designed to explain contemporary Aboriginal society, customs and traditions. Such programs should emphasise the historical and social factors which contribute to the disadvantaged position of many Aboriginal people today and to the nature of relations between Aboriginal and non-Aboriginal communities today. The Commission further recommends that such persons should wherever possible participate in discussion with members of the Aboriginal community in an informal way in order to improve cross-cultural understanding. (Johnston 1991)

Since the recommendations, ‘cultural awareness programs’ have been used by the justice sector to improve relationships with Aboriginal and Torres Strait Islander peoples and communities. The work of the Australasian Institute of Judicial Administration and its National Aboriginal Cultural Awareness Committee (Nicholson 1995) was particularly important.

There have been calls for training to not only increase participants’ awareness, but also move participants towards changes in attitude and behaviour that are required for better service provision. The Ampe Akelyerneman Meke Mekarle “Little Children are Sacred” Inquiry (Wild & Anderson 2007) found that “many government employees do not have the skills to hear and understand what Aboriginal people are saying” (202). The Inquiry also found that “an understanding of Aboriginal culture and ‘worldview’ is an essential pre-requisite to being able to work with Aboriginal people to achieve successful outcomes” (202). The Inquiry recommended “intensive and ongoing cultural awareness training”, and “hoped that such training would increase the competence and capability of government employees to know, understand and incorporate Aboriginal cultural values in the design, delivery and evaluation of programs and services that affect their communities” (202).

Both the RCADC and the Little Children are Sacred Inquiry emphasise that the goal of cultural competency training is to improve service delivery and achieve successful outcomes. Some government agencies in Western Australia and the Northern Territory have used the term “cultural security” to indicate that their aim is safe access to services for Indigenous clients, while “cultural safety” is used in New Zealand. The US based National Center for Cultural Competence has noted that there are many definitions of cultural competence (NCCC website) but all refer to the ability to provide services...
in a way that respects the culture of the service recipient. This review will adopt Bean’s (2006) definition:

The term “cultural competence” refers to the awareness, knowledge and skills and the practices and processes needed by individuals, professions, organisations and systems to function effectively and appropriately in culturally diverse situations in general and in particular encounters with people from different cultures.

**Aim and method**

This paper

1) explores good practice principles for the development and implementation of cultural competence training (CCT) programs in the justice sector, and

2) reports on CCT activities currently being conducted in the justice sector.

The discussion of good practice principles is based on a 2009 article published by the authors in the *Aboriginal & Islander Health Worker Journal* (Farrelly & Lumby 2009). The 2009 article reviewed published literature on cultural competence training, most importantly Australian Health Ministers’ Advisory Council 2004, Dench McLean 1999, Western Australia. Department of Health nd, National Health & Medical Research Council 2006, National Rural Faculty, Royal Australian College of General Practitioners (NRF RACGP) 2004. This present paper elaborates on the principles identified in the 2009 article by incorporating a review of literature specific to law and justice.

The report on CCT activities is based on a survey of justice departments within all states and territories conducted in 2010. Survey responses were received from the ACT Department of Justice and Community Safety, the Attorney General’s Division of the NSW Department of Attorney General and Justice, the NT Department of Justice, the Queensland Department of Justice and Attorney-General, the South Australian Attorney-General’s Department, the Victorian Department of Justice, the Victorian Department of Justice, and the Western Australian Department of the Attorney General. Survey responses refer to training provided to staff in the justice sector, except for Tasmania’s responses which refer to training provided in the corrections sector.

**Good practice principles**

**CCT as part of a broader context**

Cultural competence is now understood to be an attribute of both individuals and organisations. Effective CCT is located within a broader context of commitment to achieving cultural competence, including culturally appropriate service delivery, and a culturally appropriate workplace environment. This commitment requires a focus on systemic, organisational, professional and individual levels. Within this framework, CCT would be one of a number of approaches implemented to achieve cultural competence. A culturally competent service that understands the impact of history and contemporary cultural practice and protocols will deliver better client outcomes. For example, workers need to recognise that Aboriginal identity is not based on colour or other physical traits. Workers also need to know that Aboriginal and Torres Strait Islander people may have had to deal with extraordinary life events relating to the Stolen Generations, ongoing family and individual crises (homelessness and poverty), and high levels of trauma (suicide and incarceration). In practice cultural competence can be seen in attitudes and behaviour that are adaptable, observant and respectful.

The *National Indigenous Law and Justice Framework* outlines a series of strategies and actions to ensure Aboriginal and Torres Strait Islander people have access to services that are “effective, inclusive, responsive, equitable and efficient” (Standing Committee of Attorneys-General 2009: 13). Specifically the Framework calls for the effectiveness of cultural awareness and competency training across the justice system to be reviewed and to improve cultural competency in justice related service provision.

On an organisational level there is progress towards cultural competence in some justice departments, with reported activities relating to Reconciliation Action Plans, Aboriginal Justice Action Plans, and Aboriginal and Torres Strait Islander employment. Some examples include but are not limited to:

- The NSW Department of Attorney General and Justice has an Aboriginal and Torres Strait Islander Employment Strategy 2006-2011.
- The ACT Department of Justice and Community Safety offers three Indigenous traineeships. The ACT also has an Aboriginal and Torres Strait Islander Justice Agreement which requires all justice agencies to provide effective cultural awareness training, including anti-discrimination training, as well as Aboriginal and Torres Strait Islander representation on justice related boards, committees and consultation processes.
- The Victorian Department of Justice has an Aboriginal Justice Agreement and a Koori Recruitment and Career Development Strategy.
- In South Australia, justice agencies are required to implement and report against a Cultural Inclusion Framework. South Australia also has a Justice Indigenous Retention and Employment Strategy.
- The Northern Territory is developing an Indigenous Employment Career Development Strategy which will incorporate cultural competence.
- Queensland has a Reconciliation Action Plan and an ATSI Employment Action Plan.
- Western Australia has an Aboriginal Justice Agreement.
- All states and territories have employed Indigenous court liaison officers, and all except
Most departments reported working with Aboriginal community training providers in relation to the delivery of cultural awareness programs. Some examples include:

- The ACT Department of Justice and Community Safety reported that they partnered with the Yurauna Centre at the Canberra Institute of Technology to develop and deliver cultural awareness training.
- The Victorian Department of Justice has reported that the training program was previously delivered by an external Aboriginal community organisation. More recently, the Department has moved to the creation of a Koori cultural training officer as part of an enhanced Koori employment strategy.
- NSW Department of Attorney General and Justice reported working with Yarn’n Aboriginal Employment Services.
- Northern Territory partnered with Cross Cultural Consultants.
- Western Australia partnered with Kooya Consultancy.

Advisory committee

Establishing an advisory committee is recommended to steer the development of CCT. Membership of the committee should include Aboriginal and Torres Strait Islander management, staff, consumers and community representatives. The committee would ideally be responsible for overseeing the development, implementation and evaluation of CCT. The committee may also be involved in the development of a CCT policy, and other factors relevant to an overall commitment to achieving cultural competence. The committee may also facilitate partnerships with Aboriginal and Torres Strait Islander communities.

Most departments reported having Aboriginal and Torres Strait Islander input into the development, implementation and evaluation of cultural awareness programs. Some departments, including the Victorian and NSW justice departments, have dedicated Aboriginal services/program units to handle all of these aspects of training content.

Conduct a needs assessment

A needs assessment should be conducted prior to the development of a CCT program, consulting with the intended participants (both Indigenous and non-Indigenous), other department stakeholders, Aboriginal and Torres Strait Islander consumers and community members. Needs assessment findings should be used to inform training content.

The majority of respondents reported consulting with staff, Aboriginal and Torres Strait Islander peoples and other stakeholders. For example, the NSW Department of Attorney General and Justice conducted an assessment of the needs of Aboriginal clients accessing justice services, and consulted with the Aboriginal staff reference group and with Aboriginal communities.

Competency-based training

Competency-based training is a structured approach to training and assessment that is directed towards achieving specific outcomes. In competency-based training, the outcomes to be achieved are clearly stated so that the individual understands what is required of them, trainers understand what needs to be provided and ultimately the organisation or workplace are aware of the skill levels achieved by their staff (Smith & Keating 1997).

The authors have noted dissatisfaction among many Aboriginal and Torres Strait Islander peoples in relation to cultural awareness training. There is a call for the provision of training that incorporates both knowledge and skill development. For example, for some Aboriginal people there is shame associated with talking to a stranger about experiences of victimisation. An Aboriginal client might bring a support person to an appointment with a counsellor or lawyer, and prefer that person to speak for him/her. A service provider without cultural awareness may require the client to speak for him/herself, or...
even ask the support person to wait outside the room. CCT for this worker should address the role of shame in Aboriginal culture, and consider how to work with a client who wishes a support person to speak on their behalf. Workers would learn that silence might indicate shame, fear, lack of understanding or a gender-specific difficulty.

Training is an educational process – it involves the presentation and learning of content as a means for enhancing skill development and improving behaviours. Competencies should be demonstrated and evaluated. Some programs that are described as training may be better described as ‘experiential learning’. Community based programs can give individuals the opportunity to learn from Indigenous peoples in community and on country. These opportunities can be valuable but do not necessarily enhance skills and improve behaviour. Where an individual is required to work with or provide services to Indigenous peoples, training that regulates and assesses outcomes is required.

CCT should adopt a learner-centred approach and use a variety of modes of delivery and training methods, including methods that require the learner to engage deeply with the subject matter and generate solutions to commonly encountered challenges. Modes of delivery can include web-based programs, lectures, workshops, field trips, staff exchanges and supervised placements. Training methods can include experiential learning, two-way learning, presentations, group discussion, case studies, small group learning, role-plays, participant observation, problem-based learning using scenarios, games, and the use of audio-visual material.

All departments reported using a variety of modes of delivery, including presentations, small group learning, question and answer sessions, case studies, role-plays and problem-based learning. Some, such as the South Australian Attorney General’s Department reported the use of field visits and placements, involving working in or visiting Aboriginal and Torres Strait Islander communities and organisations. Similarly the Victorian Department of Justice reported including cultural walks in their training sessions.

Learning needs to be measured by the assessment of competencies, with participants only able to claim successful completion of CCT if they have demonstrated such competencies. Most of the justice departments surveyed indicated that their training addressed skills and strategies for improving service provision for Aboriginal and Torres Strait Islander clients, but none of the departments indicated that training participants had to demonstrate competency. However Queensland reported that there was a follow up evaluation of participants to assess change in practice.

Determine CCT purpose, goals and learning objectives

The purpose and goals of the CCT program should be to enable positive changes in knowledge and attitudes of staff that can then facilitate culturally appropriate workplace environments and service provision. Learning objectives for CCT participants should include:

- greater appreciation of the role of history and racism on contemporary Aboriginal and Torres Strait Islander society
- increased knowledge of Aboriginal and Torres Strait Islander cultures
- dispelling of myths and misconceptions
- self-reflection on own cultural values, beliefs and attitudes and how they impact on interaction with people from other cultures
- increased understanding of white race privilege
- anti-racism and anti-discrimination strategies
- skills in cross-cultural communication
- skills and strategies to enable better working relationships with Aboriginal and Torres Strait Islander colleagues
- skills and strategies to enable better service provision for Aboriginal and Torres Strait Islander clients
- positive changes in attitudes towards Aboriginal and Torres Strait Islander peoples and cultures, and confidence in working effectively with Aboriginal and Torres Strait Islander colleagues and clients.

Departments reported that their CCT programs currently addressed many of these learning objectives. However a national approach to CCT would ensure consistency and ensure that there were some regulations around the content of all training.

Acknowledge the heterogeneity of Aboriginal and Torres Strait Islander cultures

CCT programs need to acknowledge the heterogeneity of Aboriginal and Torres Strait Islander cultures. Programs should include local content specific to particular geographical regions, developed in consultation with local knowledge-holders. This approach has the benefit of providing participants with the knowledge and skills that are specific to the region and communities in which they work, as well as the necessary connections and networks with local Aboriginal and Torres Strait Islander individuals and organisations. Care needs to be taken to ensure that Torres Strait Islander culture, peoples and issues are also included in their own right in CCT programs.

It was apparent that the departments surveyed understood such heterogeneity, and included local-specific content in their current CCT.

Training should be frequent, long-term, and ongoing

CCT should be frequent, long-term and ongoing, so as to provide participants with long-term exposure to aspects of Aboriginal and Torres Strait Islander cultures and required skills to achieve culturally appropriate service delivery. CCT should be modularised, to enable flexible delivery over a number of sessions. There should be regular reviews of participants’ progress in applying
what they have learned in their daily work, to ensure ongoing learning and provide opportunities for feedback and evaluation of the training. It is acknowledged that this model of CCT is not in place anywhere in Australia and would require significantly increased resources to implement.

All departments reported that they conduct CCT regularly. For most departments, training is for one day, but two only provide a half-day’s training. Some departments have built the training into their existing orientation programs, targeting new employees. In South Australia, there is opportunity for ongoing training (see further below), but for most departments, CCT is a one-off event.

Facilitators
CCT should be delivered by external Aboriginal and/or Torres Strait Islander consultants who:

• are qualified, skilled and experienced in training
• have expert knowledge of Aboriginal and Torres Strait Islander history
• have consulted and worked in partnership with local Indigenous knowledge-holders
• involve the facilitation skills of these local Indigenous community members.

Aboriginal and/or Torres Strait Islander staff members may also play carefully designed and well-supported roles in the facilitation of CCT. However, Aboriginal and/or Torres Strait Islander staff should not be responsible for providing training to an organisation unless this is agreed upon and is a requirement of their position.

Departments reported that facilitators include external Indigenous consultants, non-Indigenous and training specialists, Indigenous staff with a training role, representatives from external organisations and esteemed Aboriginal and Torres Strait Islander community members. In New South Wales, Aboriginal staff are offered the opportunity to undertake a Certificate IV in Training and Assessment, and to work with professional external trainers to deliver CCT.

Participants
CCT participants should be grouped according to employment role or work location as much as possible. Some respondents noted that Aboriginal and Torres Strait Islander staff were granted recognition for prior learning and therefore did not have to complete some or all of the CCT program. This is understandable and is quite a common practice. However, it is recommended that Aboriginal and/or Torres Strait Islander staff should also undertake CCT as some of these individuals may have only become aware of their heritage later in life and be unaware of historical and current factors affecting Aboriginal and Torres Strait Islander peoples in their region and the wider nation. In addition attending CCT training with colleagues ensures that the Aboriginal and Torres Strait Islander staff are aware of what their non-Indigenous colleagues have learnt.

When training sessions include both non-Indigenous and Indigenous participants, facilitators should take care to ensure the Indigenous participants have opportunities to meet together in small-group exercises or discussions when appropriate.

Generic and specialised modules
Structuring CCT into generic and specialised modules can allow more effective targeting of training for specific staff (see NRF RACGP 2004).

Generic modules for all staff form a foundation of cultural competence, and should initially target all staff until compliance has been reached, and then be used as part of orientation upon commencing employment. Generic modules can use self-directed learning resources, such as web-based programs, and workshop modes of delivery. Generic modules should be mandatory for all staff and management. Separate generic module sessions for Indigenous and non-Indigenous participants should be held to ensure that the training environment is safe for Indigenous participants.

Specialised modules allow for local- and role-specific training. They can be customised for particular staff levels, based on their roles. These modules should be flexible in delivery, and occur regularly, providing longer exposure for participants, as well as include refresher sessions. Specialised modules could use workshop and field visit modes of delivery, staff exchanges, placements, mentoring, and involvement in other follow-up activities. Guest speakers, community panels, and ‘meet and greet’ sessions with local Aboriginal and Torres Strait Islander organisations and service providers are also recommended. These modules should be mandatory for all relevant staff. Specialised modules can combine Indigenous and non-Indigenous staff again.

There is a divergence in policy between responding departments regarding whether CCT is mandatory or voluntary. In some jurisdictions, CCT is mandatory for all staff members. In others, CCT is mandatory in some business units, or for new employees. In yet others, CCT is voluntary.

Generic content
CCT generic modules intended for all staff and management should include the following content:

• Aboriginal and Torres Strait Islander history in Australia – pre-colonisation
• Aboriginal and Torres Strait Islander history in Australia – post-colonisation
• impact of government legislation on Aboriginal and Torres Strait Islander peoples
• influence of colonisation and government legislation on the current situation of Aboriginal and Torres Strait Islander peoples today
• overview of current national Aboriginal and Torres Strait Islander demographics and other relevant statistics
• contemporary Aboriginal and Torres Strait Islander issues
• general overview of Aboriginal
and Torres Strait Islander cultures and protocols
• common myths and misconceptions
• anti-racism training
• strategies for positive cross-cultural communication and interaction
• strategies for increasing cultural safety in the workplace.

Most departments reported that their CCT programs addressed the majority of the above content. This survey was not able to gauge the depth of coverage, but all training sessions were one day or less in duration.

Specialised content

CCT specialised modules need to be local- and role-specific, and build on the foundations laid in the initial generic modules of the CCT. Content should include:
• demographics and other relevant statistics pertaining to the local Aboriginal and Torres Strait Islander communities
• aspects of local Aboriginal and Torres Strait Islander history, and impact on contemporary situation
• information on Aboriginal and Torres Strait Islander cultures and protocols applicable in local communities
• local- and role-specific myths and misconceptions
• information on working in partnership with Aboriginal and Torres Strait Islander peoples and groups, and the importance of consulting with these communities in order to provide appropriate services
• strategies for engaging the Aboriginal and Torres Strait Islander communities of the local region, and establishing working relationships and partnerships
• cultural understandings pertaining to particular roles and locations, in terms of more specific effects of colonisation and government legislation, particular service delivery issues, communication and interaction, contemporary issues
• role-specific examples of best practice
• learning and practicing appropriate behaviours and strategies
• strategies for culturally appropriate service delivery
• opportunities to apply newly gained knowledge and skills in practice situations.

Again, departments reported that their CCT programs addressed the majority of the above content, but it is not possible to discuss the depth of coverage.

The South Australian Attorney General’s Department reported that their generic CCT program Past, Present, Future has been supplemented by a number of other specialised training activities:
• A two-day course, Walking with Aboriginal People, examining white privilege in detail
• A one-day course, Aboriginal Insights, examining Aboriginal culture and the similarities and differences in worldviews as a result of cultural background
• A two-day residential program, Iga Warta, based in the Flinders Ranges, that considers local-specific traditional and contemporary lifestyle
• A two-day residential program, Camp Coorong, conducted by an Aboriginal organisation, that considers local-specific culture and history
• Specialist development opportunities for targeted staff, attending residential training in providing traditional and contemporary mediation and leadership training.

South Australia also reported that a more detailed course to assist managers in recruitment and retention of Aboriginal employees would be valuable, but this has not yet been developed.

In NSW, the one day Aboriginal Cultural Respect Workshop introductory course has been supplemented with a one day manager’s forum, also entitled Aboriginal Cultural Respect and a training course directed at front line staff entitled Improved Service Delivery to Aboriginal Clients.

Mentoring and other follow-up activities

Mentoring and other follow-up activities, such as involvement in Indigenous celebrations and events or placements within Aboriginal organisations, should be incorporated as an adjunct to other modes of delivery.

Cultural mentoring arrangements for staff can be achieved using a number of different arrangements depending on which is most appropriate for the staff members concerned. Indigenous mentors may be external consultants, or Indigenous employees in other organisations (mainstream or Aboriginal) that can form a symbiotic partnership with the organisation, whereby staff from both organisations serve as mentors for each other.

While the majority of responding departments reported they currently did not have any formal mentoring arrangements in place, there is activity in this space. Queensland reported that a pilot mentoring program for Aboriginal and Torres Strait Islander staff is being trialled in the second half of 2010. The South Australian Attorney General’s Department reported they are currently developing a mentoring program for all staff and considering this and other topics in the development process. In the ACT, supervisors of Indigenous trainees are mentored to assist in their cultural competence.

Other follow-up activities to CCT may include staff involvement in local Indigenous celebrations or events, and the development and implementation of Aboriginal community engagement strategies. Many responding departments reported participating in NAIDOC Week and Reconciliation Week events, as well as other local Aboriginal and Torres Strait Islander community events. A Queensland department reported that participants completed learning and development
action plans as part of the CCT, and discuss the implementation of any actions they have set for themselves with their supervisor. The South Australian Attorney General's Department reported:

The AGD Justice Youth Reform Unit has also been instrumental in organising the Aboriginal Power Cup designed to encourage Aboriginal students to complete school. The Power Cup is a joint initiative between the AGD and the Port Adelaide Football Club and caters for young men and women. It is an important community engagement and community development initiative.

Monitor and evaluate

Effective mechanisms should be established (with Aboriginal and Torres Strait Islander consultation and input) which allow for comprehensive and timely monitoring and evaluation of CCT. Process, impact and outcome evaluation methods and measures should be used, assessing performance indicators including:

- participant satisfaction
- facilitator satisfaction
- achievement of learning objectives
- changes in knowledge and attitudes
- assessment of predicted impact on behaviour and practice
- changes in outcomes relating to Aboriginal and Torres Strait Islander employees and clients.

Methods should include:

- self-report surveys, interviews, questionnaires
- session debriefings with facilitators
- focus groups
- pre-post attitude questionnaires
- pre-post knowledge questionnaires
- staff performance appraisals
- review of relevant employment data
- review of relevant client access data
- review of relevant client outcomes data
- cultural supervision processes.

The majority of responding departments conducted some form of monitoring and evaluation, and this included Aboriginal and Torres Strait Islander involvement, typically in the development and implementation of such activities, and in some cases in the analysis of findings.

Conclusion

It is apparent from respondents' reports that in many cases, CCT has evolved significantly from its early 'cultural awareness' introductions. However, there are clear pathways for all jurisdictions to further develop CCT, particularly in terms of ensuring CCT is competency-based training that is regulated and assessed.

The other challenge for jurisdictions is locating CCT within a broader context of commitment to achieving cultural competence in both service delivery and the workplace environment, and in the development of CCT policy. In many states and territories, there has been recognition of the importance of establishing genuine partnerships with Aboriginal and Torres Strait Islander peoples, and these can be enhanced to further progress and direct not only CCT but the broader cultural competence framework.

Efforts and resources need to be dedicated to ensuring CCT, and cultural competence in general, is developed and implemented according to the available evidence-base and identified principles of good practice. The challenge is not overwhelming – the building blocks are already there, and the rewards to be reaped are plenty. For non-Indigenous workers, cultural competence in the justice sector can result in more culturally appropriate and effective service delivery, and increased job satisfaction. For Aboriginal and Torres Strait Islander people, a culturally competent justice sector can result in better outcomes in relation to contact with the justice system, and ultimately an improvement in socioeconomic conditions. There is also the potential to greatly increase Aboriginal and Torres Strait Islander employment in the justice sector – because a culturally competent workplace environment translates to more effective recruitment, and importantly, higher retention.
References

All URLs were accessed on 12 May 2011.


Dench McClean 1999. Report to NSW Health regarding the effectiveness of cultural awareness training. Melbourne: Dench McLean Pty Ltd


