



LINGUISTICS

For Solicitors

Some of the linguistic features that may differ between AE and SAE include kinship terms, prepositions, plurals and question signifiers.

Use of **kinship terms** to describe family relationships eg, Uncle, Aunty, sis, bro or cuz for non-biologically related people.

Prepositions (a word governing noun or pronoun) used may not follow pattern of SAE and instead will follow the grammatical pattern of local Aboriginal languages. This may lead to misunderstandings.

eg. 'I go back up the policeman'.
The intended meaning in SAE is 'I went back to the policeman'.

The solicitor should use SAE to repeat the answer the client gives them.
'You went back to the policeman?'

Plurals in AE are often indicated by context not marked by the noun

eg. 'My kid' (could be singular or plural).
The solicitor should ask further questions to clarify such as; 'Were all your kids with you?'

Question signifiers in AE are given using '.. is that right?' at end of sentence or with rising intonation after a statement, instead of at the start which is the grammatical pattern of SAE such as 'Did..?' 'When..?' 'Why..?'

NON-VERBAL LANGUAGE

For Solicitors

- prolonged **silences** before responding or during responses indicate that the client may be thinking about how to respond, doesn't understand the question or believes they have already answered the question.
- **not making eye contact** with older people or persons in authority (ie. not looking into their eyes or face).
- **looking downward** at feet (indicates boredom or shame or sign of respect).
- **not pointing** with their hands when giving directions (using the hand to point is seen as disrespectful).
- **Upward motion of gesturing** with pursed lips to indicate agreement or to give directional information.
- Only **shaking hands if it is initiated by another party.**

General tips for effective communication with your Indigenous Australian client

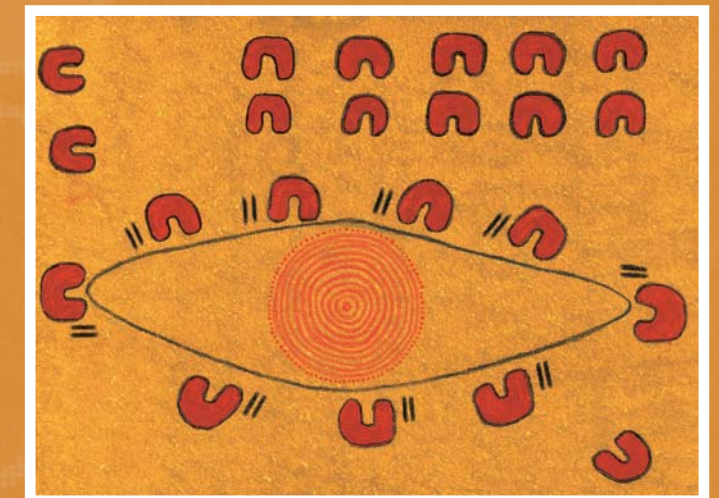
- During interviews try to use open ended questioning rather than direct questioning to encourage a narrative open ended response to your questions.
- Encourage your clients to bring people with them to court such as family members, counsellors, community workers or employers (where appropriate).
- Don't overuse 'legalese'.
- Keep it simple and be clear at explaining things to your client, before, during and after court.

All artwork by Ronald Roberts, Gunditjimarra, 2007

An explanation of the artwork.

This painting is a symbolic representation of the Koori Court. The artist used traditional Aboriginal symbols to represent the important people and other elements that make up the Koori Court system. The series of circles within circles at the centre of the 'shield' shaped table is a symbol for a meeting place. Each person in the court room is represented in the same way (the red symbols) indicating that everyone is on a more even footing in this court system. The message sticks (||) beside each of the people seated at the table show us that everyone is able to have their say in the Koori Court, including the Indigenous Australian person appearing before the court.

ABORIGINAL ENGLISH in the Courts



This brochure provides information about communication for solicitors working with Indigenous Australian clients.

It outlines some of the important language features of **Aboriginal English (AE)**, the language that will be pre-dominantly spoken by your clients.





The three language features of Aboriginal English considered in this brochure are;

• PRAGMATICS

(Pragmatics is the way language is used and interpreted.)

• LINGUISTICS

(Linguistics relates to pronunciation, grammar and vocabulary.)

• NON-VERBAL LANGUAGE

(Non verbal language includes gestures, eye contact and silence)

Why consider the use of Aboriginal English in the courts?

There are differences which exist between Standard Australian English (SAE) and Aboriginal English (AE). Taking these factors into account is especially vital when taking instructions from your client.

Throughout most of the educational, medical, community and legal organisations run and controlled by Koori people there is a strong notion that Koori English can be differentiated from what might be termed Standard Australian English.'
Irruluma Guruluwini Enemburu(1989)

'..it is easy to mistake an Aboriginal English speaker for a speaker of Australian Standard English'
Eades (2000)

The effect of this can be that during court proceedings;

"whether for civil or criminal matters, such a mistake can mean that evidence can be misinterpreted or lost. This can reduce access to justice."
Eades (2000)¹

¹ Introduction to 'Aboriginal English in the Courts' based on the work of Diane Eades, a leading authority on Aboriginal English and the justice system.

PRAGMATICS

For Solicitors

Pragmatic language features of Aboriginal English include:

Gratuitous concurrence - showing signs of agreement, such as nodding, with the person asking the question, in order to keep the questioner happy. Speakers of Aboriginal English may show signs of agreement even though they may not agree with or fully understand what is being said.

Indirect questioning - Indigenous Australians more often use an indirect form of questioning— establishing a two way exchange, volunteering information of their own, and hinting at what they would like to find out. Instead of asking **direct questions** of your Indigenous Australian client, it is better to do the following;

- Use hinting statements followed by silence, such as; 'I'm wondering about...'
- Volunteer information for confirmation or denial, followed by silence
'It seems as if ...' OR 'People might say...'

Specification - 'Where non-Aboriginal people use numbers, dates and names from a sequence (such as days and months), Aboriginal people tend to give a list, describe events, or refer to the context.'

Examples

How many people were there?
Answer: (List of names)

How long were you are the (hotel) for?
Answer: Just driven in there, bought half a carton and took off again.

