Embedding Cultural Safety in Pro Bono Practice: **New Guidance for Working with First Nations Clients**

The Australian Pro Bono Centre, in collaboration with Herbert Smith Freehills Kramer, the Messenger Bird Collective and Centre Board Director, Trent Wallace, has released a new resource to support the legal profession in delivering culturally safe and effective pro bono legal services to First Nations clients. The Guide: Best Practice Approaches to Providing Pro Bono Legal Services for First Nations Clients (**the Guide**) is a timely and practical tool that addresses a critical gap. Although many legal organisations have published protocols and standards for working with First Nations clients, few are tailored specifically for the pro bono context. The Guide fills that gap by offering culturally informed guidance to support pro bono providers across all areas of legal practice.

Developed through First Nations-led engagement and extensive consultations, the Guide is grounded in lived experience and shaped by community voices alongside legal practitioners and stakeholders.

L-R: Rebekah Farrell (APBC), Amanda Jones (VALS), Trent Wallace (Ashurst) and Bianca Janovic (HSFK) presenting on embedding cultural capability in legal practice at the 9th National Access to Justice and Pro Bono Conference.

Why this guidance matters

First Nations communities continue to experience deeply entrenched and disproportionate levels of unmet legal need. These challenges arise in both individual matters, often shaped or compounded by structural inequalities such as institutional racism and in the systemic barriers faced by First Nations organisations.

Pro bono legal work has an important role to play in responding to those unmet needs, but it must be undertaken in ways that are culturally safe. This requires cultural humility, trauma-informed practice and an understanding of the diverse experiences, needs and aspirations of First Nations clients and communities.

This Guide is designed to support law firms and lawyers by helping them to:

- understand and respond to the legal needs of First Nations peoples;
- promote equitable access to justice; and
- support community-led approaches and self determination.

Key themes and best practice approaches

Building on these commitments, the Guide sets out several key principles to guide culturally safe and effective pro bono practice. Central to these are cultural safety,

"While many legal organisations have published protocols and practice standards for working with First Nations clients, few are tailored specifically to the pro bono context. This Guidance Paper fills that void by offering a comprehensive, culturally informed framework for pro bono providers across all areas of legal practice."

Cover artwork by Natalie Abraham, a proud Wadi Wadi woman and founder of Create Ripples.

Indigenous self-determination, the right to Free, Prior and Informed Consent and Indigenous Cultural and Intellectual Property. The Guide also draws on international human rights instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and the International Covenant on Civil and Political Rights and translates these into practical guidance for legal practitioners.

Some of the key themes explored in the Guide include:

- Cultural safety as a foundation: lawyers are encouraged to move beyond cultural awareness toward cultural safety; to create environments where First Nations clients feel respected, understood, and empowered. This includes using plain language, accommodating cultural protocols, and adopting trauma-informed approaches.
- Decolonising legal practice: the Guide calls on law firms to examine and reform internal structures that may perpetuate systemic bias. This includes engaging First Nations staff and consultants, embedding cultural safety into firm policies, and recognising the additional burdens often placed on Indigenous professionals.
- Supporting economic empowerment: First Nations businesses and organisations face unique legal challenges, from intellectual property protection to regulatory compliance. The Guide highlights the role of pro bono legal support in advancing Indigenous economic self-determination and recommends strategies for engaging with Indigenous enterprises in a culturally safe and effective manner.
- Clear and effective communication: miscommunication is a common barrier to justice. The Guide links to practical tools in existing guidance, to help lawyers communicate clearly and respectfully with First Nations clients.
- Linking to professional obligations: cultural safety is not optional; it is a core component of a lawyer's ethical and professional responsibilities. The Guide reinforces that link, helping lawyers understand how culturally safe practices align with their professional duties.

Learning through moments of change

The Guide represents an important step in the pro bono sector's commitment to reconciliation and justice. It encourages firms and practitioners to reflect critically on their own practices, to build genuine relationships with First Nations clients and communities, and to move beyond technical competence toward approaches grounded in respect, humility and cultural safety.

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The Guide's conclusion reminds us that embedding cultural safety is not a linear process. It unfolds through moments of discomfort, listening, care and recalibration. Practitioners across the pro bono sector share how their understanding has shifted over time, not through checklists, but through conversations, storytelling, and experiences that challenged assumptions. Small gestures, such as visible acknowledgements of Country, can signal welcome and respect. Other moments require deeper change: adapting communication styles, involving extended family in meetings, travelling to meet clients on their terms, or rethinking what "evidence" looks like.

These reflections highlight that culturally safe legal practice requires not just individual awareness but structural support: time to build rapport, continuity of staffing, and shared accountability across teams. As one stakeholder noted, "Trust and relational depth determine how advice is received. It's not just about the law, it's about how the law is delivered."

The Guide stands as both a practical tool and an invitation: to walk alongside First Nations clients and communities, to reflect, to listen, and to contribute to a more culturally safe and equitable legal landscape. ■

- Australian Pro Bono Centre

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