

APPENDIX TO CHAPTER SIX

Pre-Trial Matters

1. Courts' Aboriginal Liaison OfficerA6:1
2. Offices of the Aboriginal Legal Service of WA (Inc.).....A6:1
3. Aboriginal Court Officers.....A6:2
4. Availability of Aboriginal Interpreters in WA.....A6:5

Pre-Trial Matters

1. Courts' Aboriginal Liaison Officer

Ms Sharon Bedford has been appointed to the position of Courts' Aboriginal Liaison Officer, with particular responsibilities in relation to the Supreme Court of Western Australia and the District Court of Western Australia.

Ms Bedford may be contacted at the Supreme Court on (08) 9421 5333.

2. Offices of the Aboriginal Legal Service of Western Australia (Inc)

The Aboriginal Legal Service of Western Australia (Inc) operates 17 offices within Western Australia. Contact details are as follows:

Perth	Tel: (08) 9265 6666/1800 019 900 (freecall)
Albany	Tel: (08) 9841 7833/1800 016 715 (freecall)
Broome	Tel: (08) 9192 1189 /1800 351 067 (freecall)
Bunbury	Tel: (08) 9791 2622/1800 630 375 (freecall)
Carnarvon	Tel: (08) 9941 1534/1800 016 715 (freecall)
Derby	Tel: (08) 9191 1407
Fitzroy Crossing	Tel: (08) 9191 5147
Geraldton	Tel: (08) 9921 4938 /1800 016 787 (freecall)
Halls Creek	Tel: (08) 9168 6156
Kalgoorlie	Tel: (08) 9021 3816/1800 016 791 (freecall)
Kununurra	Tel: (08) 9168 1635
Laverton	Tel: (08) 9031 1156
Meekatharra	Tel: (08) 9981 1712
Newman	Tel: (08) 9175 0764
Northam	Tel: (08) 9622 5933
South Hedland	Tel: (08) 9172 1455/ 1800 650 162 (freecall)

Roebourne

Tel: (08) 9182 1107

3. Aboriginal Court Officers

Section 48 *Aboriginal Affairs Planning Authority Act 1972* (WA) (AAPAA) makes provision for authorised persons to render assistance to persons of Aboriginal descent in court proceedings.

Section 48 AAPAA provides as follows:

“Any officer of the department established under section 4 of the *Community Services Act 1972*, or any person generally or specifically authorized in writing by the Minister for that purpose may in any legal proceedings in any court to which a person of Aboriginal descent is a party, or in which a person of Aboriginal descent is indicted for or charged with any crime, misdemeanour or offence, address the court or the jury on behalf of that person and examine or cross-examine witnesses.”¹

Written authorisation to carry out the activities prescribed in s 48 AAPAA must be obtained from the Minister for Indigenous Affairs. Such authorisation is commonly referred to as a “Section 48 Certificate”. The Aboriginal Legal Service of Western Australia (Inc.) (ALS) plays a major role in coordinating the activities of persons issued with a Section 48 Certificate (Aboriginal Court Officers).

An application for a Section 48 Certificate must be accompanied by a letter or statement which sets out *inter alia*:

- The applicant's education and work history;
- The proposed duties of the applicant pursuant to the terms of the authorisation;
- Details of the training that the applicant has received, or will receive, in respect of the representation of clients in court;
- Details of the manner in which the applicant will be supervised, particularly in respect of the representation of clients in court;
- A statement of reasons why it is in the best interests of Aboriginal people that a Section 48 Certificate be issued to the applicant.

The application must be accompanied by:

- A copy of the applicant's criminal record, or police clearance, as the case may be;
- An independent written testimony confirming the general good character of the applicant.

The issue of a Section 48 Certificate is in the discretion of the Minister. A Section 48 Certificate may be issued for such term, and may be made subject to such conditions, as the Minister thinks appropriate.

¹ Section 4 *Community Services Act 1972* (WA) establishes the Department of Community Services.

The Duty Statement of Court Officers employed by the ALS includes the following tasks²:

- To attend courts in which Aboriginal people appear “to advise them on their cases” and to represent them in court;
- To present a plea in mitigation when an Aboriginal client wishes to plead guilty;
- To assist in an application for bail and remand where an Aboriginal client wishes to plead not guilty; and then take instructions for the solicitor who will represent that client in court;
- To assist Aboriginal clients with legal advice which is within the competence of the Court Officer to provide and to arrange an appointment with a solicitor for more complex advice;
- To assist solicitors in dealing with Aboriginal clients by acting as an interpreter if necessary; locating witnesses etc;
- To assist Aboriginal clients with non-legal enquiries by assisting them to contact other agencies which can better deal with the problem;
- To explain matters of traditional Aboriginal law to solicitors and, if necessary, to give evidence on such matters in court;
- To explain the law to Aboriginal clients;
- To act as a “prisoner’s friend” during interviews when there is no conflict of interest in doing so;
- To visit prisons and hospitals to interview Aboriginal people and take instructions;
- To assist the Community Education Section with its program of informing Aboriginal people of their legal rights and responsibilities;
- To attend to after-hours emergency calls.

² This list was provided to the author on 26 April 2002 by Ms Lynette Jenkins, Personnel Manager, ALS, Perth .

The contact details for ALS Court Officers are as follows:

(1) Metropolitan Area

Perth Patrick Smith (Manager, Court Officer Unit)
John Delphin (Assistant Manager, Court Officer Unit)

Paul Delphin (Prison Liaison Officer)

Officers: Robert Bonson Troy Collard
Kenny Grigg Murray Jones
Glynis Ozies Charmaine Randell

Tel: (08) 9265 6666

(2) Country

Albany	Carman Roberts	(Tel: (08) 9841 7833)
Broome	Margaret Cox	(Tel: (08) 9192 1189)
Bunbury	Kevin Blurton	(Tel: (08) 9791 2622)
Carnarvon	Norm McMahon	(Tel: (08) 9941 1534)
Derby	Brian Shadforth	(Tel: (08) 9191 1407)
Fitzroy Crossing	Sherry Stafford	(Tel: (08) 9191 5147)
Geraldton	Bevan Grey	(Tel: (08) 9921 4938)
Halls Creek	Steven Carter	(Tel: (08) 9168 6156)
Kalgoorlie	Murray Stubbs	(Tel: (08) 9021 3816)
Kununurra	Frank Chulung	(Tel: (08) 9168 1635)
Laverton	Kevin Dimer	(Tel: (08) 9031 1156)
Meekatharra	Rod Williams	(Tel: (08) 9981 1712)
Newman	Samuel Dimer	(Tel: (08) 9175 0764)
Northam	Jonathon Reid	(Tel: (08) 9622 5933)
Roebourne	Benny Woodley	(Tel: (08) 9182 1107)
South Hedland	Mark Radovanovic	(Tel: (08) 9172 1455)

4. Availability of Aboriginal Interpreters in Western Australia

As at 1 April 2001 there were 25 accredited paraprofessional Aboriginal interpreters in Western Australia:

- At Balgo Hills: two interpreters in *Kukatja*;
- At Derby: one interpreters in Kriol;
- Fitzroy Crossing: five interpreter on Kriol; two interpreters in Kriol + *Walmajarri*; one in *Walmajarri*;
- Halls Creek: three in Kriol; two in *Jaru*; one in Kriol + *Jaru*;
- Turkey Creek: one in Kriol; one in Kriol + *Kija*;
- Port Hedland: three in *Nyangumarta*; one in *Yindjibarndi*;
- Jigalong: two in *Martu Wangka*; one in *Manjiljarra* (not yet accredited);
- Roebourne: four in *Yindjibarndi*;
- Kalgoorlie: four in *Wangatha*; one in *Wangatha – Ngaanyatjarra*.

NOTE: The Central Metropolitan TAFE School of Communication and Cultural Studies conducts Diploma of Interpreting Aboriginal Languages courses in the following Aboriginal languages is available:

- Kriol
- *Jaru*
- *Kukatja*
- *Walmajarri*
- *Kija*
- *Nyangumarta*
- *Yindjibarndi*
- *Martu Wangka*
- *Manjiljarra* (no student has yet been accredited)
- *Ngaanyatjarra*.

Contact Person: Ms Dagmar Dixon, Coordinator of Aboriginal Training Programs, Central Metropolitan TAFE.

Ph: 1300 300 822.

Fax: (08) 9427 1999
