



Being a witness in court can be difficult. During the Commission's consultations for this project, Aboriginal people reported a number of problems that they faced when appearing in court. The Commission has given careful consideration to these problems and has made some proposals designed to help Aboriginal witnesses.

Aboriginal language interpreters

One of the main problems for Aboriginal witnesses is the language used in court: many Aboriginal people who do not properly understand English appear in court without an interpreter. There are very few Aboriginal language interpreters working in Western Australian courts. The need for Aboriginal language interpreters has been largely unnoticed because even where English is not the first or second language of many (particularly remote) Aboriginal people, they have enough English to 'get by'. The problem is not that they do not speak English, but that they do not speak English well enough to understand the complex version that is spoken in courts.

To try to overcome this problem the Commission has made a number of proposals:

- To change the *Evidence Act 1906 (WA)* so that a witness has a right to an interpreter – if the witness does not understand English well enough the case cannot go on.
- To create tests to help lawyers and judges find out if a witness needs an interpreter.
- To require that only trained interpreters can be used in court.
- To make sure that information is provided to interpreters before the case so that they can be certain that they have no conflicts under customary law.

The Commission has also invited submissions about how Aboriginal language interpreters should be used in court so that guidelines can be made to help courts, lawyers and witnesses when using the services of an interpreter.

Evidence in narrative form

Some Aboriginal witnesses have problems with the question-and-answer way that information is provided in court. For example, questions that suggest an answer to the witness, questions that ask the witness

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