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Reply To: Adelaide

Your Reference:
Our Reference: CJC

29th July 2013

Mr Richard King
Director Aboriginal Services
Department for Correctional Services
Government of South Australia
DX 147
ADELAIDE

Dear Mr King

I refer to our conversation of the 24 July 2013. I was grateful that you had visited me in my office on that occasion. Subsequently you have assisted me by providing information to the effect that, of the total population of the Port Augusta prison 175 people are recognised as being Aboriginal prisoners. Of those people 66 prisoners identify as being Pitjantjatjara or Yankunytjatjara people and as many as 20 others have limited English or use English as their second language. You have mentioned that there is one Walpari and one Warramunga speaking person. These are comparatively rare language groups in South Australia since they are people from the Northern Territory of Australia.

Further to our discussions, I write to recommend that the Department for Correctional Services consider arranging where appropriate for neuropsychological testing of many of these prisoners. I do so for this reason.

Referring to the 2002 and 2005 inquests into the deaths of petrol sniffers, the State Coroner made specific recommendations for neuropsychological testing of sniffers and ex sniffers to determine the degree of their cognitive deficit. It is my suspicion based on experience within ALRM and other contexts that a significant number of the cohort of the Western Desert language speaking prisoners in Port Augusta prison may well be suffering from cognitive deficits as a result of petrol sniffing in the past. This has a number of consequences. In particular it suggests that the person concerned may have cognitive deficits which will affect their ability to undergo projects and programs as required by the Department in terms of education and re-socialisation projects. Clearly a prisoner who is subject to a requirement to undergo a program will need to have a program that is actually suited and geared to their needs and abilities.

I am also concerned that since there are such a significantly large number of Western Desert language speaking prisoners in the prison, there needs to be more efforts made by your Department to recruit interpreters to assist in the day to day management of the prison. This is needed to ensure that prisoners for whom English is a second language have the ability to effectively engage with the prison officers in the prison system.

On that topic, I note that I have had a recent discussion with your Aboriginal Liaison Officer Mr Brady. Mr Brady has expressed serious concern on behalf of

Pitjantjatjara/ Yankunytjatjara speaking prisoners that they find it very difficult to understand video conferencing to courts. A view has been expressed by Mr Brady that a number of prisoners for whom English is a second language do not comprehend what is occurring when they are taken to the video suite to undergo a court attendance by video conference. They feel like they are in "watching a movie". They do not realise that they are actually having a court appearance by video link and that the video link court appearance has serious implications for the conduct of their matters in court. They note that there is a person at the other end of the video screen who apparently is interpreting on their behalf but they do not understand the meaning of it other than they are "in a movie".

This opinion of Mr Brady has been corroborated by various ALRM field officers and other staff.

It is submitted that this is a matter that should be taken up with the Courts Administration Authority and (which ALRM intends to do) and it would appear that a practical solution to the issue would be to provide an interpreter for the court in the video suite with the prisoner so that they have an immediate interaction with a physical human being who speaks their language and who is able to interpret and explain to them the nature of the video link that is being undertaken.

I ask that you address all of these issues that I have raised and I look forward to hearing from you at your earliest convenience.

Yours faithfully

Christopher J. Charles LLB
Legal Practitioner,
Director of Legal Services
Aboriginal Legal Rights Movement Inc.

" Liability for this Practitioner limited by a scheme approved under Professional Standards Legislation"



Our reference: CEN/13/1095
Your reference: CJC:

15 October 2013

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Dear Mr Charles

Thank you for your letter dated 29 July 2013 regarding interpreter support and neuropsychological testing for Yankunytjatjara and Pitjantjatjara (APY) English Second Language (ESL) people at Port Augusta Prison. Please forgive the tardiness of my response.

I acknowledge your concerns about the level of interpreter services that are available to APY ESL prisoners.

I also note that you make specific reference to the Courts' use of audio visual links (AVL) in this regard. The use of AVL as an extension of the Courts has some advantages that I can see extend to the prisoners you are looking to further support. Particularly reducing stress on prisoners of attendance at Court, but I do agree that interpreter services could definitely be improved and feel this is a matter for the Courts.

In response, I have raised this issue with the AVL Steering Group. The Steering Group was established by the Attorney-General to represent all parties to work together to improve current processes and procedures. It is chaired by the State Courts Administrator and has a representative from Correctional Services included on the Group.

I note that you have indicated in your correspondence that you would also raise this through the Courts Administration Authority and agree that is most appropriate.

The Department is entirely willing to assist with facilitating the Courts' access to interpreters for prisoners and I am happy to meet and discuss operationalising any improvements decided upon by the Courts and/or through the Steering Group.

In regards to your suggestion about neuropsychological testing, this is undertaken when required and not routinely carried out on all prisoners, nor on specialised groups such as APY ESL people.

The Department conducts neuropsychological assessments for individuals who present in a manner that suggests an underlying deficit in their neurological functioning. Individuals would also be assessed for neuropsychological deficits if there was collateral information to suggest some type of impairment. For example, individuals may be referred for an assessment if they presented as having diminished functioning (such as difficulties carrying out day-to-day functions within the prison environment, or difficulties following instructions), or if there was collateral information (either in reports, or through the individual's own self-report) to suggest they may have suffered some type of brain damage (i.e. brain injury, excessive substance use). Primarily, these assessments are conducted in order to determine the extent that any neuropsychological deficits may pose as a responsibility issue. It is also

important to note that the Department's Psychologists only conduct neuropsychological screener assessments and if a full assessment is required, it is outsourced.

In concluding, I do not see routine neuropsychological testing being undertaken on APY ESL prisoners unless they happen to fall into the current referral processes, but I would like to reiterate my support in improving interpreter services and am more than willing to facilitate or assist operationalising any improvements decided upon by the Courts and/or through the Steering Group.

Yours sincerely

David Brown
Chief Executive