

## EVOLUTION OF LANGUAGE SERVICES - FROM INFANT TO TEENAGER

*“I love a sunburnt country  
A land of sweeping plains  
Of rugged mountain ranges  
Of droughts and flooding rains  
I love her far horizons  
I love her jeweled seas  
Her beauty and her terror  
The wide brown land for me!”*  
-Dorothea MacKellar

Australia is not only a land of geographical contrasts but has become a truly multicultural nation with diverse customs, languages, races and cultures representative of many countries around the world. There are over 100 languages spoken in Australia. There are diverse religious activities, community language schools, ethnic media and many cultural community groups celebrating cultural activities.

During the ministries of the first two Prime Ministers (Edmund Barton - 1901-03, and Alfred Deakin - 1902-04) the ‘White Australia’ (ie. exclusion of Asians) immigration policy was established. (1)

Until the late 1940’s, there was a deliberate policy to discourage the immigration of people from countries seen as having a culture very different from Australia’s. Australia’s immigration policy was revised in 1956 and again in 1966. Since the 1970’s Australia has had a non-discriminatory immigration policy. This means that anyone in the world can apply to migrate to Australia. The migration policy has three main categories: family, humanitarian and skill. (2)

From 1983 until the present access and equity policies started to be written and implemented. Anti-discrimination laws were made firmer and attention was given to the special needs of disadvantaged groups such as people with disabilities, those from NESB communities and members of the Australian Deaf community.

### **Provision of Language Services in Australia**

#### **NAATI - National Accreditation Authority for Interpreters and Translators**

NAATI was established in 1977 with the principle objectives to establish professional standards for Interpreters and Translators and to develop the means by which Interpreters and Translators could gain accreditation at various levels

There are four levels of accreditation:

1. **Para-professional Interpreter and or Para-professional Translator**
2. **Interpreter and or Translator**

3. **Conference Interpreter and Advanced Translator.**
4. **Conference Senior Interpreter and Advanced Senior Translator**

The NAATI Board has seen fit to commence a complete review of the above testing system.

### **AUSIT - Australian Institute of Interpreters and Translators**

AUSIT, established in 1987, is the national association for the Translating and Interpreting profession. Members of AUSIT are mainly practicing translators and interpreters, but those interested in the support and development of the profession are encouraged to join as well. The AUSIT Code of Ethics is now recognised as setting standards for the profession and has been endorsed by NAATI and other organisations such as the Commonwealth Government's Translating and Interpreting Service (TIS) and the Refugee Review Tribunal.

### **ASLIA - Australian Sign Language Interpreters Association**

Although state associations existed for Sign Language Interpreters for a number of years, it was not until the National Deafness Conference in Perth in 1991 that the national association was established and the name ASLIA -Australian Sign Language Interpreters Association was adopted. ASLIA is committed to continued professional development for its members and conducts workshops at local, state and national level.

### **Queensland Government Language Services Policy**

On **9<sup>th</sup> December 1991** the Queensland Government endorsed the policy that government agencies use professionally qualified interpreters where appropriate, in situations of communication difficulties.

The Queensland Ethnic Affairs Policy (QEAP) was adopted by government in **1993**. The policy seeks to encourage fair and accessible provision of government services and programs to all Queenslanders.

The launch of the Queensland Interpreter Card in **October 1995** increased the promotion of Queensland Government policy regarding interpreters. An Interpreter Card Information Kit was developed and distributed as a resource to assist people to work with interpreters as well as provide information about the card. Over 10,000 kits were produced and distributed throughout Queensland during 1995-1998.

Revised versions of the Queensland Government's Language Services Policy and Queensland Interpreter Card were launched by the Premier of Queensland on **30<sup>th</sup> March 1999**. Four thousand Interpreter Card Information Kits were distributed in 1999-2000. A reprint of 1,000 kits has been planned for 2001.

Contact details for interpreting services listed on the Interpreter Card were not applicable for members of the Queensland Deaf community who use Auslan (Australian Sign Language). The Queensland Deaf Society was granted permission from Multicultural Affairs Queensland to print a similar card for distribution throughout Queensland advertising their After Hours Emergency Interpreting Service and regular contact details.

The new policy obligates Queensland Government agencies to incorporate language services strategies (such as the use of interpreters and multilingual information plans) into their budgetary, human resource and organisational planning. This will result in improved access to Government services and programs for all Queenslanders.

Multicultural Affairs Queensland is working with all relevant agencies to improve the utilization of interpreters. This is coordinated through the Interdepartmental Working Group on Language Services and other networks such as the Taskforce on Interpreting Issues and the Regional Advisory Committee for the National Accreditation Authority for Translators and Interpreters (NAATI).

Queensland Deaf Society's Interpreting Service's Manager also takes a proactive approach in monitoring the provision of interpreting services to the Deaf and hearing impaired communities throughout Queensland and investigates situations where people requiring Sign Language services are denied access to such services.

In February 2000 the **Queensland Health Language Services Policy Statement** was launched. This document, in line with the Queensland Government Language Services Policy, states that Queensland Health services will... 'decide on the appropriate service response for those who cannot communicate adequately in English either arranging an interpreter or matching up bilingual health professionals with non-English speakers where available and appropriate.' (3)

**Multicultural Affairs Queensland** provides excellent training workshops to health professionals in cross-cultural issues and how to work effectively with interpreters. Qld Deaf Society was also included in provision of training to staff at Princess Alexandra Hospital during 2000.

**Qld Police Service's** Operational Procedures Manual contains the departmental policy on the use of interpreters. The QPS Language Service Strategy was launched in 1997 is accessible on their intranet to all QPS personnel. Officers are instructed to utilise the services, where practicable, of NAATI qualified interpreters for serious matters such as taking a statement or conducting an interview.

**Other government departments** are in the process of developing their own Language Service Policies in line with the model policy provided by the Queensland Government.

The **Translating and Interpreting Service (TIS)** is a generalist interpreting service funded by the Commonwealth government and operated by the Department of Immigration and Multicultural Affairs. It has a base of contracted accredited and non-accredited interpreters, some of whom are experienced in trade, business, legal, health, police and court work. Queensland Government and other agencies purchase interpreting service through TIS Eastern (based in Sydney), currently the main provider for interpreting services in Queensland.

**Queensland Deaf Society Inc.** is the major provider of Sign Language Interpreting Services throughout Queensland.

### **NSW Health Care Interpreting Service (HCIS)**

The NSW HCIS established in the late 1970's, currently provides 258,000 occasions of face to face interpreting a year. This agency provides interpreting services in over one hundred community languages on a twenty four hour seven days a week basis. This makes them the largest and possibly the oldest health interpreter service in Australia. (4)

Recent legal developments such as the Anti-Discrimination Act, the National Health and Medical Research Council's guidelines relating to the provision of information to patients, and more recently still, the High Court decision (Rogers v Whitaker case), which stresses the need for informed consent before initiating health treatment, have raised the profile and legal status of the health interpreter within Australia. (4)

**Interpreters and the Courts - A Report into Provision of Interpreters in Queensland's Magistrates Courts** produced in 1997 by the Bureau of Ethnic Affairs and Department of Justice. (5)

This is an enlightening report including many **case studies** dealing with the use of non professional interpreters and the challenges and complexities of interpreting in diverse court situations.

The document clearly outlines the requirements of an interpreter that set them apart from someone who is merely bilingual.

The 1995 report of the human Rights and Equal Opportunity Commission, *State of the Nation*, noted a case where a Greek woman returning to court for a full domestic violence intervention order was denied a request for an interpreter on the basis that the magistrate believed her sixteen-year-old daughter could interpret for her. He was not prepared to adjourn the matter to another date. The woman spoke of her feelings of humiliation in having to interpret through her daughter, and as a consequence withdrew her application (Antonios, 1995)

### **Anti-Discrimination Commission Qld**

The Queensland Anti-Discrimination Act 1991 was enacted to promote fair treatment and equality of opportunity by making unfair discrimination and all sexual harassment against the law. (6)

Two of the major hospitals in Brisbane have been brought before the commission for failing to provide interpreting services to Deaf patients. Both times the matter was settled at the 'conciliation' stage rather than going to the next step of a court hearing. The hospital administrators with their lawyers agreed to a number of things including the placement of posters advertising the interpreting service in strategic positions throughout the hospitals, a letter of apology to the former patients for failing to meet their needs, education of staff in how to work effectively with interpreters and an undertaking that the patients' files would be earmarked to identify they need to have an interpreter in attendance during consultations.

## **Indigenous Australians**

Before colonisation, over two hundred distinct languages were spoken in the Australian continent. Today it is estimated that only four of these traditional languages in Queensland still have over two hundred fluent speakers. Nine other traditional languages are still spoken as a first language in the regions around Cairns, Cape York Peninsula and the Gulf of Carpentaria, but each has fewer than two hundred speakers. (7)

Aboriginal people make up 27.5% of the Northern Territory's population, over 70% of the prison population and over 50% of all patients in the public health system hospital admissions. Around 74% of these people speak Aboriginal languages as their first language and many have difficulties communicating anything but basic information in the English language. This figure is as high as 95% in remote communities. (7)

There are approximately 67 languages used by Aboriginal people throughout the Northern Territory. Linguists have stated that for the purposes of interpreting, it is possible to use 15 of the most commonly spoken languages to provide an effective service. NAATI accreditation is not available in all languages. A training and testing regime has to be established for each language before accreditation can be given. Such systems are available for two indigenous languages from Queensland as well as one from the Western Torres Strait and Torres Strait Creole. That leaves at least eleven other indigenous languages in Northern Queensland that are still in daily use but have no system for accrediting interpreters. (7)

This situation is reasonably representative of most of Northern Australia regardless of state boundaries. Large numbers of Indigenous Australians are unable to access services or have any real participation in the legal and medical processes to which they are subject due to a lack of an appropriate interpreter service.

The Commonwealth Government currently funds and operates the Telephone Interpreter Service (TIS) that provides interpreters in almost every world language 24 hours a day, 7 days a week. TIS does not cover even one indigenous language.

The **Australian Taxation Office** provides tax information sheets in **18 languages**. Centrelink through the **Centrelink** Multilingual Service allows people to speak with staff in **20 languages other than English**. Centrelink claim forms also have information in 20 languages. The **Administrative Appeals Tribunal's** website lists information pamphlets in **34 languages**. **Not one of the languages listed for any of these bodies includes an indigenous language.**

On May 16 2000 the NT government announced an allocation of almost \$1 million in the 2000-2001 budget for the provision of interpreters in Aboriginal languages. A proportion of this funding has gone towards funding three staff in Darwin and one in Alice Springs to carry the operation and administration of the service. \$175,000 has been allocated for training of interpreters, both to upgrade existing interpreter's qualifications and to train new interpreters in the languages most in demand. **To date there has been no detailed information provided by the Commonwealth regarding how much funding will go into this Interpreter Service, how the funding will be applied, and whether or not the funding will be ongoing.**

The need for an Interpreter Service in Indigenous languages is not confined to the Northern Territory. The Commonwealth government must address this issue at a National level.

### **Aboriginal English in the Courts**

At present, only ad hoc arrangements, if any, are made to deal with the language problems of indigenous people who come before the courts. Because there are so few accredited interpreters in traditional languages, a person who needs an interpreter is obliged to use the services of a friend or relative.

Anecdotal evidence suggests that many people working within the legal system are unable to discern when problems are occurring because speakers of Aboriginal English and Australian Standard English can engage in apparently mutually intelligible conversations, unaware that they are misunderstanding each other.

The solution is to provide ‘**communication facilitators**’. The facilitator’s role is not that of an interpreter, as the facilitator does not attempt to discern what a witness means or otherwise give evidence to the court. Rather, the facilitator advises counsel of communication clues that the witness/defendant may have misinterpreted and suggests ways in which he/she may be able to comprehend the questions/discussions in the court. The goal of this project is to help the court clarify what a witness means when he/she speaks to the court. The solutions provided are **designed to help barristers phrase questions in a manner that will be clearly understood by a person who speaks Aboriginal English, and to obtain the clearest answer from the witness.** (8)

Because of variations in Aboriginal English throughout the State, it is essential that the facilitator used in a case be from the same community of origin as the person being assisted, whether they be a witness or the defendant. (7)

### **Case Studies**

Although policies are in place for the provision of language services and assurances given that staff will comply with the relevant government department’s policy, serious situations still arise where the language needs of people are not being met.

- 1. PK is a profoundly deaf man** who grew up in a country area with no exposure to the signing Deaf community. He attended a state school until the age of 14, attempts to communicate orally together with rudimentary gestures, does not fingerspell or use sign language. His literacy skills are almost non-existent. He nods and smiles when spoken to by hearing people. He has been employed for the last 25 years as a labourer. **PK was arrested** by police on a Sunday afternoon and charged with a serious offence. According to the Police report he was arrested, **after being made aware of his rights**, and was taken to the local police station where he refused to take part in a video taped interview. **The arresting officers did not contact the Queensland Deaf Society (QDS) to arrange for an interpreter** to be present while they charged and interviewed him despite the fact that QDS has an After Hours Emergency Interpreting Service with links to country areas throughout the state. There were no witnesses to the alleged incident.

He was charged and appeared in the Magistrates court on at least two occasions before his appearance in the District Court for trial. It was at this point we became aware of the situation. One of our Regional Community workers was contacted by Legal Aid to provide an interpreting service so the solicitor assigned to his case could take instructions from him. I was contacted by the RCW for support and advice. I attended the court on the day for commencement of his trial. The **jury** had been selected and empanelled to **determine whether or not the defendant was able to understand the proceedings well enough to proceed to trial!!!**

In view of this man's limited communication skills one must ask: Would he have understood the concept of a video taped interview? How did the police officers question him or take a statement from him? Why had he appeared in court on two occasions without any communication support or the services of a competent and skilled interpreter aware of his unique language needs?

The matter has been adjourned to allow sufficient time for those working on the case to establish an effective means of communication with the defendant.

- 2 **JP is a Deaf/Blind woman.** A resident of a nursing home, she was taken to hospital by ambulance one evening with severe abdominal pain and vomiting. A fax was sent to her sister and brother-in-law (both deaf) advising that she had been admitted to hospital. They were unable to attend the hospital that night and arrived at 10.00am the following morning. After lunch a non deaf relative of the patient's brother-in-law arrived. At this time a **doctor came and discussed with her the patient's condition.** This person was requested by the doctor to ask the patient (1) if she had any pain? (b) how she was feeling at the moment? Since the visitor has limited fingerspelling skills, she had to spell out the question to her deaf brother who interpreted it to his deaf/blind wife who then in turn asked the questions of her deaf/blind sister. It was decided at some point that the patient needed an operation. The brother-in-law signed the consent form (the patient although being deaf/blind is still able to sign her bank withdrawal slips). At no time was the patient made aware of the potential risks involved with the surgical procedure. The operation had to be postponed three times due to the patient's bouts of vomiting. Eventually the operation was performed and after a few days recuperation the patient was returned to the nursing home. **At no time was an interpreter called to the hospital - from the time of admission until discharge - although the hospital is aware of the fact that Qld Deaf Society has an After Hours Emergency Interpreting Service.**

Follow-up with the Queensland Health Minister and Zone Manager of the hospital concerned is in progress at the moment.

## **Conclusion**

While we have come a long way in provision of language services in Queensland, there is still much to be done. We must be ever vigilant to ensure government departments and agencies adhere to the policies in place and where no such policies exist, go down the road of social justice and anti discrimination principles.

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