

# Report:

Inquiry into the Provision of an Interpreter Service in Aboriginal Languages by the Northern Territory Government

pursuant to S.13(1)(f) of the NT Anti-Discrimination Act 1992

Commissioner Dawn Lawrie JP

1999



# OFFICE OF THE NORTHERN TERRITORY ANTI-DISCRIMINATION COMMISSIONER

Dawn Lawrie JP Commissioner

The Hon Denis Burke MLA Attorney General Parliament House State Square Darwin NT 0800



Dear Attorney

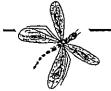
I have pleasure in presenting my report on the "Inquiry into the Provision of an Interpreter Service in Aboriginal Languages by the Northern Territory Government", pursuant to S.13(1)(f) of the NT Anti-Discrimination Act 1992.

I commend the report to you.

Yours sincerely

DAWN LAWRIE

29 July 1999







# OFFICE OF THE NORTHERN TERRITORY ANTI-DISCRIMINATION COMMISSIONER

Dawn Lawrie JP Commissioner

Author's note

The style I have adopted in writing this report is unusual in its presentation and use of anecdotal evidence.

I felt it was necessary to portray, so far as possible in their own words, the disadvantage faced by Aboriginal people in the Northern Territory because of their lack of access to interpreters. The two main areas of concern, health and legal services, are the focus of this report.

I would like to thank the many people who provided evidence to the Inquiry, I hope their faith in this process is fulfilled.

I would also like to thank Ms Sharon Woon, who worked as project officer. Her assistance throughout the term of the Inquiry has been invaluable.

My thanks too, to Karyn Jessop and Somsong Abert who between them have prepared the report for publication.

Without them – it would not have been possible.

DAWN LAWRIE

29 July 1999





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# INTRODUCTION

Following oral and written representations from a number of relevant organisations to the Anti-Discrimination Commissioner, the Public Inquiry into the provision of interpreter services in Aboriginal languages was undertaken pursuant to section 13(1)(f) of the NT Anti-Discrimination Act 1992.

The terms of reference of the Inquiry are:

- 1. IF THERE IS A NEED FOR AN ABORIGINAL SERVICE.
- 2. IF ABORIGINAL PEOPLE ARE DISADVANTAGED IN ACCESSING GOVERNMENT SERVICES AND FACILITIES WITHOUT INTERPRETERS.
- 3. HAVING PARTICULAR REGARD TO LEGAL AND MEDICAL SERVICES, THE EXTENT OF ANY DISADVANTAGE OR LESS FAVORABLE TREATMENT DUE TO THE LACK OF A INTERPRETER SERVICE.
- 4. THE FEASIBILITY OF ESTABLISHING A PERMANENT INTERPRETER SERVICE.
- 5. HOW SUCH A SERVICE WOULD BE PROVIDED CONSIDERING FACTORS SUCH AS:
  - TRAINING OF BOTH INTERPRETER SERVICE AND USERS
  - ACCESS AND AVAILABILITY (EG GEOGRAPHICAL SERVICES, OPERATING TIMES, AVAILABILITY TO GOVERNMENT AND OTHER AGENCIES).
  - NUMBER OF LANGUAGES
  - COST (INCLUDING SAVINGS BECAUSE OF PROBLEMS WITH CURRENT LACK OF ACCESS)
- 6. WHETHER THERE ARE ALTERNATIVE OR ADDITIONAL MEANS OF PROVIDING EQUAL ACCESS TO SERVICES AND FACILITIES.

## CONDUCT OF THE INQUIRY

The Public Inquiry commenced in February 1999 and was advertised throughout the Northern Territory. It attracted wide public interest with submissions received from government; the judiciary; and legal, health, and community service providers.

Public hearings to receive oral submissions for the Inquiry were conducted in Darwin and throughout the regional centres during May 1999. While it would have been appropriate to visit remote communities to receive oral submissions to the inquiry, resourcing implications and time did not allow for this to occur.

Representations and submissions from remote communities, where possible were made at the public hearings in Alice Springs, Katherine, Jabiru, Nhulunbuy and Tennant Creek. A list of individuals and organisations who provided submissions to the Inquiry forms part of this report.

### BACKGROUND

Twenty years ago pioneering Aboriginal linguist Gloria Brennan wrote a report investigating and addressing the need for an Aboriginal interpreting service, concluding there was a real and urgent need for such a service. She referred to the:

".... desperate need for both interpreting and translation services in the NT. Trained, highly qualified, specialised interpreters should be obligatorily attached to all hospitals, courts (magistrates and supreme), police stations." (Brennan 1979:19)

Over the past two decades numerous studies have been undertaken by linguists, anthropologists and other relevant experts to assess linguistic communication with indigenous language speakers in the Northern Territory, and the impact of cross cultural communication with Aboriginal and non-Aboriginal people in accessing services and facilities. The studies have addressed the feasibility of providing interpreter services in key indigenous languages and a number of recommendations have been made.

In 1994 the government of the day gave an electoral undertaking "to develop a technical interpreter/translator service within all service delivery departments commencing with Health and Community Services and Education".

Following on from the electoral undertaking, in 1995 the Office Of Aboriginal Development (OAD) and the Sub-committee on Public Safety and Social Development engaged Dr Peter Carroll (a Linguist with the National Accreditation Authority for Translators and Interpreters - NAATI) to prepare a report whereby this policy could be implemented.

This report titled "Enhanced Communication with Aboriginal people" identified action plans for the development of interpreter services, highlighting the need in the health and justice systems.

A working group was established by the Chief Executive Officer of the NT Attorney General's Department to implement OAD's action plan, with representatives from OAD, NT Police, Office of the Director of Public Prosecutions, Office of Courts Administration, Territory Magistrates, (NAALAS) and linguist Dr Michael Cooke.

Following the Working Group's recommendation in March 1996, funding was made available by the Commonwealth Attorney Generals Department to conduct a trial service from funds set aside for the implementation of recommendations from the Royal Commission Into Aboriginal Deaths In Custody (RCIADIC).

As a consequence of this an Aboriginal Languages Interpreter Service was trialled in the Top End between 6 January and 30 June 1997, focussing predominantly on health and legal services.

The trial addressed four key issues:

- (a) whether there exists a need for such a service
- (b) the feasibility of establishing a permanent service
- (c) the most effective means by which a service might be run and
- (d) how much it is likely to cost.

A report entitled "Executive Summary Northern Territory Aboriginal Languages Interpreter Service Trial Evaluation Report" was circulated to working party members and proponents of Aboriginal interpreter services throughout Darwin.

The findings of the trial service working group were made very clear in the draft report, it highlighted the necessity for such a service and recommended it be administered through, the existing NTiTS service, which would be both cost effective and consistent with the Government's position on the mainstreaming of service delivery to Aboriginal people.

The draft report made the following responses to the key issues addressed in the trial service questions;

- "a) whether there exists a need for such a service?
  - yes, qualitative and quantative data related to the Trial strongly supports the need for such a service
- b) the feasibility of establishing a permanent Service
  - the establishment of a permanent service is certainly feasible and it's cost effectiveness evident (as detailed in the draft report)

c) the most effective means by which a Service might be run and.

the most cost effective means by which to operate such a service is as part of the existing Territory Government NT Interpreter and Translator Service (NTITS).

- d) how much it is likely to cost?
  - the working party recommends the cost of delivery of the service through NTITS (based on cost of the trial service and anticipated usage) at a cost of \$370,000.
  - the report reveals that the potential cost to government of not providing and accessing interpreters in Aboriginal Languages far exceeds the cost of providing them."

Sometime later, in May 1998, a final report was published by the Northern Territory Attorney General's Department titled 'Trial Aboriginal Languages Interpreter Service - Evaluation Report'. The integrity of that published report has been questioned by members of the working group and proponents of an interpreter service.

Due to the relevance of the draft report's recommendations to the terms of reference to this Inquiry, copies of both reports were attached to written submissions and provided to this Inquiry for consideration.

The published report was critically examined by Mr Russell Goldflam, a member of that working group, in his submission to this Inquiry, where he states:

".....the draft report which clearly recommended the establishment of the nation's first Aboriginal Interpreter Service....... never saw the light of day and was replaced by a watered-down version several months later, which was prepared and published without involvement of members of the Working Group".

He described the published report as being:

"predominantly descriptive in character. It does not contain a single recommendation. It shrinks from venturing an opinion as to whether a need for Aboriginal Interpreter Services was indicated by the Trial Service"

Mr Goldflam asserts that "in scope style and substance, the draft report was radically different from the published version".

A review of both the draft and final reports supports this critical examination.

Although invited to do so, the NT Attorney General's Department did not address this matter as part of the NT Government's submission to this Inquiry, and the reasons for the difference remain a matter of conjecture.

#### INDICATORS OF DISADVANTAGE

Aboriginal people have a unique culture and speak many languages across the Northern Territory. They represent 27% of our total population and of these 74.5% or approximately 34,386 people speak an indigenous language/s and have a very poor or limited understanding of English.

Aboriginal people are not provided with interpreter services to assist with language difficulties in accessing any community services and of particular concern are health and legal services. All of the other ethnic Non-English Speaking Background (NESB) people in the Northern Territory have 24 hour access to free interpreter services in some 150 languages, yet they represent only 8% of the Northern Territory population.

Clearly, on any comparison the indigenous language speaking Aboriginal community is seriously disadvantaged without an interpreter service.

Importantly, without adequate communication they are unable to provide proper informed consent for invasive medical procedures or to understand or comprehend matters of importance relating to health issues.

The Inquiry has been provided with examples and instances of 'horror stories' where medical procedures have been performed on Aboriginal people without such informed consent being given and received.

A situation such as this should not and must not be allowed to continue, not only from a humanitarian perspective, but also from a legal perspective, where medical service providers may be open to litigation in such instances.

Similarly, within the criminal justice system, where there is a high predominance of Aboriginal offenders, victims and witnesses for whom interpreters are not available, language difficulties present an impediment to the proper administration of justice.

This Inquiry has received submissions from members of the judiciary and legal services, whose submissions echo each other in stating the urgent need for an interpreter service in Aboriginal languages. On 20 June 1999 the NT Law Society's Biennial Conference of Criminal Lawyers voted unanimously in support of a service and passed the following resolution;

"In the interest of the proper administration of the criminal justice system of the Northern Territory, this meeting of the Criminal Lawyers Association urges the government of the NT to urgently establish an Aboriginal Interpreter Service in the Northern Territory."

#### INTERNATIONAL HUMAN RIGHTS LAW

Australia is a signatory to the 1966 International Covenant on Civil and Political Rights (ICCPR). This significant human rights instrument has also been incorporated into domestic law as a schedule attached to the Human Rights and Equal Opportunity Commission Act1986 (Cth.). Australia has also acceded to the optional protocol of the Covenant which creates a mechanism for individual complaints to the UN Human Rights Committee.

#### RELEVANT ARTICLES OF THE ICCPR

A number of Articles are relevant to the this Inquiry

Article 9

...

- 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
- 3. Anyone arrested or detained on a criminal charge shall be brought before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release...
- 4. Anyone who is deprived of his liberty by arrest ore detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of his detention...

### Article 14(3)(f) stipulates:

#### Article 14

- (1) All persons shall be equal before the courts and tribunals. In the determination of any criminal charges against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law...
- (3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

#### Article 26 states that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

It follows that the right to an interpreter in criminal proceedings is a fundamental human right under the ICCPR.

#### **AUSTRALIAN LAW**

#### **COMMON LAW**

The relationship of international law to the common law is spelt out by Brennan J in *Mabo v Queensland* (1992) 172 CLR 1.

"The opening up of international remedies to individuals pursuant to Australia's accession to the Optional Protocol to the (ICCPR) brings to bear on the common law the powerful influence of the Covenant and the international standards it imports. The common law does not necessarily conform with international law, but international law is a legitimate and powerful influence on the development of the common law, especially when international law declares the existence of universal human rights."

"Inevitably, compliance with the law's overriding requirement that a criminal trial be fair will involve some appropriation and expenditure of public funds..... On occasion, the appropriation and expenditure of such public funds will be directed toward the provision of information and assistance to the accused: for example, ... the funds necessary to provide interpreter services for an accused and an accused's witnesses who cannot speak the language. Putting to one side the special position of this

Court under the Constitution, the courts do not, however, assert authority to compel."

### RACIAL DISCRIMINATION ACT 1975 (RDA)

This Act incorporates Australia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

Discrimination involves a practice or act which makes a distinction between people or groups, and which advantages some and disadvantages others. The Act protects against discrimination in the exercise of rights and freedoms in public life contained in Article 5 of CERD and details specific areas in which discrimination is unlawful. The Act covers both direct and indirect racial discrimination

Section 9 (1) of the Act states that:

"It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference which is based on race, colour, descent or national or ethnic origin and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life."

## NT ANTI-DISCRIMINATION ACT 1992

The NT Anti-Discrimination Act's objective is the promotion of equality of opportunity for Territorians and protection from unlawful discrimination on defined grounds and specified areas.

Prohibited grounds of discrimination are defined in s.19 of the Act. These are:

Race, sex, sexuality, sexual harassment, age, marital status, pregnancy, parenthood, breastfeeding, impairment, trade union or employer association activity, religious belief or activity, irrelevant criminal record, association with person with an above attribute.

Failure to accommodate a special need that another person has because of an attribute is prohibited conduct. This is defined in s.24 of the Act. It includes making inadequate or inappropriate provision to accommodate the special need. A failure or refusal to accommodate a special need takes place when a person acts in a way which unreasonably fails to provide for the special need of another person if that person has the special need because of an attribute.

In the Northern Territory it is unlawful to discriminate another person on the ground of race in the following areas:

- employment, including professional and trade organisations, qualifying bodies, employment agencies;
- education:
- accommodation;
- provision of goods, services and facilities;
- clubs, and,
- insurance and superannuation.

The Act contains exemptions that allow discrimination on the ground of race in certain circumstances. These exemptions relate to the areas of employment, education, accommodation, clubs, insurance and superannuation.

The definition of "race", as defined in s.4 of the Act includes the nationality, ethnic or national origin, colour, descent or ancestry and that a person is or has been an immigrant.

Section 20 of the Act defines 'discrimination':

- (1) For the purposes of this Act, discrimination includes-
  - (a) any distinction, restriction, exclusion or preference made on the basis of an attribute that has the effect of nullifying or impairing equality of opportunity; and
  - (b) harassment on the basis of an attribute, in an area of activity referred to in Part 4.
- (2) Without limiting the generality of subsection (1), discrimination takes place if a person treats or proposes to treat another person who has or had, or is believed to have or had
  - (a) an attribute;
  - (b) a characteristic imputed to appertain to an attribute; or
  - (c) a characteristic imputed to appertain generally to persons with an attribute, less favourably than a person who has not, or is believed not to have, such an attribute.
- (3) For discrimination to take place, it is not necessary that
  - (a) the attribute is the sole or dominant ground for the less favourable treatment; or
  - (b) the person who discriminates regards the treatment as less favourable.

(4) The motive of a person alleged to have discriminated against another person is, for the purposes of this Act, irrelevant.

# Direct discrimination

Direct discrimination occurs when in any of the defined areas a person is harassed or experiences any distinction, exclusion, preference, or other less favourable treatment because of one or more attributes in the Act.

A person discriminates against another on the ground of race identified under the Act if the first person treats, or proposes to treat, the second person less favourably than a person of a different race by reason of the actual or presumed:

- race of that person;
- racial characteristics of that person; or
- racial characteristics that are imputed or appertain generally to people of the same race as the second person.

#### Indirect discrimination

Indirect Discrimination occurs where conditions are imposed which do not on their face discriminate against persons but in practical effect do so, and such conditions are not reasonable.

The motive and intention of the discriminator is irrelevant, and discrimination need not be the sole or dominant ground of the discriminator's actions.

Although indirect discrimination is not specifically set out in the Act as it is in other jurisdictions, the Act is intended to cover indirect discrimination. The making of a distinction, restriction, exclusion or preference based on a person's race, whether actual or imputed, in s.20 of the Act does not have to be direct to fall within the definition of discrimination.

# Is the present lack of an Aboriginal interpreter service discriminatory?

Having regard to the provisions of both Racial Discrimination Act 1975 and the NT Anti-Discrimination Act 1992 I am of the opinion that the exclusion of the provision of an interpreter service in Aboriginal languages, is in contravention of both the federal Racial Discrimination Act 1975 and the NT Anti-Discrimination Act 1992.

The failure to provide a service for Aboriginal people becomes inexplicable when considering those provisions of the Act which allow for special measures to redress disadvantage (S.57) – there can be no argument that on all reliable evidence Aboriginal people are disadvantaged; yet their special need is ignored.

The submission of the NT Legal Aid Commission (NTLAC) states that failing to provide interpreters in Criminal Court proceedings is discriminatory. The NTLAC had this to say:

"It is submitted that the failure of the system to provide Aboriginal interpreters is unlawfully discriminatory, on the basis that the courts provide a 'service' as defined by \$4 of the Anti-Discrimination Act (1992)\(^1\). This is illustrated by the case of deaf client of the Northern Territory Legal Aid Commission who faced charges in the Court of Summary Jurisdiction at Alice Springs in 1994. Following representations by his Disability Advocate to the Chief Magistrate, the Office of Courts Administration arranged and paid for an Auslan Interpreter from Adelaide to be provided at the hearing of the matter. Those representations were founded on the argument that the failure to provide an interpreter would have been discriminatory under both the Disability Discrimination Act 1992 (Cth) and the Anti-Discrimination Act (1992) (NT).

It is submitted that current practices of either the Office of Courts Administration or the Department of Police Prosecutions, in which interpreters are provided to non-English speaking Aboriginal defendants as an exception rather then as a rule, expose those agencies to complaints under both the Anti-Discrimination Act (1992) (NT) and the Racial Discrimination Act (1975) (Cth)."

All the evidence indicates that due to the lack of an interpreter service in the Northern Territory the extent of disadvantage and less favourable treatment for non-English speaking Aboriginal people is enormous and far reaching. The two areas which have the greatest impact of disadvantage to Aboriginal people for which data is available and who represent well in excess of 55.5% of their client base are in the areas of health and legal services.

In its 1997/98 Annual Report, the Department of Public Prosecutions said that;

"it is estimated approximately 90% of criminal cases in the southern region and 70% in the northern region of the Northern Territory concern crimes committed by Aboriginal people. A significant number of these persons speak an Aboriginal language... A large number of witnesses require the assistance

<sup>&</sup>quot;Service' include ...(h) services provided by a government....".

of interpreters and it is vital that they have access to an efficient interpreter service. Unfortunately, despite persistent representation from this Office to highlight the need for an interpreter service, such a service still does not exist."

The Northern Territory Police 1997/98 Annual report stated:

"of the total 14688 persons detained in protective custody, 13494 were Aboriginal persons and of these 10921 Aboriginal persons originated from the remote central and southern regions of the Northern Territory".

While the issue of indigenous language and communication is not addressed in the police report, it could be understood from the ABS census information on population distribution concerning the locations of those Aboriginal persons detained in protective custody that a significant or disproportionate number of those persons do not speak English well or at all, and are indigenous language/s speakers.

Northern Territory Correctional Services 1997/98 Annual Report reveals similar information to that of NT Police and the Office of Public Prosecutions.

"There continues to be disproportionate numbers of Aboriginal prisoners in Northern Territory correctional centres, in that they comprise 73% of prisoners in custody on 30 June 1998. ...of juveniles 75.5% of those who commenced detention in 1997/98 were Aboriginal."

Of the total prison population of 635, there were 463 Aboriginal prisoners. It is relevant to note that of those 284 Aboriginal prisoners were from locations outside Darwin so the same principle applied to the NT Police statistics could also be applied to that of Correctional Services.

Similarly, Territory Health Services reported in their 1996/97 Annual Report – NT Hospital statistics that:

"Aboriginal Territorians have a great need for effective health services as clearly shown by the morality rates."

The 1997/98 Annual Report states that:

"indigenous people in the NT have mortality rates four to five times greater than non-indigenous persons. Higher demand (in hospital workload) is due to substantial increase in admissions of Aboriginal clients ... who comprise more than half 55.7% of the patients treated in NT Hospitals ..... the increase in utlisation of hospital beds was an increase to meet the needs of Aboriginal people from rural and remote areas" The report also states there is also:

"a rapid increase in the number of Aboriginal person with chronic renal failure, needing dialysis, which has required the haemodialysis unit to double it's capacity in 1997/98".

#### TERMS OF REFERENCE

# 1. IS THERE A NEED FOR AN ABORIGINAL INTERPRETER SERVICE?

"... services elsewhere taken for granted, and rights elsewhere acknowledged as being fundamental, are effectively denied to tens of thousands of the Territory's citizens on a daily basis."

Russell Goldflam NT Legal Aid Commission Alice Springs

"In the area of health, access to Aboriginal language interpreters is imperative. Good communication is an essential part of good medicine."

Dr Ilona DeBella - Royal Darwin Hospital

"The High Court tells us in 1885 Justice Cooper discharged four Aboriginal prisoners when no interpreter could be found to communicate a charge of murder to them. The question facing the Northern Territory community today, with nine months of the current millennium remaining is without an interpreter service can we say we have society that is more or less fair than the nineteenth century Queensland of Justice Cooper?"

North Australian Aboriginal Legal Aid Service

"I consider there is a great need for such a service as I think will be evident from the paper", his Honour's submission was based on his 1997 paper 'Redressing The Imbalance Against Aboriginal People In The Criminal Justice System - A Further Look'."

> Justice Dean Mildren – Northern Territory Supreme Court

"There is beyond doubt a need for competent interpreters to interpret between the various Aboriginal Languages and the English language."

Justice Sir William Kearney – Northern Territory Supreme Court

"There is no doubt about the need for an Aboriginal Interpreter Service."

Mr Rex Wild QC - Director, Office of the Director of Public Prosecutions

"In the interest of the proper administration of the criminal justice system of the Northern Territory, this meeting of the Criminal Lawyers Association urges the government of the Northern Territory to urgently establish an Aboriginal Interpreter service in the Northern Territory."

Criminal Lawyers Association of the Northern Territory -1999 Biennial Conference, Bali – President Jon Tippett & 120 Delegates

"... there is no doubt there is a desperate need for an Aboriginal Interpreter service to assist in rectifying the major communication breakdown between many Aboriginal people and government agencies."

Julian Barry – Anthropologist, Linguist and NAATI Interpreter in Pitjantjatjara

"... there is no more pressing justice issue and equity issue facing the Northern Territory community today than the simple fact that the nearly 30,000 Aboriginal Territorians who speak an indigenous language in their home do not have access to an interpreter service ..."

Gordon Renouf -North Australian Aboriginal Legal Aid Service

"The Committee urges the Government of the Northern Territory ... to immediately establish an Aboriginal language Interpreting Service with adequate resources and an appropriate training program."

Dr Peter Carroll Chairperson –NT Regional Advisory Committee

National Accreditation Authority for Translators and Interpreters "... Aboriginal members of the Northern Territory community have been deprived of interpreter services and are in need ... the Commonwealth and Northern Territory Governments ... has a need to provide interpreter services in a non-discriminatory way ..."

Richard Coates – Director Northern Territory Legal Aid Commission

"The lamentable state of Aboriginal interpreting services in the Northern Territory is ... extraordinary ... it is exactly twenty years since pioneering Aboriginal linguist Gloria Brennan wrote a string of reports ..... and concluded there was a real and urgent need for the provision of Aboriginal interpreter services "

Russell Goldflam - Solicitor (NTLAC), Former Director and Coordinator for Aboriginal Interpreters Training, Institute for Aboriginal Development Alice Springs

"The need for a professional government-funded Aboriginal interpreter service has been extensively documented; the advantages in terms of improved health outcomes and costeffectiveness are also clear."

Anne Lowell-Aboriginal Health Provider, Researcher/and Aboriginal Interpreters Lobby Group

"There has been a definite need for interpreter services for indigenous people in this region ... to be utilised in many areas such as hospitals, courts, government agencies and so forth, case delivery of services and meetings."

Banambi Wunungmurra - Chairperson Miwatj Regional Council

"My organisation believes that the interpreter service is quite a high priority ... to having representation for Aboriginal people in all types of legal, health and other services ... should have an interpreter."

Karyn Hayward - Papula Apparr-Kari Aboriginal Corporation Language Centre Tennant Creek

"Angol-Yolgnu Communication ... why interpreters are necessary for Aboriginal people who speak English at a conversational level or as a second language."

Dr Michael Cooke Linguist and Helen Krikawuku Interpreter Galiwin'ku "I reckon that interpreter him probably very important ... especially among old people when they get called to court and they must have a lot of things ... that's why I can really think about having ... fight really hard to get this Aboriginal interpreter ..."

Jackie Vincent - Chairperson Diwurruwurru-Jaru Katherine Aboriginal Language Centre

The quotes above illustrate the tenor of submissions received on this first term of reference.

#### **LEGAL**

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) had this to say:

"Recommendation 99

That legislation in all jurisdictions should provide that where an Aboriginal defendant appears before a Court and there is doubt as to whether the person has the ability to fully understand proceedings in the English language and is fully able to express himself or herself in the English language, the court be obliged to satisfy itself that the person has that ability. Where there is doubt or reservations as to these matters proceedings should not continue until a competent interpreter is provided to the person without cost to that person."

In its published 1993/94 Report on the implementation of this recommendation the NT Office of Aboriginal Development gave as "Progress and Comments":

"A specific Government commitment has been given to the development of an interpreter/translator service that would achieve the intent of this recommendation. The Office of Aboriginal Development is examining the need for enhanced interpreter/ translator services in Aboriginal languages and the options for provision of such services. This recommendation is under consideration as part of the Justice Act review and as part of the development of the Northern Territory policy on the use of interpreters in the legal system."

The Commonwealth-funded trial service from 6 January 1997 - 30 June 1997 conducted by the Office of Aboriginal Development in the Top End of the Territory provides further evidence, if any is needed, that the need exists. In the (original and unpublished) executive summary it states:

"The qualitative and quantitative data related to the Trial strongly supports the hypothesis that a need for an Aboriginal languages interpreter and translator service does exist. In six

months there were 236 bookings made and a total of \$110,105 was spent. The establishment of a permanent service is certainly feasible and its cost effectiveness evident. The establishment and fostering of a professional Aboriginal languages interpreting facility will address the potential legal, financial and economic ramifications of not providing such a service."

The "need" was comprehensively addressed in the submission from the NT Legal Aid Commission which states, *inter alia*:

"It will be argued in this Submission that the state itself, by which is meant the Commonwealth and Northern Territory Governments, together with their agencies and institutions, has a 'need' to provide interpreter services in a non-discriminatory manner.

This need arises from the requirement to maintain the integrity of, and confidence in, those agencies and institutions. For example, respect for the rule of law in our society is undermined if justice is administered, and legal services are distributed, in disparate or discriminatory ways to different segments of society. Furthermore, and perhaps even more importantly, such practices threaten to subvert the coherence of the justice system itself, a fundamental feature of which is the principle of equality before the law, as recently restated by the High Court:

The ideal of equal treatment is part of our legal culture, and is reflected in a variety of ways in our institutions and procedures, and the rules of substantive law.<sup>2</sup>

## 1.1 The right to hear

At law, an underlying principle of natural justice is the right to be heard. Less frequently acknowledged, but, it is submitted, just as fundamental, is the right to hear.

The extent of this right was recently considered by the High Court of Australia in **Ebatarinja v Deland**<sup>3</sup>. The Court held as follows:

The words 'presence or hearing of the defendant' have more than a formal significance. It is hardly to be supposed that the conditions of section [of the **Justices Act** (NT) dealing with the procedure for committal proceedings] can be complied with by

<sup>&</sup>lt;sup>2</sup> Re East & Ors; Ex parte Nguyen [1998] HCA 73 (hereinafter referred to as "Nguyen") at Paragraph 21 per Gleeson CJ, McHugh, Gummow, Hayne and Callinan JJ.
<sup>3</sup> [1998] HCA 62 (hereinafter referred to as "Ebatarinja").

taking the preliminary examination in the presence of a defendant who is in a coma.

Whether the examination is conducted in the physical presence or within the actual hearing of the defendant, s.106 will not be complied with unless the defendant is able to understand what has been put against him or her by the 'persons who know the facts and circumstances of the case'. The necessity for the defendant to understand what is put against him or her is emphasised by the words with s.110 directs the Justice to say to the defendant:

'Having heard the evidence for the prosecution, do you wish to be sworn and give evidence ... or do you desire to say anything in answer to the charge[?]'

These words would be a meaningless ritual unless the defendant had not only 'heard' the evidence for the prosecution but was able to comprehend what was being put against him or her.

On a trial for a criminal offence, it is well established that the defendant should not only be physically present but should also be able to understand the proceedings and the nature of the evidence against him or her. In **Kunnath v The State**<sup>4</sup>, the Judicial Committee of the Privy Council said<sup>5</sup>:

'It is an essential principle of the criminal law that a trial for an indictable offence should be conducted in the presence of the defendant. As their Lordships have already recorded, the basis of this principle is not simply that there should be corporeal presence but that the defendant, by reason of his presence, should be able to understand the proceedings and decide what witnesses he wishes to call, whether or not to give evidence and, if so, upon what matters relevant to the case against him<sup>7</sup>.'8

<sup>4 [1993] 1</sup> WLR 1315; [1993] 4 All ER 30.

<sup>&</sup>lt;sup>5</sup> [1993] 1 WLR 1315 at 1319; [1993] 4 All ER 30 at 35.

<sup>&</sup>lt;sup>6</sup> Lawrence v The King [1933] AC 699 at 708 per Lord Atkin. Exceptionally the trial may continue where the accused fails to appear at his trial after the trial has started: (R v Houson [1981] 74 Cr App R 172; r v McHardie and Danielson [1983] 2 NSWLR 733).

 $<sup>^7</sup>$  R v Kwok Leung [1909] 4 HKLR 161 at 173 – 174 per Gompertz J; R v Lee Kun [1916] 1 KB 337 at 341 per Lord Reading CJ.

<sup>&</sup>lt;sup>8</sup> See also R v Tran [1994] 2 SCR 951.

If the defendant does not speak the language in which the proceedings are being conducted, the absence of an interpreter will result in an unfair trial<sup>9</sup>. In **R v Willie**<sup>10</sup>, Cooper J is reported to have ordered four Aboriginal prisoners to be discharged on a charge of murder when no interpreter could be found competent to communicate the charge to them.<sup>11</sup>

In **Ebatarinja**, the High Court extended the common law rule established nearly a century ago that an accused person has a right to an interpreter at trial, to the right of a defendant to have an interpreter at committal proceedings. It is apposite that in this case, the defendant was an Aboriginal man in a Northern Territory court. His particular situation is unusual, in that he suffers from a disability which prevents him from communicating orally in any language. However, it is submitted that the principle enunciated in his case is no more applicable to Mr Ebatarinja than it is to the thousands of Aboriginal Territorians who come before the courts each year who are unable to 'hear' the case against them and are thereby subjected, in the words of the High Court, to a 'meaningless ritual'.

1.2 The duty of the Court

Since **Ebatarinja**, the High Court has further considered the issue of the right to an interpreter in the case of **Nguyen**, in which Kirby J stated:

'The Australian judicial system properly affords protection against risks of injustice occasioned by linguistic disadvantage alleged to have affected a trial. ... [There is a] fundamental commitment of the Australian judicial system relevantly, to the fair trial of all criminals accused and, specifically, to the provision of language interpretation where that facility is necessary or desirable to avoid unfairness in a trial.<sup>12</sup>

Kirby J further stated:

'It is the duty of a judicial officer conducting criminal proceedings to ensure the fair trial of the accused. Where a trial would be unfair because of the absence of an interpreter, it is the duty of the judicial officer to

<sup>12</sup> Nguyen, at paragraph 48.

<sup>&</sup>lt;sup>9</sup> R v Lee Kun [1916] 1 KB 337 at 341, 342; Johnson [1987] 25 A Crim R 433 at 435; Lars [1994] 73 A Crim R 91 at 115.

 <sup>[1885] 7</sup> QLJ (NC) 108.
 Ebatarinja at paragraph 24-27 (per Gaudron, McHugh, Gummow, Hayne and Callinan JJ).

endeavour to ensure that an interpreter is provided<sup>13</sup>. Where the accused is legally represented, the judicial officer can usually rely upon the legal representative to communicate to the court the needs and wishes of the accused. But even then, the judicial officer will not be relieved of the obligation to ensure a fair trial if it subsequently appears (from something said or done in the trial) that an interpreter is needed.<sup>14</sup>

The facts of **Nguyen** strikingly illustrate and lend support to the argument that the institutions of the state themselves (and in this case the institution of the criminal justice system) 'need' to use interpreters.

One feature of **Nguyen** was the alleged failure of the defendant to understand the nature of a Community Based Order made against him. Similar events occur on a daily basis throughout the Northern Territory court system, as Aboriginal people with apparently little or no understanding of what they are doing, sign bail undertakings, recognisances to be of good behaviour, recognisances to prosecute appeal, agreements to comply with Community Service Orders and other similar documents.

On at least one such occasion a Northern Territory court acquitted an Aboriginal man charged with breaching a bond to be of good behaviour, after accepting expert linguistic evidence that the defendant's English was insufficient for him to have understood the nature of the bond he had purportedly entered into. In the absence of regular Aboriginal interpreter services, it is reasonable to suggest that similar challenges to charges of this nature could be successfully made in many other cases.

As a result of the combined effects of **Ebatarinja** and **Nguyen**, there is a real possibility that committal proceedings and trials of Aboriginal defendants who are considered by their Counsel to require the services of an interpreter will from now on have to be delayed until the Court provides an interpreter. Given the extremely high proportion of serious criminal matters in the Northern Territory which involve defendants in this category, unless court interpreters are provided by the state as a matter of routine, the consequence could be a disastrous loss of efficiency and effectiveness within the system, as the court lists become clogged with cases which are barred from proceeding because of a lack of interpreters."

NT Legal Aid Commission

<sup>&</sup>lt;sup>13</sup> Kunnath v The State (1993) 98 Cr App R (PC) distinguished The State v Gwonto [1985] LRC (Const) 890 (SC Nigeria).

 <sup>&</sup>lt;sup>14</sup> Nguyen, at paragraph 82.
 <sup>15</sup> Police v Starlight (Unreported decision of McGregor SM in the Court of Summary Jurisdiction at Katherine, 1995).

In his submission, Justice Dean Mildren (Northern Territory Supreme Court) also addressed the issue of need stating:

"I consider there is a great need for such a service as I think will be evident from the paper."

His Honour was referring to his 1997 paper "Redressing The Imbalance Against Aboriginal People In The Criminal Justice System – A Further Look", published in the Criminal Law Journal and soon to be published in Forensic Linguistics.

The Judge's paper provided important and relevant information on the fundamental issues of the inquiry and included the 1996 census statistical information on the Territory population:

"... estimated resident population ... totaled 181,843 persons, of which 48,700 persons were identified as Aboriginal people.

Whilst most Aboriginal people speak some English, some speak only an Aboriginal language or languages. Most English speaking Aboriginal people speak English as a second language. The Aboriginal population is largely rural and maintains strong ties to their own cultures and traditions.

In no other part of Australia does the Aboriginal population represent such a significant percentage of the total population, and whilst Aboriginal culture and tradition is also strong in some of the States, the Northern Territory is the area where the maintenance of Aboriginal languages and tradition is strongest.

Of those Aboriginal people who speak English as a second language, few are truly fluent in standard English, with speakers using a number of Aboriginal English varieties, including Pidgin and even 'missionary English'."

Justice Mildren's paper make valid comments on Aboriginal communication (supported by linguists Cooke and Carroll) and of their difficulties with English comprehension and pronunciation and command of the English language (where it is possessed) and communication difficulties for those people who do not speak any English at all. The Judge addressed the cultural differences Aboriginal people have when communicating to non-Aboriginal people, "which can lead to misunderstanding".

The Judge makes the point:

"language difficulties and cultural differences cause severe problems to the Territory's criminal justice system. There are no fully trained court interpreters in any of the Aboriginal languages accredited by NAATI, (the professional level). There are very few fully trained Aboriginal police." His paper goes on to say while:

"some progress has been achieved in remedying the worst iniquities ... the progress has not gone far enough, particularly in the justice system. One of the main deficiencies – which still exists – is the lack of a publicly-funded interpreter service for any of the Aboriginal languages or dialects."

Justice Mildren makes a number of observations about the conduct of trials and the need for the use of interpreters to improve the quality of justice available to Aboriginal people. He states that:

"it is a matter for government who have the ability to improve matters with appropriate legislation and funding ... it is the responsibility of every judicial officer to ensure a fair trial be had."

In their submissions both Justice Sir William Kearney and Justice Dean Mildren drew attention to the following note from the jury to the trial Judge, Kearney J., in the case of *The Queen v Neville Jabanardi Murphy*, held in Alice Springs in September 1995. (The note raised six points listed as "on the need for an interpreter" and asked two questions.)

"On the need for an interpreter:

During the questioning of the witnesses to the incident by both prosecution and defence lawyers it became increasingly obvious that some English turns of phrase were unfamiliar to the witnesses eg ref to Neville's crying, and obvious confusion about what was meant by the "incident".

At first the young men may have appeared to speak standard Australian English at the court proceedings, however, it is probable that they may be speaking Aboriginal English, which has been recognised by linguists as a language different from standard Australian English in its syntax and semantics ie its grammar and meanings.

Standard Australian English may very well not be their first language. No one has asked this question to date. We do not know what language group the young men belong to.

In view of the language of the court Mr R and Mr B changed their register many times when speaking to the Aboriginal witnesses, and both lawyers repeated their questions and the witnesses' answers, and often asked "Do you understand?"

At the police station in Tennant Creek, we saw the Superintendent ask Neville Jaborandi Murphy:

"You don't have to answer my questions if you don't want to. Do you understand? Say it in your own words."

Neville may have understood the words but not the implications. Where was his legal adviser? He had only asked for his father.

When you are not a sophisticated second-language speaker, the subtle nuances of a language easily go over your head. The language of police proceedings and the language of the court are not these young mens' first language, despite the efforts by those in authority to accommodate these differences.

Your Honour,

In our assessment of this case, are we to understand that during the course of all the proceedings since April 1994 involving Neville Jabanardi Murphy there has been no interpreter service made available to either the accused or to the witnesses to the event?

Are we also to understand that at the time Neville Jabanardi Murphy was taken into police custody in Tennant Creek, there was neither an interpreter or an Aboriginal Legal Aid representative available to him to advise him before he made his statement on 29/4/94?"

After the trial Sir William wrote to the (then) Attorney General Hon Steve Hatton advising him of the jury note and stating, inter alia:

"Nevertheless, whenever Aboriginals testify in court, in my experience in general they lack the benefit of the competent interpreter services which non-Aboriginal persons, who also lack a command of the English language, are routinely supplied with."

On 6 November 1995 the Hon Steve Hatton responded outlining the government's strategy and expressing the view that it would take 5 years to provide adequately-qualified interpreters in the legal system.

The final paragraph of that letter reads:

"I believe that this co-operative and co-ordinated approach to the issue of Aboriginal interpreters will ultimately achieve our aim: to establish an Aboriginal interpreter service that can provide competent interpreters for use within the legal system."

Hon Steve Hatton MLA

In addressing the "need" for an interpreter service, the North Australian Aboriginal Legal Aid Service (NAALAS) submission included the following observation:

"... analogous evidence would suggest an extensive need for an interpreter service. This is illustrated by the following table which identifies the number of judicial personnel fluent in the 15 most spoken indigenous languages: ...

LANGUAGE

NO. OF FLUENT JUDICIAL PERSONNEL\*

	00210221212011122
Arrente	0
Dhuwal-Dhuwala	0
Walpiri	Ō
Tiwi	0
. Alyawarra	0
· Murinh-Patha	0
Kriol	. 0
Kunwinjku	0
Anmatyerr	0
Pitjanjatjarra	0
Burarra	0
Waramungu	0
Gurindjii	<i>O</i> .
Nunggubuyu	0

\* Includes judiciary and magistracy, Territory and Federal."

I am indebted to NAALAS for a comprehensive analysis of languages spoken at home, which graphically illustrate the use of Aboriginal languages as a first language.

Evidence on "need" was also received throughout the regions.

Mr Banambi Wunungmurra is Chairperson of the Miwatj Regional Council (Eastern Arnhem Land).

Miwatj councillors come from as far west as Milingimbi, Ramingining, Gupuwiyak and Galiwin'ku, and as far east as Umbakumba (Groote Eylandt), Pinkerton and Numbulwar.

Mr Wunungmurra spoke strongly of the need for Yolgnu people to be trained as interpreters so that:

"People can interpret for their own people who are within our region and that feel really strongly, especially in our Miwatj Regional Council, that Yolgnu interpreters should take that initiative, self-esteem, interpreters in courts, hospitals, government agencies and so on."

Members of the judiciary, politicians, lawyers, academics, linguists, interpreters, court staff, police, custodial officers, doctors, nurses, paramedics, Aboriginal health workers, community workers, social workers and educators were among the individuals and groups who

made submissions to this Inquiry. Universally, they both supported the need for an Aboriginal interpreter service and stressed its urgency.

Many of their submissions supported the points made by the NT Legal Aid Commission and the North Australian Aboriginal Legal Aid Service, outlined above.

Lawyers spoke of the impossibility of taking adequate instructions from their Aboriginal clients and of the nearly insuperable difficulties of obtaining vital evidence from witnesses – often resulting in a lengthy postponement of matters listed for hearing with its consequent costs and stress to the parties – or trials not proceeding at all because of the inability to obtain witnesses' statements.

Even worse, Aboriginal people can (and do) find themselves imprisoned without understanding why they are incarcerated. We received evidence relating to one Aboriginal prisoner who thought he was locked up for being drunk, and sleeping in the wrong place. In reality he was on remand for attempted rape.

In his oral evidence Syd Stirling MLA, Member for Nhulunbuy, also referred to this problem:

"... anecdotal evidence will show that I guess Aboriginal men in prison who are in there for assault of their wife or whoever who think that they are in there because they got drunk.

They haven't been – you know, they don't understand why they were sentenced to prison and it is not clear. Now, we've got real problems in our legal system, in our judicial system, when people don't understand exactly what they're being punished for."

The Inquiry was told of defendants on bail who failed to turn up for subsequent court appearances, not because they were deliberately avoiding the court proceedings, but because they had no idea of the conditions attached to their bail, and, without understanding what was being said, had simply nodded or said a simple "yes" when those conditions were "explained" to them by either court staff or a lawyer in a foreign language – English. The court delays, the issuing of warrants and the frustration of magistrates, lawyers and court staff – not to mention witnesses, victims and community elders, all combined to bring the entire justice system into disrepute because of the lack of interpreters.

It was emphasised that the alleged perpetrators of crime were not the only ones disadvantaged – victims and witnesses were particularly vulnerable, with corresponding community anger at the perceived failure of the balanda system of justice.

We received evidence on domestic violence orders regularly being breached, neither the person obtaining the order nor the subject of the order understanding what it meant – despite it being read out, slowly and clearly – in a foreign language (the emphasis is mine).

Again - not only the perpetrator is disadvantaged - so is the victim.

The particular problems of dealing with young offenders was raised in several centres. If non-English speaking juveniles have no idea WHY they are subject to community service orders, detention or any other sanction, then no lesson is being learnt. The whole effort is a complete waste of time and money, verging on the farcical. Based on the evidence given to this Inquiry, the high rate of re-offending should not come as any surprise. Because of the lack of interpreters, there is a corresponding lack of understanding of the entire process.

The need for interpreters in family and civil law matters was addressed in a number of submissions.

The problems facing Aboriginal people signing contracts, obtaining credit, taking out insurance policies effectively in a foreign language, were outlined and will be addressed in more detail under the next term of reference.

Suffice to say the need was as great in the area of family and civil law as in criminal law – though less well recognised by the general community. Breaches of contract do not attract the same publicity as murder trials or juvenile "rampages" in communities.

### MEDICAL

The Public Health Association of Australia Inc (PHA) in Alice Springs addressed this issue of "need" in the context of the provision of health services in their submission:

"PHA NT regards that there is a need for an Aboriginal interpreter service.

In the NT the Northern Territory Interpreter and Translator Service (NTITS) provides a free interpreter service when non-Aboriginal people of non-English speaking background are accessing government services. The Royal Darwin Hospital also employs a Greek and Chinese interpreter. The Commonwealth Government funds a 24-hours service for more than 100 non-Aboriginal languages.

By comparison, Aboriginal people are only able to access a few services and these are not funded as an interpreter service. They are funded on a fee-for-service basis; they are not funded as part of established health services.

As a matter of equity, Aboriginal people should be able to access interpreter services.

Health staff may use family members as interpreters, which is inappropriate in that family members may not accurately translate important health information.

Family members or escorts are not usually trained in interpreting. Using family members or other unqualified people has the potential to result in fatal outcomes.

Aboriginal health staff are often asked to provide translation services, but are rarely trained in interpreting.

Aboriginal liaison officers in hospitals are also often asked to provide 'translation' services, but in urban areas are unlikely to have cultural or linguistic ties with other Aboriginal people. In Alice Springs Hospital and Nhulunbuy Hospital some liaison officers may have language skills but may not be trained interpreters.

Numerous reports have identified the need for interpreters for Aboriginal people.

The Royal Commission into Aboriginal Deaths in Custody (1991) recommended:

'That the non-Aboriginal health professionals who have to serve Aboriginal people who have limited skills in communicating with them in the English language should have access to skilled interpreters'."

A number of professional and para-professionals in the area of health services spoke of the need for Aboriginal interpreters, not only for medico-legal reasons, and the obvious human rights issues for clients, but also because of time wasted and costs incurred by NOT having interpreters.

Even the simplest of matters considered by the wider English-speaking community to be routine presented huge problems without interpreters – such issues as taking a course of medication at prescribed intervals, with Aboriginal patients taking an entire bottle of tablets at once as they "understood" they had to take "all the tablets" – patients being medivacced to Darwin or southern hospitals for treatment without any real understanding of why, with family members, friends, acquaintances and even other patients being asked by frustrated and concerned nursing and medical staff to act as interpreters for hospital/clinic patients who had no (or very limited) English.

These ad hoc and inappropriate arrangements which ignore the most basic issues of a patient's right to privacy and to be able to give informed consent to invasive medical procedures are of extreme concern. The Inquiry was told that Aboriginal liaison officers at Royal Darwin Hospital and Alice Springs Hospital are also used as interpreters – unless they are trained (and paid) to provide this service, they may be at risk of being joined as a respondent in future legal proceedings initiated by or on behalf of a patient.

This issue was addressed by NAALAS as follows:

"With respect to this term of reference it is also important to note that the party in "need" may not always be obvious. For example, an Aboriginal person presenting at a casualty department may not have the English skills necessary to give an adequate history. Thus, it would be accurate to say the patient needs an interpreter service. Conversely, the staff at a Casualty department does not have sufficient indigenous language skills to take an adequate history from an Aboriginal patient. To proceed and treat the patient without taking a history and without the patient's informed consent is potentially negligent and certainly an assault. Thus it is also accurate to say the staff needs an interpreter service."

Dominic McCormack (lawyer and Murrinh-Patha interpreter) put forward the following hypothesis:

"For the Greek lady about to be subjected to the amputation of a right leg, she has been provided with speedy access to an interpreter, and soon her immediate family. But for the elderly Aboriginal lady, about to face the same prospect, what is to be her plight? Implicit in this question is how are the medical staff involved going to approach this scenario – how do they proceed in the situation where the receipt of informed consent is nigh on impossible? The same can be said for our current court system – it seems obvious that many, many cases have proceeded over years, in fact decades, without Aboriginal clients actually knowing their position or rights.

The question then is:

'How long are we as a legal community, and community generally, going to allow this to continue?'"

With 55.7% of patients in the NT public health system being identified as Aboriginal the need for access to trained interpreters is evident.

- 2. IF ABORIGINAL PEOPLE ARE DISADVANTAGED IN ACCESSING GOVERNMENT SERVICES AND FACILITIES WITHOUT INTERPRETERS
- 3. HAVING PARTICULAR REGARD TO LEGAL AND MEDICAL SERVICES, THE EXTENT OF ANY DISADVANTAGE OR LESS FAVOURABLE TREATMENT DUE TO THE LACK OF AN INTERPRETER SERVICE.

On the evidence presented to the Inquiry it is almost impossible to separate these two issues – consequently for the sake of clarity they will be addressed together in this report.

All submissions to the inquiry 'echoed' each other in their concern that Aboriginal people have long been clearly disadvantaged by **NOT** being able to access services and facilities that the rest of the community take for granted, because of the lack of interpreters. Anecdotal evidence presented to the inquiry has highlighted the severity of disadvantage that Aboriginal people continue to endure without the provision of an interpreter service in Aboriginal languages.

"Short of noting the obvious that a non-English speaker is disadvantaged ... the reality that Aboriginal Territorians who ... do not speak English, do not receive fair trials ... are denied access to government services ... face the horror of having medical procedures they do not understand performed on them ..."

NAALAS - Renouf, Story, Sheldon, Gowens, Hughes, Jones, Corpus

"... the jury raised two questions concerning the availability of an interpreter for this particular accused ... both during court proceedings and when he was taken into police custody ... whenever Aboriginals testify in court in my experience ... they lack the benefit of the competent interpreter services which non-Aboriginal persons, who also lack a command of the English language, are routinely supplied with."

Justice Sir William Kearney – NT Supreme Court

"... the concept of an Aboriginal Interpreter Service is not new ... it has long been recognised by non-Aboriginals ie medical practitioners, lawyers, judiciary, church workers, public servants and Members of Parliaments that Aboriginal people have been seriously disadvantaged because of the lack of such a service."

Syd Sterling MLA, Member for Nhulunbuy and Maurice Rioli MLA, Member for Arafura "Aboriginal students and their families are not able to utilise an interpreter service when dealing with issues relating to student services ... this is seen as a disadvantage ... because miscommunication and misunderstanding ..."

Student Services - Department of Education - Cameron

"By providing interpreters to assist people of non-English speaking backgrounds access to Government services, Governments are acknowledging the importance of such a facility. If a significant section of our Non-English speaking community is denied that facility then surely they are disadvantaged."

NTLAC - Coates & ORS

"Aboriginal people ... should have the same access as other Non-English speaking people ... to interpreter services ... to continue not providing a service ... is to continue inequity and injustice of discrimination."

Darwin City Council Community Services Development Vine-Bromley

"The NT Government has recognised the need for interpreter services for non-English speaking migrants, but has not recognised the need for interpreters for non-English speaking Indigenous people. ... the disadvantage is obvious when people providing services can not communicate with a significant number of the people using the service ... the Government has done little to try to overcome the disadvantage faced by Aboriginal Territorians ... and difficulties faced on a daily basis."

Dr Peter Carroll - Linguist/Chair NT Regional Advisory Committee National Accreditation Authority for Translators and Interpreters

"... Interpreter services exist for many other groups who don't speak English as their first language ... to require one group, who are known to speak another language as their first, to prove a need, is discriminatory, clearly they are disadvantaged."

Northern Territory Council of Social Services – Marcia Dwonczyk "DCLS sees the lack of Aboriginal language interpreter services in the NT - and the consequences of such a situation - as perhaps one of the most extreme human rights abuses perpetuated within our community."

> Darwin Community Legal Service – Cassandra Goldie

"TEWLS has observed disadvantages for Aboriginal people in the legal system and in their access to Government services and facilities due to the lack of an interpreter service."

> Top End Women's Legal Services (TEWLS) – Fiona Allison

"Aboriginal Territorians continue to be disadvantaged when they come before the courts. It is understood that one objective of our legal services is to provide people with a 'fair trial'. How the situation, when an Aboriginal defendant does not understand questions asked ... nor able to give adequate instructions to their counsel, and therefore is unlikely to be able to answer adequately, can be described as 'fair' is incomprehensible."

"In relation to medical services, an important component of treatment is accurate and quick diagnosis. This is severely inhibited, if not prevented, if the doctor and patient can not communicate effectively. ... Aboriginal patients are disadvantage and placed in potentially life threatening situations."

Dr Peter Carroll - NAATI

"The establishment of an Aboriginal language interpreter service could help save lives and eventually lead to better health outcomes ... help provide more equitable access to better and more appropriate medical treatment, ... trained interpreters may assist in providing an improved form of 'informed consent' for Aboriginal people, because they have a fundamental right to understand what is happening to themselves and members of their families. Access to a better use of treatment can in turn lead to significant cost savings to Government."

Aboriginal Medical Services Alliance Northern Territory (AMSANT) - Pat Anderson and Jamie Gallagher

"It has been clear to us for many years that many of our clients who do not speak English well or at all and who become caught up in the criminal justice system are struggling to really understand their situation. It is our belief that the criminal justice system in the Northern Territory would be a much fairer and productive system if the participants could better understand each other."

Katherine Regional Aboriginal Legal Aid Service – Dooley, Margoungoun "Cultural and linguistic differences - irrespective of the challenge they represent - do not reduce a patients right to be fully informed ... Aboriginal people repeatedly suggested a greater use of interpreters as a measure to understand (their health problems) ..."

'Living on Medicine' Dr Jeanne Devitt & McMasters – Renal Disease Research

"... the provision of interpreter services ... to Aboriginal clients of the legal system who do not speak English well ... will certainly help to remedy significant disadvantages these clients currently face ... many Aboriginal clients are unable to properly instruct their lawyers, or to properly understand legal advice ... they are physically present (in legal proceedings), but do not become actively involved in the proceedings and understand little of them ... the probative value of oral evidence given by a witness with limited English is diminished, and hampers the capacity of a court to properly hear and determine questions of fact. In criminal proceedings, Crown Prosecutors have been forced to abandon many cases, or have them lost at trial ..."

## NT Legal Aid Commission - Coates & Ors

"I have been struck by how infrequently both prosecution and defence counsel seek to have the assistance of interpreters; in criminal trials it is obvious that many Aboriginals accused and witnesses are far from competent in English ... whenever Aboriginals testify in court, in my experience they lack the benefit of the competent interpreter services which non-Aboriginal persons, who also lack a command of the English language ... are routinely supplied with."

# NT Supreme Court – Justice Sir William Kearney

"Aboriginal morbidity and premature mortality rates far exceed that of the non-Aboriginal population. It is likely that inadequate diagnosis, consenting to medical procedures, explanation of treatment, has lead to poorer health outcomes for Aboriginal people. Inadequate explanations of treatment (particularly as part of giving informed consent) may also breach the patient's rights to make decisions about their own health care. Aboriginal people have experienced inadequate treatment due to lack of interpreter services."

"Aboriginal clients of the health system have a right to equal access to the health system. Such access cannot be provided without the ability to communicate adequately ..."

Public Health Association of the NT - Rowena Ivers

"... people like Ignatius have not got a hope without an interpreter ... Aboriginals in the Northern Territory are routinely jailed without knowing precisely why it happened ... the bulk of Aboriginal offenders face mandatory jail ... this is the harshest regime in the Commonwealth ... and it is being applied to Aboriginals who can't even understand the court process ... it's a major human rights abuse to jail someone who doesn't understand why it's happening."

NT Aboriginal Justice Advocacy Committee - Chris Howse 5 years Bush Court Lawyer - (Responsible to oversight the implementation of the RCIADIC recommendations 99 & 100)

"... our organisation regards the provision of interpreters at every "bush court sitting" in the Miwatj region as a fundamental human right."

Miwatj Aboriginal Legal Service Aboriginal Corporation – Graham Carr

"No interpreters are provided at 'bush' courts ... Aboriginal people in central Australia are clearly disadvantaged in accessing services without the provision of interpreters ... victims and witnesses are disadvantaged both in their ability to get their own story across and by having attributed to them things that they did not mean or say or are actually not their words."

Central Australian Aboriginal Legal Aid Service - Bamber

"In the area of health, access to Aboriginal Language interpreters is imperative. Good communication is an essential part of good medicine."

Dr Ilona DeBella - Royal Darwin Hospital

The North Australian Aboriginal Legal Aid Service (NAALAS) submission provided comprehensive legal, statistical and financial information to the Inquiry, and the full submission is publicly available from the Office of the Anti-Discrimination Commissioner.

The submission makes the observation:

"However, beyond this legal, statistical and financial information is a more significant, more compelling, more urgent and yet more straightforward reality. This reality is hinted at by the "simple fact" that was referred to earlier in this introduction. This is the reality of those Aboriginal Territorians who by virtue of the fact that they do not speak English, do not receive fair trials in our courts. Those Aboriginal Territorians who are denied access to government services the rest of the community takes for granted because they can not ask for them. Those Aboriginal Territorians who face the horror of having medical

procedures they do not understand performed upon them and risk the additional nightmare of having inappropriate procedures carried out."

This accurately reflects the thrust of submissions on the issue of disadvantage.

The submission of Anglicare Top End provides an overview on the topic of disadvantage.

### Anglicare says:

"The NT population at September 1998 stood at 190,875 people of whom 51,000 (or 26.7%) were Aboriginal. According to the Draft ER "70% of NT Aboriginal people speak a language other than English and in remote areas this percentage often exceeds 95%. 17

If only 50% of those Aborigines speaking a language other than English (say 17,850 people) presently experience difficulty in accessing government services because of ineffective communication brought about by language problems, then those people are disadvantaged. That is, they are disadvantaged compared to the wider English-speaking population of the NT. They are also disadvantaged compared to the many non-indigenous Territorians who speak a language other than English and whose disadvantage has been recognized by government through the provision of the NT Interpreter and Translator Service (NTITS). Interestingly the latter group comprised about 14,228 people in 1996<sup>19</sup> (compared to our conservative estimate above of 17,850 Aboriginal people currently in need who are denied access to interpreter services).

Moreover this disadvantage must be magnified in the NT health and legal sectors because of the now well established over-representation of indigenous Territorians in hospitals and in contact with the law and justice system."

Anglicare goes on to address the extent of the disadvantage — and provides comment from an Anglicare perspective. Several of its programs are directly targeted at indigenous Australians — namely:

 Groote Eylandt Community Services where together with Groote Eylandt and Bickerton Island Aboriginal Communities, Anglicare provides a range of integrated support services. These include respite care, meals-on-wheels, aged care

<sup>&</sup>lt;sup>16</sup> ABS statistics supplied 23/4/99

<sup>&</sup>lt;sup>17</sup> See Executive Summary p.1

<sup>&</sup>lt;sup>18</sup> An NT Government funded service

<sup>&</sup>lt;sup>19</sup> ABS statistics drawn from 1996 census

- development work, substance misuse counselling and relationship education.
- Nhulunbuy Respite Care is an established brokerage service that aims to develop sustainable respite care services to nine (9) East Arnhem remote Aboriginal communities. Anglicare's regional office in Nhulunbuy was established in 1997.
- Katherine Community Accommodation and Support Program provides assistance to families, couples and single women experiencing homelessness and/or those in crisis, including externally support short to medium term accommodation, outreach support, information, referral and advocacy services.
- Ebirra Aboriginal Accommodation Program provides a safe, secure and affordable short-term accommodation facility for Aboriginal people coming to Darwin from remote communities primarily for medical reasons.

Anglicare makes two simple submissions under this heading:

- "(i) The introduction of an AIS will better enable indigenous Territorians to access services and facilities offered by Anglicare. We believe that this holds true for every community-based organisation in the Northern Territory.
- (ii) The focus of this Inquiry is upon access to government services by indigenous Territorians. In our view an AIS will improve access. At the risk of stating the obvious, the extension of this proposition is that an AIS will also facilitate service delivery by government, Anglicare, and other NT-based community organisations."

The NT Legal Aid Commission's submission detailed the disadvantage suffered not only by alleged offenders, but by witnesses and victims, viz:

- "The current quality of participation by Aboriginal parties in their legal proceedings is often so low as to be token. They are physically present, but do not become actively involved in the proceedings, and understand little of them. The experience is incomprehensible, humiliating and alienating.
- The effectiveness of the sentencing phase of the criminal process for non-English speaking Aboriginal offenders is limited, as many of them do not in fact obtain the benefit of being warned by a court of the consequences of re-offending. The consequences of this, particularly in a jurisdiction committed to mandatory sentencing for property offenders, can be extremely serious if re-offending occurs.

- Many Aboriginal clients are unable to properly instruct their lawyers, or to properly understand legal advice. In some cases this might not be productive of substantial injustice, but in others, the failure of a client and a lawyer to effectively communicate with each other could be disastrous.\*
- The probative value of oral evidence given by an Aboriginal witness with limited English is diminished, which hampers the capacity of a court to properly hear and determine questions of fact. In criminal proceedings, Crown Prosecutors have been forced to abandon many cases, or have lost them at trial, for this reason. The disadvantage which can result may be to the witness, the victim and the community of the victim.

• The prosecution of an Aboriginal suspect who, when interviewed by police, did not properly understand the police caution or other aspects of the interview, can be frustrated by the consequent inadmissibility as evidence in court of any admissions made in the course of the interview. The disadvantage which can result may be to the victim and the community of the victim."

\* This may have occurred in *Nguyen*. It certainly occurred in R v Kina (Unreported, Queensland Court of Appeal No 221 of 1993, 29 November 1993), which is discussed in Eades, D., "legal Recognition of Cultural Differences in Communication: The Case of Robyn Kina" *Language and Communication* 16(3), 215-27. Kina, an Aboriginal speaker of English as a first language, was sentenced to life imprisonment for the murder of her husband, a decision which was overturned on appeal when it was disclosed that her lawyers had failed to elicit from her instructions which supported a defence to the charge. The case illustrates that linguistic barriers between lawyers and their Aboriginal clients can exist even when they both speak a variety of English as a first language. See below, section Errorl Reference source not found...

That evidence is also relevant in considering the cost/benefit of available interpreters.

Helen Van Roekel is a community development and trainee worker from Domestic Violence Outreach Service, and Traci Keys is a solicitor with the Domestic Violence Service. They are based in Alice Springs, and spoke of the difficulties facing Aboriginal women who are victims of domestic violence, both in obtaining medical treatment and legal advice, and accessing courts. The following extract from the evidence of Ms Keys illustrates this point:

"I found quite often that women don't understand the difference between a restraining order and a criminal charge and I can only suspect that often the issue behind that is that they are not getting the information in a language that is meaningful for them. They are often in a fairly traumatised state at that time and I think that makes the situation even worse. They want to be able to find out what their rights are in a language that they are comfortable with, not a language that they are struggling with.

So, I would see the problem not as being only for women who cannot speak English at all but, also, a problem with the women who have a fairly low level of English, that they would prefer to get this information in their own language. It also becomes a problem when they come in to see myself and actually get legal advice, whether it is specifically on restraining orders or criminal charges, or related matters they often get overwhelmed by the amount of information that they have to deal with and I think that is a difficulty even for English

speaking people, let alone people who are struggling to understand what I am saying.

It becomes a problem if it goes to court, if they come and sit in court with me they do not understand what is going on in the court room. They do not understand what the Magistrate is saying. They do not understand what the lawyer on the other side is saying and they come away confused and often make choices without really knowing what the true situation is. I have grave concerns that many of the orders I get for women they do not understand."

As 75% of Ms Keys' clients are Aboriginal, the disadvantage suffered by Aboriginal women, on top of the underlying issue of domestic violence, becomes even more severe.

In his submission NT Legal Aid Commission (Alice Springs) lawyer Russell Goldflam referred to a somewhat sensational headline and article in the "Alice Springs News" of 7 April 1999.

The bold headline read "Unconditional bail for alleged rapist" and the story essentially reported that because of the difficulty the alleged offender had in giving instructions to his lawyer without an interpreter he was released on bail over the strong objections of police and his own community.

Mr Goldflam cited this as an example of why the community regarded the law as an "ass" – bringing our system of justice into disrepute.

Mr Kilvington from the Central Australian Aboriginal Legal Aid Service (CAALAS) gave evidence which went directly to the disadvantage suffered by Aboriginal people caught up in the legal system. His evidence needs to be quoted in some detail for readers to appreciate the problem:

"I recently had a case where we had to reconvene the Court in Yuendumu and it was to suit the convenience of four or five witnesses from Nyirripi which is a very financially disadvantaged community and there is a lot of problems organising transport and Yuendumu was the closest place. Now, we were an advanced state of the committal proceedings and five witnesses from Nyirripi came to give their evidence at the committal proceedings.

Now, there were sworn statements from those witnesses professing to be eyewitness accounts of an incident which lead to my client being charged with dangerous act causing death. They were signed. They were adopted in evidence-in-chief as being truth and accurate account of the incident and apart from the driver of the motor concerned, during cross-examination it rapidly emerged that all other four witnesses were in drunk

and unconscious at the time of the incident and were not eyewitnesses to anything.

So all of their evidence ultimately came to nothing but the point I wish to make is at the very beginning of the process, Aboriginal speaking people can be at a very substantial disadvantage because I, of course, was appearing for a traditional Aboriginal man and up until this stage the Crown were able to talk about the strength of the Crown case and number of the eyewitnesses. None of the eyewitnesses saw anything and thus we see that there is a corruption of due process from an early stage and it continues, as you look at it, each step along the way after that particular commencement.

You see it also sometimes, also at the very early stage, where police are again interviewing suspects as well as witnesses. You see instances where it is just quite obvious that all the statements cannot be correct and the error in the system is that police are allowed this artistic licence virtually, to create statements which they illicit from Aboriginal witnesses through their own method, taking in English. People, if they cannot tell their story in their own language, the story can be turned into absolutely anything and any number of people and any particular person can be implicated in the commission of any offence, if the police adopt a method which is designed, either intentionally or unintentionally, to illicit the story that the police wish to hear."

"I recently had a case in Tennant Creek where a victim gave evidence that he saw three Aboriginal youths near him and two of them certainly, and possibly a third, attacked him. I appeared for one of those youths at the trial at Tennant Creek and he was ultimately acquitted and it was extremely lucky that he was acquitted because what happened was the police, upon getting the complaint, they came into the area, they apprehended every Aboriginal youth they could find, six in number. All six confessed to the offence, even though on the victim's evidence there could not have been more than two or three. That's all that attacked him.

Not only did all six confess because they were not able to tell their story in language in an unthreatening environment but five of them apparently were convicted of their own confession because they all confessed. So our clients are at a disadvantage for want of access to interpreters at that next stage of the proceedings where the records of interview are convicted and it is very hard sometimes to get a person out of the record of interview where they have in fact put themselves into it in the face of intimidation, whether it is intended to be intimidating, it is in fact intimidating for a lot of people to be

interrogated by police in a language which is not their first language."

Mr Kilvington went on to mention the prevalence of Aboriginal people breaching bail conditions with sometimes dire financial consequences, because they had no idea of the bail conditions as they were in English.

Mr Kilvington said of his Aboriginal clients:

"They are at a distinct disadvantage and it is a hostile environment on a frequent basis to try and dissuade a Magistrate or a Judge that that person should not be the subject of a monetary penalty in a situation where they could not fairly have been expected to understand, with any clarity, what their obligations are."

In his submission His Honour Justice Sir William Kearney (Supreme Court of the NT) drew attention to the often "hidden" need for interpreters to ensure Aboriginal people are not disadvantaged. His Honour made the following observations:

"Due to the very extensive system of Aboriginal Legal Aid in the NT, I cannot recall in this court an Aboriginal person charged with serious crime who has had to defend himself/herself in person. (Since 1992, the decision in Dietrich v The Queen (1992) 177 CLR 292 would probably, in practice, prevent it ever Any language disadvantage from which an Aboriginal accused may suffer, therefore tends to be "masked" from the court, because he/she has competent legal representation interposed to present a defence. I have been struck by how infrequently both prosecution and defence counsel seek to have the assistance of interpreters; in criminal trials it is obvious that many Aboriginal accused and witnesses are far from competent in English. There may be a degree of over-confidence by police and lawyers, in their own ability to fully understand what an Aboriginal suspect/client/accused/ witness is saying."

"Sometimes, counsel tend to fall into using a type of Kriol, when questioning Aboriginal persons whose grasp of English is not good; I attach by way of example some pages of transcript from a cross-examination in **R** v Mark Lalara, on 25 February 1999. That approach is far from satisfactory."

The extract of the transcript provided by Sir William illustrates his point.

In its submission the Darwin City Council recognised the disadvantage of Aboriginal people in not having an interpreter service strongly supported the establishment of a service, as illustrated by the following quotes:

"Aboriginal people are not high-level users of Council's mainstream services and whether this is by choice, a lack of understanding of rights and responsibilities, or that services generally are culturally not appropriate, is unclear, however communication is often the discriminating factor in informing and including Aboriginal people in the development of service options.

Aboriginal people whose first language is not English, should have the same access as other people of Non-English speaking background to interpreter support services which may assist them to communicate on important matters particularly involving government bureaucracies, the judiciary and medical practices. To continue not providing a service similar to that enjoyed by other non-English speaking residents is to continue the inequity and injustice of discrimination."

The submission of the NT Regional Advisory Committee of the National Accreditation Authority for Translators and Interpreters (NAATI) was succinct and again reflected the tenor of submissions received. In addressing disadvantage NAATI made the following comments:

"The NT Government has recognised the need for interpreter services for Non-English speaking migrants but has not recognised a similar need of Non-English speaking indigenous people.

The disadvantage is obvious when the people providing the services cannot communicate with a significant number of the people using the service. For over ten years the Government had provided interpreter and translation services in European and Asian languages. Apart from a 6 month pilot project in 1997 the Government has done little to try to overcome this disadvantage faced by Aboriginal Territorians.

The fact that many of the people providing the service have not lived in a multilingual environment indicates they have no experience of the difficulties many Aborigines face on a daily basis. This would include Territory politicians and senior public servants.

3. Having regard to legal and medical services, the extent of any disadvantage or less favourable treatment due to lack of interpreter service.

It is understood that one objective of our legal services is to provide people with a 'fair' trial. How the situation when an Aboriginal defendant does not understand questions asked and therefore is unlikely to be able to answer adequately can be described as 'fair' is incomprehensible. In addition if the defendants do not understand what is being said by others

about them, how can they give adequate instructions to their counsel. Aboriginal Territorians continue to be disadvantaged when they come before the courts. This is recognised by many court officials. The provision of an interpreter service is the only way that this disadvantage might be overcome.

In relation to medical services an important component of treatment is accurate and quick diagnosis. This is severely inhibited if not prevented if the doctor and patient can not communicate effectively. Again Aboriginal patients are disadvantaged and some placed in potentially life threatening situations."

### MEDICAL

The submission of the Diwurruwurru-Jaru Aboriginal Corporation is particularly useful in the assessment of disadvantage caused by the present lack of a service.

The following quotes are relevant:

"There seems little argument that in an ideal world the provision of an interpreter should be the case in every instance, not only for legal contexts but for all contexts where Aboriginal people who speak English as a second language articulate with the mainstream culture. This is particularly an issue in the context of life-changing events or decisions such as when negotiating for adequate shelter, financial security, medical attention or legal representation."

"In accessing Government services to meet the above requirements, misunderstandings and unnecessary suffering can be avoided with the assistance of an interpreter. A not unusual case, documented by the Language Centre at Katherine Hospital in September 1997, revealed an almost complete lack of real communication between an elderly Warlpiri speaking patient and her nurse. On introducing a Warlpiri-English interpreter to the situation it transpired that the patient was unaware of her medical condition and the reason for her entry into hospital and did not understand that she was to be moved to another institution the following day. The most disturbing aspect of this instance was the fact that the attendant nurse believed the patient understood her plain English communications spoken in a loud, slow voice, misinterpreting silences on the part of the patient as understanding. This highlights the need for not only the use of interpreters but some sort of training of employees by organisations to enable a need for an interpreter to be recognised.

The introduction of the Warlpiri-English interpreter to the communication process soon provided the patient with the missing information and allayed her fears of the unknown.

... in regard to whether or not these cases indicate disadvantage to Aboriginal people, there is already an admission by the NT Government that this is the case by its funding of a migrant interpreter service to alleviate inequalities in exactly the same language situation ie disadvantage to an ESL speaker."

The Inquiry took oral evidence from Sarah Brown, Manager of Gunbalunya Health Service at Oenpelli, and Jennifer Holt, Senior Health Worker at Oenpelli. There are 1200 people living at Oenpelli and another 400 on outstations. Oenpelli is approximately 60 kms northwest of Jabiru – the community has no road access for about six months of the year.

The Health Service sends between 10 and 20 people a month to Darwin because of medical emergencies, with many more people coming in to Darwin for routine procedures and specialists appointments.

Ms Brown spoke of the problems these people face when coming to Darwin, and her evidence was relevant to the disadvantage facing Aboriginal people without an interpreter service. She spoke first of the stress placed on individuals called upon to act as "ad hoc" interpreters:

"Often the only person who a patient has who speaks their language is their escort. So under the PATS system, the patient assisted travel scheme, sometimes people are allowed to take a family member or a friend with them to hospital. Now, that escort system is very limited. If someone is over 16 or are not deemed via by the doctors in Darwin to be critically ill then often we can't get approval for an escort.

So it often means that we are sending people who perhaps don't speak much English or don't understand medical procedures to town by themselves. When we do send people with escorts there's often a lot of pressure on those people because they ....."

Commissioner: "The escort?"

"The escort and that is mainly because it is expected that they will translate for that person and that can be extremely difficult if you don't understand medical procedures and consent and the options that people have when they are in hospital. So we find that often a small number of people are expected by the community to be escorts a lot and spend a lot of time in Royal Darwin Hospital being escort for different people and that it can be extremely stressful. If you imagine sitting beside someone in

ICU with all the machines and you are that person's support person and you don't really know what is happening but you are expected to be able to explain to that person what is going on, it can be extremely difficult."

Ms Holt outlined two poignant examples of the level of disadvantage facing Aboriginal people:

"There was this lady from Goulburn Island, she was in hospital. She had no family members or anyone with her. She was in a lot of pain and she didn't know what was happening to her and I happened to go to the hospital to visit one of my family and there was this girl from Borroloola, one of my relations, she said:

'There's an old lady in the hospital, you know, she's always crying and she's got no one and no one can understand her, she's speaking in her own language.'

So I went in there to the ward and saw her and she sort of grabbed me, she knew someone, you know, who was there for her.

She was crying and she wanted all her daughters and sons to be with her but no one from the hospital contacted them back home and sort of told them what was really happening to their mum. She was on her own and when she saw me and she knew me and she was talking to me in her language and I understand and speak the language, ..... Goulburn Island language."

MS BROWN: "And she ended up dying."

MS HOLT: "Yes, she ended up dying. I rang her daughters and told them: 'You better come down quick'."

COMMISSIONER: "Was this at Royal Darwin Hospital?"

MS HOLT: "Yeah, Royal Darwin Hospital and one of her daughters flew in and that afternoon she died. She didn't even see her mum or she didn't get to see her daughter, you know, before she died. Yeah, that was really sad. There was no one there for her.

There was this 14-year-old girl, she had a baby and the baby was sick, the baby was in a special care nursery and they couldn't get her to go and see her baby because she was too scared, you know. She had her mum with her but her mum, I don't know, she wouldn't listen to her mum or she was too scared to go and see the baby and wouldn't express milk for the baby. She was in hospital for nearly a month, she wouldn't

go near the baby. So I happened to do my course there for a week and I bumped into this young girl, you know, in that ward and the doctors asked me if, you know, I could go and sit down and talk to the girl and see what was happening.

She knew me too, the young girl. So I ended up talking to her and her mum and tell her: it is okay for you to go down and see your baby and the baby needs your milk, you know, because she's drinking off other people's milk, you know. So the next day came back, she was ready for me, she wanted to go and see her baby and then she was expressing milk and she managed to hold her baby. It took her a month but she had someone there she knew, you know. I was there and I took her there."

## Ms Brown outlined a further example, viz:

"We had an old lady who died quite quickly. We evacuated her on the Thursday knowing that she was sick but not realising how sick she was. We sent her in with an escort and on the Saturday night she died. She died at night and the escort wasn't there, she had gone home to sleep, for a rest and this particular story sticks in my memory because the doctor actually rang us the next day. It was the doctor at Royal Darwin Hospital who had been there when she died and he was actually in tears. She had got quite confused and upset because she was intensive care, she didn't understand what was happening to her.

### He said to me:

'Please tell the family of this lady that we are really sorry, that we didn't do a very good job because we couldn't communicate with her. She wouldn't let us leave the drip in, she kept on pulling her catheter out, we couldn't explain to her what was happening and we're not very proud of what happened.'

This fellow was actually in tears and it made me realise how difficult it is for staff at Royal Darwin Hospital in that situation and also what a lonely, stressful death it would have been for this old lady and this happened about six weeks ago."

# The issue of "informed consent" was also addressed by Ms Brown:

"One thing that a lot of people have mentioned that they are concerned about the issue of consent and the fact that people are signing forms in hospital without really knowing what they are consenting to or the choices that they've got for that treatment. At the moment we've got a number of women in Oenpelli who are going back to theatre to have their tubes

untied, they've consented to have tubal ligations in the past and now they've realised not what they want.

Now, it is very hard to ascertain whether that is to do with the process of consent or other things that have happened in their lives but I still think that to consent for a procedure in a language other than your own is extremely difficult and that the process of getting an informed consent is an extremely complex one that is non-indigenous staff in hospitals and in health clinics would find extremely difficult to ensure that when that form was signed that it was actually proper informed consent.

Now, we are fortunate because we've got Aboriginal health workers who speak Gunwinggu and who know the community but I think in hospitals it is extremely difficult to make sure that no shortcuts are made and that people really understand what is going to happen to them. I think also that that pressure is often put on escorts to explain to people so that the consent can be signed but if the escort doesn't understand what is going on it makes the piece of paper quite worthless. Other people have talked about nurses getting very grumpy with them in hospital because they are not doing what they are told and they are not being a good patient.

Often that is because they don't understand what is going on and the communication, there are barriers to communication and a number of people have talked about the importance of an interpreter service but also in conjunction with more cultural awareness training for non-indigenous staff and that for interpreter service to work that non-indigenous health professionals are going to have to know about it and know how to use it and realise the advantages of it because they've done without it for so long that if it was to start up that there needs to be a continuing focus on the importance of those services."

Steve and Narelle Etherington have lived and worked with Kunwinjku speaking Aboriginal people since 1977 – they began the bilingual program at Oenpelli School in 1977 and worked with the school for six years in bilingual and teacher training roles – they have provided literacy training in both Kunwinjku and English to Aboriginal adults and children.

Their submission was very much to the point:

"There are almost no Kunwinjku speaking Aboriginal people who are capable of understanding the English language used in legal contexts, whether by police or within the courts or in legal negotiations over mining.

Police investigations are hindered and often ineffective, or worse, result in injustices, when there is no interpreter available. There has been no co-ordinated attempt to procure translation or interpreter services for Kunwinjku people appearing in court. To some extent the willingness of Aboriginal people to "go along with" legal processes in a foreign language has tended to conceal their disadvantage. (This acquiescence is largely due to lack of awareness of options, itself due to lack of access to an interpreter/translator service).

Negotiations about mining are invariably conducted with Kunwinjku people (including the Mirarr clan) largely as sideline observers - Government regulations, reports, Mining Company and Green Movement press releases are all in English only. Agreements have been discussed, written and signed in English only. Often, those who would portray themselves as friends to Aboriginal people have frightened or upset them when their position has not been clearly communicated despite best efforts. In 1977 many Kunwinjku people fled Oenpelli on the day that Friends of the Earth came to throw a wreath into the East Alligator River. Both sides totally misunderstood the others' motives. This pattern has continued. The Kunwiniku response to the last two years of public confrontation of the new uranium mine is one of fear and despair. From a Kunwinjku viewpoint, "those white people are arguing about us, and we don't know what they are saying".

Kunwinjku people are massively disadvantaged in their access to government services and facilities. Access is based on the assumption that prospective clients will know English or some other politically significant language. Kunwinjku people almost without exception need a non-Aboriginal English speaker to help them access Social Security, Abstudy, Tax Office, Court System, Hospital, Education Department and even their local organisations."

On health issues, their submission echoes that of Ms Holt and Ms Brown.

"The chronic health crisis among Kunwinjku people is to a major extent a reflection of inadequate health education due to the non existence of Kunwinjku speaking trainers among hospital staff, medical interpreters and limited English within the community. The language problems in health are sometimes life threatening, where diagnosis is inaccurate due to misunderstandings, and patients are unable to read medication directions. There has been a general failure to communicate the full picture about the threat of HIV. General community awareness of health issues in mainstream Australia is in the English language electronic and print media. Special purpose educational campaigns, for example recently about HIV/AIDS

has been in English, even though an attempt has been made to provide this information in "culturally valid" ways. Cultural appropriateness even with manifest good will is no substitute for linguistic validity where communication comes via a member of the community being informed. The same kind of chronic dependency on non-Aboriginal English speakers prevails in medicine as in law and community chronically and seriously dependent as is the case now can scarcely be estimated."

The submission of the Rev Jim Downing AM spoke of the plight of an Aboriginal man who for eleven years had been locked in the psychiatric ward at Royal Darwin Hospital without any means of effective communication – in Rev Downing's words:

"One situation involved me two years ago in interpreting for a patient in the locked psychiatric ward. The staff asked me to find an interpreter for a Luritja patient who had a terminal rectal cancer. They said he had very limited English, and no one could really communicate with him. On that basis he had been locked in that ward with its caged exercise yard for eleven years. No-one could communicate with him, or effectively assess his state. The staff liked the man, who was quite cooperative, and they wanted someone to interpret in a meeting with the patient, surgeon, sisters and Legal Aid lawyer. Though my Pitjantjatjara was rusty from years of limited use, I knew of no one else in Darwin who could help. They wanted the man to understand fully his condition and his options.

The surgeon genuinely wanted to help to ease his pain. He wanted to do a colostomy, which would mean the man wearing a bag on his stomach to evacuate the contents of the stomach. I had three such meetings, and several informal visits when we sat under a tree in the general grounds. I explained in Pitjantjatjara and with drawings. I am sure the man understood what was proposed and that he would possibly die in about six months whatever was done. Each time I drew the bag and explained the operation the man switched off and talked of going home on the big plane. He showed the same reaction when I checked in my informal visits.

Staff were impressed at how he 'lit up' and responded at the use of his language. The medical staff wanted a fourth meeting to be sure, but I refused. I said:

'He understands clearly what is proposed. He reacts consistently each time. He just wants to go home to Kintore to die. If I ask again he will lose heart and get depressed because we are not listening.'

I and the ward staff worked hard to persuade the hospital authorities to send him home. Some worried he would be neglected, or he wouldn't look after himself. We felt he would, but he would die happier in any case. That proved to be true. He cooperated with the sisters at Kintore and looked after his personal hygiene in a way that impressed everyone. He died there happy within about six months. The main point is that in all those years very little attempt was made to communicate effectively, or assess his state through the use of interpreters."

Digby Horwood works for CAALAS in Tennant Creek. While much of his evidence mirrored other submissions, Mr Horwood raised a fresh area of disadvantage for Non-English speaking Aboriginal people who are victims of crime. Mr Horwood gave evidence and I will quote directly from the transcript:

"To do with older people who are assaulted and don't really understand it - what the procedure is. Like you can talk to them in English but it's probably better if you had an interpreter for when they go to the - when they go to the doctor to be examined. A doctor like - I'll give you an example, people from here go to Alice Springs to see a doctor down there for a report and there's no way of - there's no way he's going to understand what they're telling - you know, telling them or telling him about their injuries and that. To do with crimes comp and how they've suffered and, you know, emotional stuff.

I'll give you an example. A lady who was assaulted badly - she doesn't talk much to us when she comes in our office. We've had people in there with her, you know, relatives trying to explain things to her but when she's gone to the doctor - never had an interpreter for her because it's done through because it's done through - do you know how the crimes/victims work?

You have got to have reports and that on suffering and about her injuries.

When she goes to the aoctor he's just got it on paper and she can't really explain it to him either because, you know, if she's an old lady she doesn't know much English at all and that's a big problem. That case now - that lady never got nothing because the Magistrate said that she - there wasn't enough evidence there to support her claim.

That only happened within the last four months. There's another lady that's got a TIO claim being hit by a car and that. She's gone down the same - exactly, actually she's the same group. She is Alyawarre, they speak Alyawarre. Same thing and - actually we've asked for a review that an interpreter go next time when she sees the doctor because they said she

didn't have a claim because her injuries weren't bad enough. But she's obviously got a bent arm from being hit by a car."

Mr Horwood went on to say:

"It's a disadvantage for women I reckon, in town here it is. We act for the, you know, the perpetrator, who's going to act for the women, around here there's nothing there's nothing at all. The woman that was – actually the assault - she got sexually assaulted, she's not getting one cent."

and further, stressed that because of their inability to communicate the extent of their pain and suffering victims (mainly female) were effectively being denied access to the compensation scheme available to other victims of crime who either spoke English (or had access to an interpreter through NTITS).

He stated similar problems existed with TIO (motor vehicle) accident claims.

Matthew Wickham, a parole and probation officer for NT Correctional Services is also based in Tennant Creek.

He raised the issue of Aboriginal juvenile offenders, and the problems caused by the lack of interpreters in preparing pre-sentencing (PAR) reports:

"We find in some cases, not all of them, but only in some cases where especially young juveniles that have never attended school before, when we try to speak to them that they do not understand what we're saying to them. Even what information that we need. In Court they'll walk out dumbfounded. Like, they don't know what's been said or anything like that to them. They don't understand what the Magistrate has said and in some cases they don't understand what the prosecution has said.

Because we can speak to them afterwards and they will turn round and say to us what was that all about, what has happened to me, why, what's going on? So I honestly find that it should be - would be a hell of a lot more benefit to the Courts if we - no, not just to the Courts but to the offenders themselves to be able to have someone there that can speak their language and explain it to them at the same time of what's happening."

and his evidence is also relevant in considering the cost benefit of establishing a service.

Mr Wickham had previously worked as a bailiff, and spoke of the extent of problems caused for Aboriginal people in the hire purchase and credit areas, who sign contracts (written in English) with an extremely limited understanding of the contents.

All of the evidence was consistent:

- that Aboriginal people suffer a severe disadvantage in not being able to access an interpreter service, and this has a particular impact in the areas of law and health. In the legal context, not only are the accused at risk – particularly in the lower courts with their enormous workload, but witnesses and, more importantly, victims are suffering because of the lack of an interpreter service
- in the delivery of health services an interpreter service would not only significantly assist the delivery of primary health care it may literally be a matter of life or death.

# 4. THE FEASIBILITY OF ESTABLISHING A PERMANENT INTERPRETER SERVICE

"NAALAS firmly believes that the success of the trial service is as clear indication as possible of the feasibility of establishing a permanent service that accommodated both Top End and Centralian Aboriginal Territorians."

NAALAS - Renouf & Ors

"The Draft Evaluation Report clearly establishes feasibility, and the Inquiry is especially referred to the costing and cost benefit analyses in that report."

Anglicare - Top End - Peter Fisher

- "... able to report that the (Katherine) Language Centre is providing one of the very few Aboriginal Interpreter Services ... It has been able to do this by making the most of a particular set of circumstances:
- the emergence of Kriol and the lingua franca for Aboriginal people of much of the Katherine region;
- the existence of a well established Language Centre with a wide communication network with Aboriginal groups and mainstream organisations; and

 access to limited funding to establish and temporarily maintain the service."

> Diwurruwuurru-Jaru Aboriginal Corporation – Hodgson, Vincent & Huddleston

"In Alice Springs, IAD currently provide a 'limited interpreter service', and many have expressed interest in such training. Any set up for interpreter service will require funding to be provided for the training of interpreters. A service like DVS would make daily use of such a service, but would not have the funds to do this on our present budget if the service was user pay."

Domestic Violence Service - Alice Springs - Keys & Ors

"Despite the Trial (service) results indicating that an Aboriginal Interpreter Service in the Top End is indeed feasible and the uptake demonstrated a need, 17 month after the completion of the 'Trial" there is no indication from the NT Government whether or not policy-makers will implement the findings of the 'Trial' and establish a service."

NTU - Centralian College – Senior Lecturer Merridy Malin and Student

"There is no doubt that it would be feasible to establish and maintain an Aboriginal Interpreter service in the Top End. Such a service (to a limited extent) has already been in operation in Central Australia since 1983, when the Institute for Aboriginal Development established its current service.

A service has also been run for several years on an unfunded basis by the Diwurruwurru-Jaru Aboriginal Corporation, for people in the Katherine Region.

It is submitted that the "Trial" service conducted by the NT Attorney General's Department in 1997, clearly demonstrated the viability of a service, although it is of serious concern, that the published Evaluation Report ... fell short of making such a finding,"

NTLAC - Coates & Ors

The numerous reports, surveys, and studies conducted over the past two decades have identified the need and supported the feasibility of establishing an Aboriginal language interpreter service. Importantly the 1995 Carroll Report on "An Aboriginal Language Interpreter Service" prepared for Office of Aboriginal Development and the Sub-Committee on Public Safety and Social Development, sets out the strategies and recommendations for establishing a permanent service for the achievement of the Government's 1994 Election Commitment.

Following on from the recommendations of the Carroll report was the Government-sponsored 'Trial Service' conducted in the Top End over the six-month period from January to June 1997. The trial focussed on providing a service to the legal and medical sectors in situations involving Aboriginal people for whom English is a second, third or fourth language and the unpublished evaluation of the trial has been referred to throughout this report.

Maurice Rioli MLA, Member for Arafura, provided the Inquiry with a copy of a question on the issue of Aboriginal interpreter services he addressed to the Hon Shane Stone MLA, who was Attorney General at the time (Hansard 19 August 1998).

The Attorney's response was as follows:

"Madam Speaker, a pilot study was conducted in relation to an Aboriginal interpreter service, and I have received the results of that pilot study.

The Member for Arafura is quite correct when he states that there is an interpreter service for people who speak a range of other languages. This service does not include all other languages because, to be an interpreter, one needs a certain level of accreditation. One of the difficulties facing the implementation of an Aboriginal interpreter service is finding people who can achieve the necessary level of accreditation. The other difficulty that confronts the Northern Territory Government in the establishment of such a service is that in excess of 200 languages and dialects are spoken in the Northern Territory by different Aboriginal groups. People are mistaken in believing that Aboriginal people comprise a homogeneous group, all of the same culture, all of the same language. They do not. That presents its own particular problems.

I am very conscious of the need to ensure that all Territorians, regardless of whether they are of Aboriginal, Yugoslav, German, Greek or whatever background and whatever their native tongue, have access to such facilities. We strive to do our best and we will continue to do so."

The evidence presented to this Inquiry does not support the thrust of the Attorney General's answer.

The unpublished evaluation report of the trial (a copy of which is appended to this report) includes the following:

"In six months there were 236 bookings made and a total of \$110,105 was spent. The establishment of a permanent service is certainly feasible and its cost effectiveness evident. The establishment and fostering of a professional Aboriginal languages interpreting facility will address the potential legal, financial and economic ramifications of not providing such a service."

### Executive Summary

Surely the feasibility of establishing an Aboriginal Interpreter Service is no longer a matter of conjecture, the 1997 trial validated earlier assumptions and recommendations and it is now a matter of the political will to establish such a service.

The number of Aboriginal languages, or dialects which are spoken in the NT is often quoted as an impediment to establishing an interpreter service.

On the evidence given to this Inquiry this argument is not valid. A core of 15 languages to cover the Territory was the figure most often given by linguists and other professionals working in the field.

As well, Aboriginal interpreters often speak a number of languages and the **availability** of language interpretation is much higher than 15.

It is important to note that evidence was received in all centres stressing the necessity of having a well-managed education program promoting the availability and use of interpreters, as well as an education campaign targeting Aboriginal people to ensure they understand the role of interpreters.

Without such a program there is the potential for under-utilisation of interpreters and a continuing misunderstanding of their role by some Aboriginal communities.

Sadly, the evidence indicates there are many non-Aboriginal people and service providers who need to understand that speaking slowly and loudly is no substitute for an interpreter.

Training in the use of interpreters is already available through NTITS, and this excellent initiative needs to flow through to users of an Aboriginal interpreter service.

- 5. HOW SUCH A SERVICE WOULD BE PROVIDED CONSIDERING FACTORS SUCH AS:
  - TRAINING OF BOTH INTERPRETER SERVICES AND USERS
  - ACCESS AND AVAILABILITY (EG GEOGRAPHICAL SERVICES, OPERATING TIMES, AVAILABILITY TO GOVERNMENT AND OTHER AGENCIES)
  - NUMBER OF LANGUAGES
  - COST (INCLUDING SAVINGS BECAUSE OF PROBLEMS WITH CURRENT LACK OF ACCESS)

The evidence presented to this Inquiry supported the work done at Batchelor Institute of Indigenous Tertiary Education and clearly there is already a working model for the training and accreditation of interpreters.

In Alice Springs, the Institute of Aboriginal Development has provided interpreter training, and with the language centres in Katherine, Tennant Creek and Eastern-Arnhem Land, is ideally placed to continuing to offer training for interpreters and users of the service.

Funding for an interpreter service should include adequate funding for these existing centres who would essentially be the service deliverers.

Submissions referred to the practice of the:

"inappropriate use of untrained people, such as family, the 'prisoners friend', untrained liaison officers and health workers as a 'make do', to address communication difficulties with Aboriginal people who do not speak English either well or at all"

and stated the practice must cease.

Dominic McCormack is a lawyer and an interpreter in Murrinh-Patha, the language used in the Port Keats area.

Mr McCormack addressed the issue of the inappropriate use of interpreters (when they are provided) by people who have no experience in working with interpreters:

"The most common example that I have seen with lawyers inexperienced in the use of interpreters is that all questions are directed to the interpreter instead of being directed to the witness as would be done in the normal course. When utilising an interpreter, all questions should be directed in the first person to the witness ..."

"The questioner should also remember that, unless a medical condition exists, Aboriginal witnesses are able to hear the questions just as well as you or I, and particularly where an interpreter is present there is really no need to shout!"

"The comments above apply equally to judges and magistrates as they do to lawyers in the field. When an interpreter is present in the court it is important that the presiding judge/magistrate ensures that the interpreter feels comfortable, but most importantly that the focus remains on the witness, and not the interpreter. All questions should be directed to the witness and then time permitted for the interpreter to perform their task."

The provision of appropriately trained and accredited interpreters, as identified in the "Draft Evaluation Report' is endorsed as being the best way to provide an efficient and effective service.

As outlined in the report of the trial,

"in line with the strategies noted in the 1995 Action Plan, early in 1996 the Office of Aboriginal Development appointed a coordinator to identify and register people willing to act as interpreters on the NT Aboriginal languages interpreters and translators register. The co-ordinator travelled throughout the Territory and liaised extensively with Aboriginal, government and tertiary institutions in pursuit of both accredited interpreters and un-accredited but bilingual and bicultural people.

In 1996 Batchelor College commenced a program of intensive pre-test preparation workshops and National Accreditation Authority for Translators and Interpreters (NAATI) tests at the para-professional level. The workshops were conducted by Dr Michael Cooke (Linguist).

The program was conducted in eight (8) locations yielding 32 NAATI accredited interpreters in 12 languages - ten (10) Top End and two (2) Central Australian languages. It should be noted this is an unprecedented number of interpreters in Aboriginal languages to be accredited in one year by one institution. Most of the successful graduates have signed on the Register compiled by OAD. With appropriate support this process could be replicated in many more communities."

### Advice received during the trial indicated:

"There are a number of highly skilled people who could sit the NAATI Level 3 Interpreter exam. An intensive introduction to medical interpreting has been devised and could be incorporated in this program or delivered separately to those interpreters who have already passed the program.

Each of the workshops involved a legal interpreting component and for this reason a lawyer was invited to provide legal expertise. Additionally, the police attended in each community to provide explanations of their procedures regarding criminal investigation, arrest, cautioning and interviewing. In some cases the police attended the classroom, on others the candidates were shown through the local police station.

The pre-test preparation covered four main areas:

- the ethics of the interpreter profession;
- the pre-interview process (ie when the interpreter explains to interviewer and interviewee about how to use an interpreter and about cultural matters that may affect cross-cultural communication);
- interpreting practice (role plays, how to translate difficult concepts);
- legal interpreting, Police and court procedures in criminal matters."

Aboriginal language interpreters also require continuing in-service training as is presently provided by NTITS to its interpreters. Additional training of medical and legal terminology is needed and this need is recognised by training institutions such as Batchelor College (now Batchelor Institute of Indigenous Tertiary Education) and the Institute of Aboriginal Development (IAD) in Alice Springs.

Training of those who are to work with interpreters is important in order that they become effective users of the service. This training could also be provided by the administrators of the service. The Office of Aboriginal Development's video will be a useful aid for training.

On the evidence presented to this inquiry, police, lawyers and health professionals would be frequent users of an interpreter service, and will need to have appropriate administrative arrangements in place.

### **Number of Languages**

One of the issues raised as an impediment to implementing an Aboriginal language interpreter service has been the number of Aboriginal languages spoken throughout the Territory. There are approximately 67 such Aboriginal languages, however, linguists and proponents of a service have stated that, for interpreting purposes, it is possible to use 15 of the most commonly spoken languages to provide an effective Territory wide service.

Dr Michael Cooke, Linguist from Galiwin'ku, advised in his submission:

"many/most interpreters are multi-lingual and have the capacity to interpret in all languages they are fluent in".

As an example Helen Krikawuku from Galiwin'ku, who is an accredited interpreter in Gumatj, could quite easily interpret in other languages in which she is fluent such as Djapu, Dhuwaya, Djambarrpuyngu.

The 1997 Draft evaluation report stated that the:

"Office of Aboriginal Development had little difficulty in locating 87 interpreters covering 61 languages (including the 15 major ones) during the trial service".

It is clear from the evidence that appropriate training for interpreters is available, and many Aboriginal people have already been accredited as NAATI level 2 (para-professional) with several reaching NAATI level 3 (professional) – and there is the potential to "refresh" and further train Aboriginal people as interpreters as required.

# Administration and Cost of the Service

This issue was well covered in the trial evaluation report:

"The issue of where an Aboriginal languages interpreter service should be placed is a key question in determining the future of such a service.

The trial service was modelled on the Northern Territory Interpreter and Translator Service (NTITS) in many respects.

Of particular significance was the decision to pay the interpreters from a central pool rather than billing agencies on a user-pay basis.

There are a number of important reasons for NTITS and the Commonwealth Telephone Interpreter Service (TIS) offering the services of their interpreters in this way.

In the first instance, it encourages the use of interpreters by service delivery agencies. It is typically the case that where agencies are required to budget for the use of interpreters they tend not to use them very often, or find ways of not remunerating appropriately for services provided. This has certainly been the case in the past with Aboriginal language interpreters. The services of interpreters registered with the Institute of Aboriginal Development are not called for on a regular basis by government agencies. With the legal sector, it is most often when a case is actually before the court that the use of an interpreter is directed.

Whether Government chooses to provide funding for interpreters directly to each agency or to one central providing agency, there is still a requirement to provide money.

As all States operate on the same central agency approach as NTITS, this suggests that this has been determined to be the most effective and efficient approach. Obviously, if agencies are to use interpreters in Aboriginal languages, funds will have to be provided. This is not presently a cost for which agencies budget, and if the central pool of money approach is not adopted, then agencies will require additional funding to pay interpreters directly.

The use of a neutral provider of the service also avoids the possibility of there being a perception that the interpreter is not acting independently.

Where there is no central administrative body overseeing interpreter services, issues such as consistency in the level of service, training and general professionalism arise as problems.

Of particular importance in the Northern Territory is the government's policy of mainstreaming service delivery to Aboriginal people. According to this policy, all agencies provide their services to all Territorians, taking into account the special needs of Aboriginal Territorians. The Government has decided that this system is far more effective than the provision of services to Aboriginal people through a central agency - such as ATSIC."

The inquiry received a number of submissions on the way in which a service could be both administered and delivered.

There was strong support for the <u>delivery</u> of the service at a regional level, through the existing language centres. There was a number of submissions addressing the need for Aboriginal involvement in such a service, to give a sense of "ownership". This could be readily achieved if the model of delivery through the established language centres is adopted.

There was general support for a central administrative body, such as NTITS, with one "free call" or contact telephone number as an immediate access point.

There is a further advantage in that if the Aboriginal interpreter service is offered under basically the same conditions as the present service, it will be publicly perceived as a non-discriminatory service for all Non-English speaking background clients.

While the recommended model is one of central funding and coordination through NTITS, the actual delivery of the service should be through the existing language centres:

- Batchelor Institute of Indigenous Tertiary Education
- Institute of Aboriginal Development Alice Springs
- Katherine Aboriginal Language Centre
- Language Centre Tennant Creek
- Miwatj Eastern-Arnhem Land

and other accredited agencies.

The Office of Aboriginal Development is best suited to act as specialist advisor to government in the setting up and administrative arrangements for an Aboriginal interpreter service and has the necessary expertise to facilitate program delivery and assist NTITS.

#### Cost

The provision of advice on the precise costs of establishing a permanent service is beyond the expertise of this Inquiry, other than noting the cost of the "Top End" six-months trial was \$110,105 and \$242,000 has been provided in the current budget for the NTITS service.

Drawing on the experience of that trial, it can be expected that with the establishment and promotion of a Territory-wide service demand would increase.

Further advice should be sought from the Office of Aboriginal Development.

In considering the cost of such a service it is necessary to also consider the savings which would flow from having the service.

### Savings

The evidence indicates the hidden cost of having to reconvene lower court sittings in the regions due to language communication difficulties is high. There are significant delays in court because of the inability of lawyers to obtain clear instructions from their clients. If they had access to interpreters prior to court appearances, court time would not be wasted.

Costs are far higher in the Supreme Court if trials are abandoned or delayed because of the absence of interpreters on the day, or the inadmissability of evidence, due to the lack of interpreters for parties to the proceedings (including witnesses).

In the delivery of health services the evidence is clear – the lack of interpreters not only poses a real danger to patients, it results in frequent

re-admissions to hospitals and clinics because of the failure to convey instructions on medication and primary health care.

On the evidence of health professionals, these costs, including patient travel, are considered to be significant.

In his analysis of costs, the linguist Dr Peter Carroll suggest one less hospital re-admission alone would save \$8,200.

There is also the undisclosed cost of litigation arising from medical and surgical procedures being undertaken without informed consent. Having regard to the potential savings as outlined it is not surprising that the evaluation of the Top End trial considered the provision of interpreter services to be cost effective.

In fact that report found:

"... the potential cost to Government of not providing and accessing interpreters in Aboriginal languages far exceeds the cost of providing them."

If the recommended regionalised service delivery is the model adopted, access to the services on a geographical basis will be facilitated.

It is accepted that such a service would need to be accessible outside of normal office hours, and there would need to be protocols put in place between the centralised administering body (such as NTITS) and regional service deliverers to allow such access. Such a system does not present an insuperable problem, and could be refined and modified as required.

I would expect that relevant advice would be provided to government as the funding body on a continuing basis through NTITS.

# 6. WHETHER THERE ARE ALTERNATIVE OR ADDITIONAL MEANS OF PROVIDING EQUAL ACCESS TO SERVICES AND FACILITIES

Submissions to the Inquiry acknowledged the value and importance of the role of dedicated Aboriginal liaison officers provided within many Government agencies, however attention was drawn to the inappropriateness of these people as language interpreters for the following reasons:

- they are neither trained nor accredited
- nor paid as Aboriginal language interpreters
- liaison officers often do not have any cultural or linguistic connections to their clients
- are not made available (if accredited as an interpreter) to provide interpreting services when required as other duties may receive a higher priority.

In view of this, it is concluded that there are no alternatives or additional means of providing equal access to services and facilities for Aboriginal people who do not speak English well or at all, to that of providing an Aboriginal language interpreter service in the most commonly-spoken languages throughout the Northern Territory.

This conclusion is supported by the continuing provision of interpreting and translating services in other languages through the Office of Ethnic Affairs.

#### Conclusions

 The extent of disadvantage and less favourable treatment for non-English speaking Aboriginal people due to the lack of an interpreter service in the Northern Territory is enormous and far reaching. Aboriginal people represent in excess of 50% of clients utilising legal and medical services and facilities in the Territory.

However, they are unable to properly access and utilise those services, due to cultural and language barriers which exist, which inhibits communication between themselves and service providers. These barriers impede and frustrate service delivery for both the provider and user, and furthermore create extreme difficulties and problems causing inappropriate, inefficient and non-cost effective delivery of services.

The 1997 six month 'Trial Service' modelled on the NTITS service, operated only in the legal and medical sectors, an area of service delivery identified as having the most non-English speaking Aboriginal Territorian clients. The trial revealed very positive figures and cost-effective outcomes.

- There is overwhelming evidence demonstrating the need for an Aboriginal Interpreter Service to be established as a matter of urgency.
- The failure to provide a service is inexplicable, given the number of reports and recommendations provided to government over the last 20 years, and the election commitment given by government in 1994 to establish such a service.
- As Australian Bureau of Statistics figures indicate the proportion of NESB Aboriginal people in the Northern Territory is the highest in Australia, there exists a special need to meet the up front costs of the provision of such a service, and the Commonwealth should be approached for discrete funding to meet some of these costs.
- Failure to provide the service is discriminatory, harsh, unjust and unreasonable.

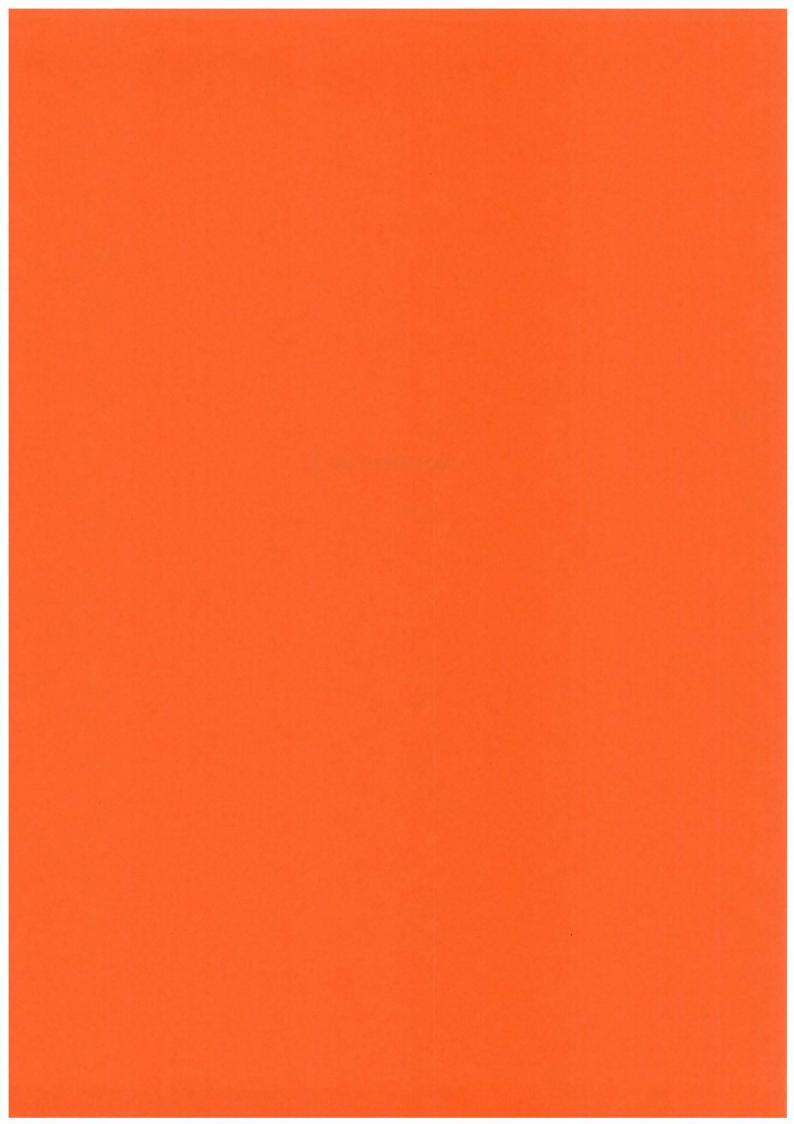
In this context it is useful to quote from the Commonwealth's Access to Justice Advisory Committee chaired by Professor Ron Sackville QC

"There are sound reasons for governments to bear the costs of providing interpreters. The quality of access to justice demands in principle, that a person should not be barred from participating in court proceedings, the outcome of which may affect his or her rights, for no other reason than that he or she does not speak English. If a non-English speaking criminal defendant needed but was unable to pay for a professional it would jeopardise the right for a fair trial, discriminate against non-English speaking defendants and may be inconsistent with Australia's Human rights obligations under the International Covenant on Civil and Political Rights. Moreover, an interpreter is not appearing for the party or representing the party, rather the interpreter is provided in order to assist the Court and the administration of justice. There is a risk that an interpreter will be perceived as partisan if paid for by the party being interpreted".

#### Recommendations

- 1. THAT THE NORTHERN TERRITORY GOVERNMENT ESTABLISH AN ABORIGINAL INTERPRETER SERVICE.
- 2. THAT THE ESTABLISHMENT OF THE SERVICE BE ACCORDED THE HIGHEST PRIORITY.
- 3. THAT THE SERVICE BE CENTRALLY ADMINISTERED THROUGH THE EXISTING NORTHERN TERRITORY INTERPRETER AND TRANSLATOR SERVICE (NTITS).
- 4. THAT THE DELIVERY OF THE SERVICE BE CO-ORDINATED THROUGH THE EXISTING LANGUAGE CENTRES IN THE REGIONS.
- 5. THAT FUNDING BE PROVIDED TO THOSE CENTRES BOTH FOR THE CO-ORDINATION AND DELIVERY OF INTERPRETING SERVICES AND FOR CONTINUING TRAINING AND SUPPORT FOR INTERPRETERS AND CLIENTS (THE LATTER MAY BE ON A COSTRECOVERY BASIS)
- THAT INITIALLY THE OFFICE OF ABORIGINAL DEVELOPMENT BE GIVEN THE BRIEF TO CO-ORDINATE THE IMPLEMENTATION OF THOSE RECOMMENDATIONS ENDORSED BY GOVERNMENT.
- 7. THAT AS PART OF THEIR CORE RESPONSIBILITY THE MEDIA CO-ORDINATORS ATTACHED TO TERRITORY HEALTH SERVICES DEVELOP A PUBLIC EDUCATION PROGRAM TARGETTING BOTH USERS OF THE SERVICE AND ABORIGINAL COMMUNITIES ON THE ROLE OF INTERPRETERS.
- THAT ALL NT GOVERNMENT AGENCIES BE REQUIRED TO REPORT ON THEIR USE OF THE SERVICE IN THEIR ANNUAL REPORT TO PARLIAMENT.

Appendix 1



#### SUMMARY OF ORGANISATIONS PROVIDING SUBMISSIONS

Detailed is a list of individuals and organisations who have provided written submissions to this Inquiry. Those marked with \*\* also provided oral submissions to the Public Hearings.

The Hon Justice D Mildren Supreme Court Judge of the NT

Rev. Jim Downing Darwin

John Kelly State Manager NT ATSIC

Gordon Renouf North Australian Legal Aid Service

Caitlin Perry/ Chris Howse\*\* NT Aboriginal Justice Advocacy Committee Law Faculty NTU

Debra Salter Territory Health Services

Rowena Ivers/ May Katona\*\*
Public Health Association NT
Menzies School of Health Research

The Hon Justice Sir William Kearney, CBE Supreme Court Judge of the NT

Rex Wild QC Director Dept of Public Prosecutions

Mary Salter
President
Deafness Association of the NT

Jenny Mitchell Torture and Trauma Survivors Service of the NT

Andrew Cameron Student Services NT Education Department

Richard Coates Director Northern Territory Legal Aid Commission

Adrienne Boucher, Natasha Schuller Debra Salter, Ann Falkingham Colleen Burns Territory Health Services Darwin

Julian Barry \*\* NAATI Interpreter Nightcliff NT

Denise Goodfellow PARAP NT 0820

Toni Vine Bromley Community Services Development Officer Darwin City Council

Dr Neil Chadwick Linguist NAATI NT

Dr Ilona Di Bella Royal Darwin Hospital

John Sheldon, Mathew Storey\*\*, John Hughes\*\*, Kirsty Gowens\*\*, Stuart O'Connell\*\*, North Australian Legal Aid Service

Sue Jipp C/o Don Dale Centre NT Correctional Services

Marcia Dwoczyk Executive Director Northern Territory Council of Social Service Dr A.R Page RDH Resident Medical Officers Society Royal Darwin Hospital

Dr Sam Heard and Dr Emma Kennedy Flinders University Northern Territory Clinical School Royal Darwin Hospital

Polly Reaf Territory Health Services

Dr Peter Carroll Chairperson National Accreditation Authority Translators and Interpreters NT Branch

Anne Lowell\*\*, Raylene Murukun Health Researcher, Interpreter Aboriginal Interpreters Lobby Group

Cassandra Goldie\*\*, Sally Rush\*\* NT Women Lawyers Association & Aboriginal Interpreters Lobby group

Mary Salter President Deafness Association of the NT Inc

Peter Fisher Director Anglicare Top End

Julie Franz Domestic Violence Legal Help Darwin

Fiona Allison Solicitor Top End Women's Legal Service

Maria Corpus\*\*, Michael Jones\*\* NAALAS

Dr Jeannie Devitt Co-Author 'Living on Medicine' Jenny Roberts ATSI Women's Health Adviser Territory health Services

Cassandra Goldie Principal Solicitor/Coordinator Darwin Community Legal Service

Dr Chris Wardle Author 'Seeing Things in Black & White' Darwin

Karen Day Law and Justice ATSIC

Didamain Uibo NAATI Interpreter Darwin

Pat Anderson & Jamie Gallagher AMSANT Darwin

Andrew Jantke\*\*, Prith Chucklavanti NAATI Interpreter Batchelor College

Tim Prichard Environmental Defenders Office NT Darwin

Luke Wilkinson\*\*, Kirsty Holkem\*\*, Jude Eastway\*\* (Speech Pathology Australia) Territory Health

Anne O'Brien\*\* Coordinator Top End Advocacy Service

Sally Rush\*\*
Aboriginal Interpreters Lobby Group
Aboriginal Interpreter Service – Petition 1100 + signatures
Interpreter Guidelines (Cooke & Wiley)
Northern Territory Legal Aid Service

Denis Burke, Chief Minister Northern Territory Government Submission

Sally Walker Family Court of Australia

Jon Tippet NT Criminal Lawyers Association Darwin

John Bailey Mmember for Wanguri

Dominic Mc Cormack NT Law Society

## Alice Springs

Maya Cifali \*\*
NAATI Interpreter Trainer
Alice Springs

C H Deland Stipendiary Magistrate Magistrates' Chambers Law Courts Alice Springs

Donna Ah Chee, Crystabelle Swan (Interpreter) \*\*, Joyce Measures\*\* Institute for Aboriginal Development Alice Springs

William McCullogh Council Clerk Walungurru Community Via Alice Springs

Rowena Ivers Public Health Association of Australia Inc. Alice Springs NT 0871

Russel Goldflam \*\*
Barrister & Solicitor & NAATI Interpreter
Alice Springs

Helen Van Roekel \*\*
Domestic Violence Legal Services
Women's Shelter Inc, Alice Springs

David Bamber, Kym Kelvington \*\* Pat Miller \*\*, Ariel Coochman \*\* CAALAS

Traci Keys \*\*
Domestic Violence Service
Tangentyre Council, A/S

Merridy Main Centralian College Alice Springs

William Tilmouth, Michael Bowden\*\*
Martin Campbell\*\*
Tangentyere Council

### Nhulunbuy

Syd Sterling \*\* Member for Nhulunbuy Nhulunbuy

Maurice Rioli Member for Arafura

Richard Trudgen \*\*
Executive Officer
Aboriginal Resource Development Services
Nhulunbuy

Julie Waddy Community Mail Agency Angurugu

Dr.Michael Cooke \*\*, Helen Krikawuku \*\* Batunga Nalawoor, \*\* Howard Amery \*\* Linguist/ NAATI Interpreters Galiwinku, Elcho Island Banambi Wunungmurra \*\* Chairperson Miwatj Regional Council Nhulunbuy

Graham Carr \*\* & Tanya Collins \*\* Miwadj (Miwatj) Aboriginal Legal Service Nhulunbuy

Shane Kapler, Sergeant \*\* NT Police Nhulunbuy

Malcolm Willcocks \*\* Nhulunbuy

#### Katherine

Jackie Vincent \*\* (Chairperson)
Robin Hodgson\*\* (Co-ordinator)
Anne-Marie Huddleston \*\*,
NAATI Interpreter
Diwurruwurru-Jaru Aboriginal Corp
Katherine Regional
Aboriginal Language Centre

Glen Dooley, David Evendon \*\*, Jan McGuiness\*\* KRALAS Katherine

#### **Tennant Creek**

Noel Hayes Chairperson Yapakurlangu Regional Council ATSIC Regional Office Tennant Creek

Sharon Kinrade \*\*
Barkly Region Alcohol & Drug Abuse Advisory
Group and Domestis Violence Counselling Service

Mathew Wickham \*\*
Probation & Parole Officer
NT Correctional Services
Tennant Creek

Elliot McAdam \*\*General Manager Heather Grant \*\* & Eric Small Night Patrol Supervisors Julalikari Council Tennant Creek

Digby Horwood \*\*
Senior Field Officer
Central Australian Aboriginal Legal Aid Service Inc

Raelene Burns Stolen Generations Counsellor Anyinginy Congress Aboriginal Corp

Karyn Hayward \*\*
Papula Apparr-Kari Aboriginal Corp
Tennant Creek Language Centre

#### Jabiru

Steve & Narelle Etherington Kunbarllanjnja, Oenpelli

Sarah Brown \*\*, Jennifer Holt \*\* Gunbalunya Health Service Onepelli

David Rourke \*\*
Jabiru Interpreters Working
Norhtern Land Council Jabiru

Tony Tapsell \*\*
Jabiru Town Council

Rosie Elliot \*\*
Aboriginal Health Worker - Jabiru
Formerly Central Australian Aboriginal
Health Worker Association

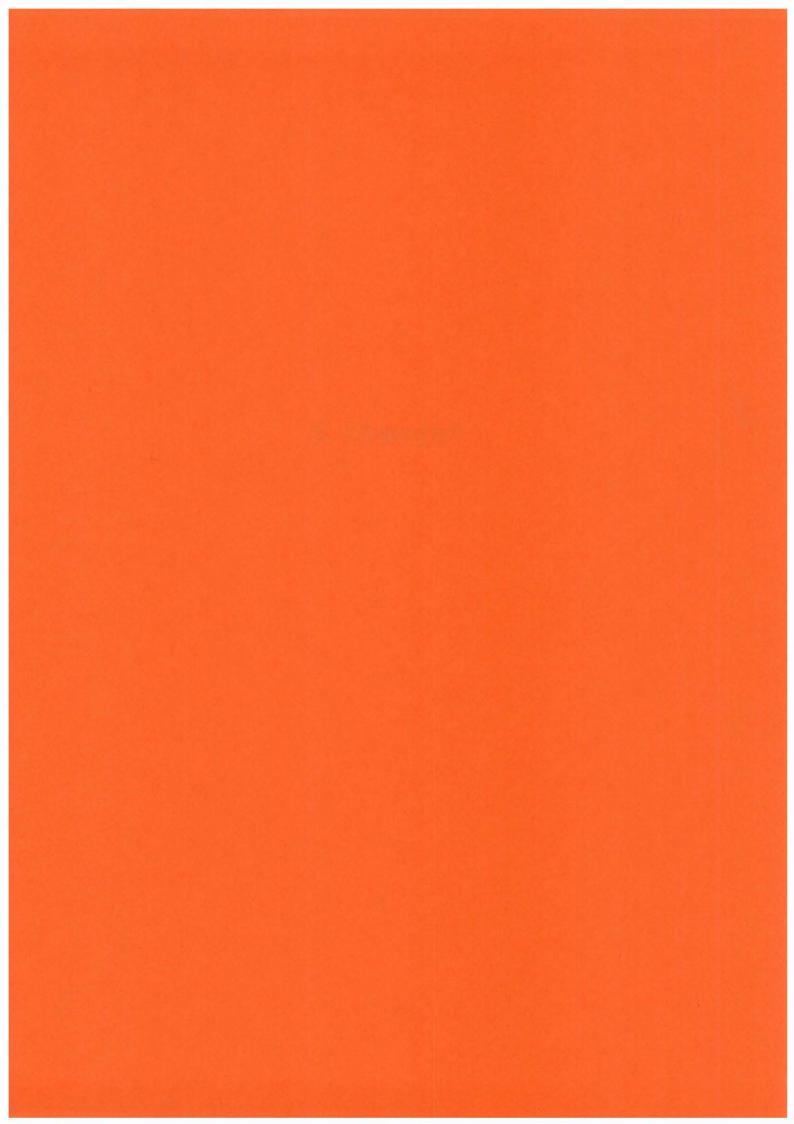
## Interstate

Jen Tindale Cheltenham NSW

Richard Moss Attorney General's Department Barton ACT



Appendix 2



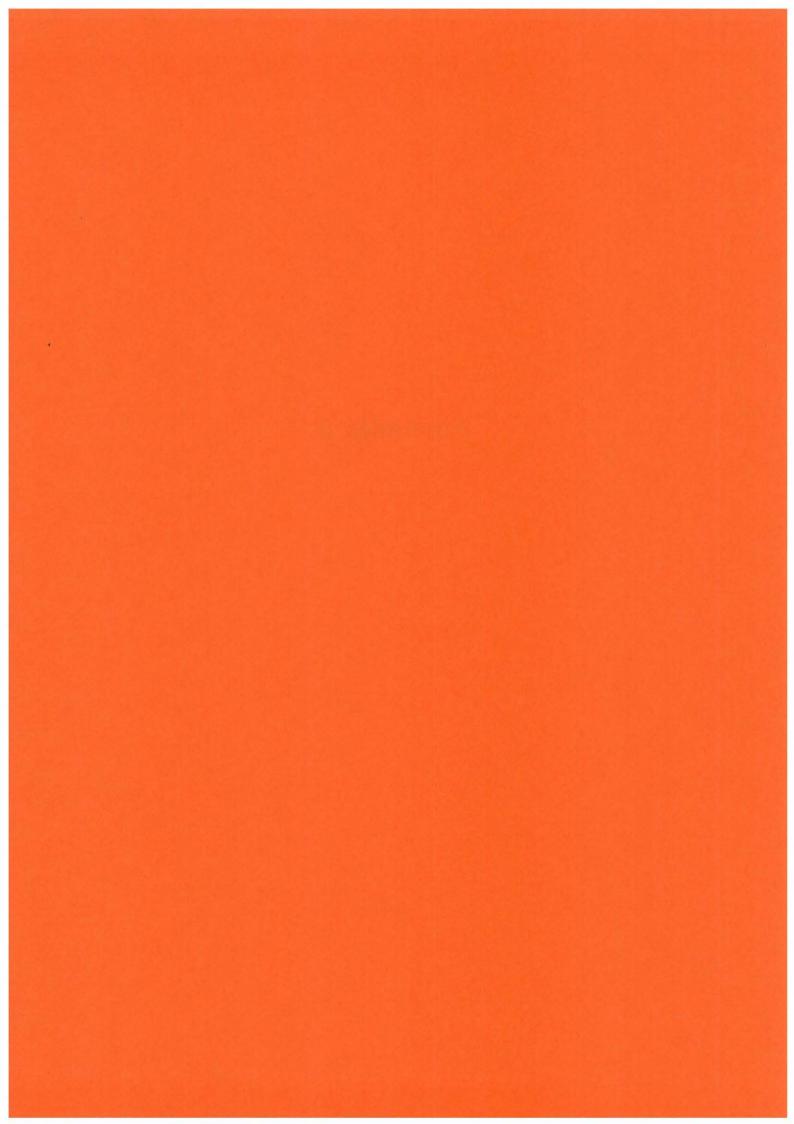
#### **RELATED REPORTS & PUBLICATIONS**

- 1978- Dr Jim Wafer- Linguist Institute for Aboriginal Development (IAD), Alice Springs
  Survey, Report and Submission on "The Need for
  Interpreters and Translators of Aboriginal Languages" and
  submission for the "Establishment of an Interpreter Training
  Program at IAD Alice Springs".
- 1978- 1980 Institute for Aboriginal Development, Inter-Agency Working Party (Goldflam, Nelson, Kent, Ford Holdsworth) Report on, "The Need For Aboriginal Interpreting Services In The Northern Territory."
- Gloria Brennan- Aboriginal Linguist Research Report for Dept of Aboriginal Affairs
  Report on "The Need for Interpreting and Translating
  Services for Australian Aboriginals, with Special reference to
  the Northern Territory."
- Australian Law Reform Commission's national inquiry into the 'Recognition of Aboriginal Customary Laws' recommendation for the training, accreditation of Aboriginal Interpreters".
- 1991- 'Royal Commission into Aboriginal Deaths in Custody' recommendations 99 & 100 for the need for Aboriginal Interpreting services. (RCIADIC 1992)
- House Of Reps Standing Committee on ATSI Affairs Inquiry into the implementation of the RCIADIC recommendations, found the NT Government had not implemented the Interpreter Services recommendations of the Commission. (SCATSIA 1994)
- 1994- Sackville Report on Access to Justice addressed the need for ... Aboriginal Legal Interpreting (AJAC 1994)
- Dr Peter Carroll-Linguist NAATI Association- Report to Office of Aboriginal Development Government (following 1994 election commitment) to providing a strategic plan for the provision of "Aboriginal Interpreter Service Develop a Technical Interpreter/Translator Service within all service delivery Departments, commencing with Health and Community Services and Education NT".

1996-	NT Office of Aboriginal Development- Detailed 'Action Plan and Register of Aboriginal Interpreters' (NT A-G 1998)
1996-	Federal Attorney-General's Report of 'Proper Talk True Talk' National Forum Towards a National Strategy for Interpreting in Aboriginal & Torres Strait Islander Languages.
1997-	'Executive Summary' Draft Report on findings of the 'Trial Aboriginal Languages Interpreter Service' trialed in the Top End for six months.
1998	NT Attorney General's Department Report on "Trial Aboriginal Languages Interpreter Service" published Evaluation Report (NT A-G 1998)
1998-	DR Michael Cooke, Linguist Galiwin'ku- "Anglo/Yolgnu Communication In The Criminal Justice System" -

1998- "An Aboriginal Interpreting Service for Clients of the Northern Territory Health Service System" - Submission to Hon Denis Burke, Minister for Health - Joint submission from Public Health Association, Top End Advocacy Service, Top End Division of General Practice, Danila Dilba, Menzies School of Health and the Australian Medical Association and endorsed by NAALAS.

Appendix 3



## AN ABORIGINAL LANGUAGE INTERPRETER SERVICE

"Develop a technical interpreter / translator service within all service delivery Departments, commencing with Health and Community Services and Education" (1994 Election Undertaking)

#### A CONSULTANCY REPORT

Prepared for the

#### OFFICE OF ABORIGINAL DEVELOPMENT

and the

SUB-COMMITTEE ON PUBLIC SAFETY AND SOCIAL DEVELOPMENT

by

Peter J Carroll

**April 1995** 

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### ABORIGINAL LANGUAGE INTERPRETER AND TRANSLATOR SERVICE

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#### 1. EXECUTIVE SUMMARY

This Report highlights that Aboriginal languages are used by a significant number of Aboriginal people in the Northern Territory. Many of these people are not able to communicate effectively in English, particularly at the 'technical' level required in medical diagnosis and in contact with the law and justice system. The Report has been prepared as part of the response to the Government's election commitment to 'develop a technical interpreter/translator service within all service delivery Departments, commencing with Health and Community Services and Education'.

#### Background

The 1991 Census indicates that over 70% of Aboriginal people speak an Aboriginal language in their home. This figure rises to 95% in some regions. Of substantially greater relevance to this Report is the finding of the Census that over 30% of Aboriginal people do not understand English well.

These figures must be considered in the context of:

- a. the findings of recent research by Aboriginal Resource and Development Services that indicates a high level of 'mystification' among Aboriginal people who might otherwise have considered themselves to have a reasonable knowledge of English;
- b. the considerable difficulty faced by agencies such as Health and Community Services, Education and Police in the recruitment of Aboriginal community staff with appropriate levels of English literacy and numeracy;
- c. the need for training and higher education institutions to run courses in English literacy and numeracy to allow Aboriginal students full access to all courses.

#### Current Situation

More than 40 languages are spoken by groups of over 100 people but the Report concludes that it is possible to substantially meet the interpreting and translating needs by the use of interpreters in 15 languages. This is possible, primarily due to the relationship between some languages, because of the linguistic ability of many Aboriginal people who commonly speak a number of languages and the increasing utilisation of the Kriol language in the top end. In the past, 37 Aboriginal people have gained NAATI accreditation (see Appendix 2), as language aides in 8 languages, and 28 have gained accreditation as interpreters at the paraprofessional levels in 11 languages, but it has not been possible to establish how many are still available. They certainly do not cover all the languages considered necessary and neither do they have a sufficient level of skill to interpret at the professional or technical level recommended for a court of law which is a primary focus of this report.

Strategies that have been in place for some time within government to address communication issues include:

- the employment of Aboriginal staff who speak one or more Aboriginal languages;
- an increase in the level of cross cultural awareness across the Northern Territory Public Service (NTPS) and associated cross cultural training; and

• teaching English as a second or other language to Aboriginal people in schools and in tertiary institutions.

Training schemes for interpreters are in place or planned in most regions. At present they provide accreditation to the 'para professional' level. Further training will be needed to provide accreditation to the 'professional' level if an effective interpreter service is to be established.

Responsibility for provision of an interpreter where there is a communication difficulty is a significant current issue. This was not a key requirement for the Report and is not addressed in detail. However, the issue of responsibility appears to be of less consequence than that of determining who has the problem. The Report indicates that service delivery agencies carry a significant part of 'the problem'.

#### Costs and Benefits

There is considerable difficulty in determining with any real precision the costs of failure to communicate. The Report provides some case studies of areas in which costs and benefits may be assessed. These indicate that the potential benefits to be achieved from more effective communication could be substantial. For instance, in the medical area, the reduction of just two readmissions as a result of better communication with a patient would achieve a net saving of at least \$8,200. In the courts the avoidance of one appeal to the Supreme Court would provide an estimated saving to the system of \$40,000 for a three day appeal hearing. The Report identifies the Police as a potentially major user of interpreters with significant cost implications. Costs and benefits should be quantified with more precision and the Report recommends accordingly.

#### Strategy

The strategy proposed recognises the current reality that the provision of a service to meet all needs at this stage is neither practicable nor capable of being funded. It recognises that there is not a sufficiently wide understanding among service providers that the ability to communicate effectively in a cross cultural context is an essential component of service delivery. It also recognises that many people appear not to appreciate the extent of their own communication difficulties. A combination of approaches is necessary to meet the level of need that exists and these are reflected in the recommendations. A sensitive public awareness strategy will assist both Government officers and the Territory community generally to better understand the importance of languages for many Aboriginal Territorians.

#### Conclusion

More effective communication between Aboriginal people and service providers has the potential to deliver a higher quality of service at reduced cost to government. The availability of interpreters will provide greater access to services. It will also be a clear demonstration of the respect of the Government for Aboriginal language and culture. It is not possible to address long unmet needs in a short period but it is possible to adopt a strategy to progressively meet those needs over a period of time.

#### 2. RECOMMENDATIONS

These recommendations are intended to provide the basis for a strategy for the achievement of the Government's 1994 Election Commitment.

#### BASIS FOR STRATEGY

- A. It is recommended that a strategy for the provision of greater access to interpreter / translator services be based on the following:
- 1) A clear recognition of the importance of use of Aboriginal languages for the majority of Aboriginal Territorians and an acknowledgment that the use of English creates difficulties for some Aboriginal people; particularly where they have contact with the medical and legal systems;
- An acknowledgment that interpreters are only available for some Aboriginal languages due to the diversity of languages spoken and the limited availability of interpreter training in recent years;
- 3) An acceptance that interpreting is a specialist skill that requires understanding of both cultures as well as speaking fluency in both languages;
- 4) An acknowledgment that acceptable levels of access to interpreters and translators in Aboriginal languages will be achieved only after a considerable period and that the implementation of both short and long term strategies is necessary.

#### IMMEDIATE MEASURES - ALL AGENCIES

- B. It is recommended that the following measures be implemented immediately in all agencies:
- 1) Ensure that, as part of agency cross cultural awareness training strategies, due recognition be given to the continuing role and importance of Aboriginal languages;
- The importance of the use of Aboriginal languages in effective communication with Aboriginal people in certain regions of the Territory be recognised through
  - a. more effective use of Aboriginal employees who speak one or more Aboriginal languages, and
  - b. encouragement of interested and appropriate non-Aboriginal employees to learn an Aboriginal language;
- The availability of employees with competence in Aboriginal languages in key service delivery agencies be determined;
- Wherever possible and appropriate, agencies requiring the use of interpreters in Central Australia use the interpreter service in Central Australian languages provided by the Institute for Aboriginal Development in Alice Springs;

5) Include the ability to speak an Aboriginal language as a 'desirable' selection criteria for all positions that require effective communication with Aboriginal people (page 15).

#### DEVELOPMENT OF INTERPRETER SERVICE - STAGE 1 - PRIORITIES

- C. It is recommended that an interpreter service be developed over a series of stages with the following to be the priorities in Stage 1:
- 1) Establish direct contact with accredited interpreters to ascertain current availability to participate in an interpreter service (page 18);
- 2) In partnership with Language Centres and other relevant agencies, develop a coordinating network for interpreters in the Territory;
- 3) Analyse the possible costs and benefits of provision of increased access to interpreters and translators in Aboriginal languages focusing particularly on the likely costs and benefits for service delivery agencies.

#### LONGER TERM STRATEGY - STAGE 2 - PRIORITIES

- D. In the development of a longer term strategy for the provision of greater access to interpreters and translators in Aboriginal languages it is recommended that:
- Discussions be held with the Commonwealth Departments of Education, Employment and Training, the Attorney-General and the Aboriginal and Torres Strait Islander Commission to establish likely funding and support available for training;
- 2) Discussions be held with non-government organisations about the most appropriate methods of providing greater access to interpretation and translation services in Aboriginal languages in the long term, as follows
  - a. for the Darwin region and the top end the Batchelor College,
  - b. for the Katherine Region the Katherine Regional Aboriginal Languages Centre,
  - c. for Central Australia the Institute for Aboriginal Development,
  - d. for Tennant Creek and the Barkly the Papulu-Aparr-kari Aboriginal Corporation in Tennant Creek, and
  - e. for Nhulunbuy and the East Arnhem area Aboriginal Resource and Development Services.
- 3) The Katherine Languages Centre should be asked to advise of the acceptability of the Kriol language for use in an interpreting service for people from Lajamanu, if a Warlpiri interpreter is not available (page 19).

#### TRAINING OF INTERPRETERS

- E. It is recommended that the following measures be implemented to train interpreters in priority languages:
- 1) Seek priority in training for people who are prepared to become interpreters in the following languages (pages 19-20):

#### The Centre

- Alyawarr(a) north east of Alice Springs and Tennant Creek
- Arrernte Alice Springs and surrounding areas several related languages
- Luritja west of Alice Springs the relation to Pintubi to be clarified
- Pitjantjatjara- south west of Alice Springs
- Pintubi- west of Alice Springs relation to Luritia to be clarified
- Warlpiri Tanami, Alice Springs, Tennant Creek and Katherine
- Warumungu Tennant Creek

#### The Top End

- Anindilyakwa- Groote Eylandt
- Djambarrpuyngu north east Arnhem Land
- Gupapuyngu north east Arnhem Land
- Kriol Roper River and Katherine region
- Kunwiniku western Arnhem Land
- Murrinh-Patha Port Keats and outstations
- Tiwi Tiwi Islands
- 2) Encourage Batchelor College, and other institutions involved in language training, to improve cross cultural understanding of Aboriginal students, particularly Aboriginal Health Workers and Aboriginal Teachers and Assistants (page 21);
- 3) Encourage government service delivery agencies to support the training of both Aboriginal staff and interested and appropriate non-Aboriginal staff as interpreters in Aboriginal languages;
- 4) Include segments in training for Aboriginal Health Workers, Teachers and Aboriginal Community Police Officers which provide an introduction to the skills required in interpreting (this would not provide trained interpreters but would improve cross cultural communication skills of these employees) (page 21);
- 5) Encourage training institutions to make class groups or tutorials language specific wherever possible (or involve people who speak related languages) to enable students to discuss important concepts in their own language (page 22);
- Support and promote training courses in interpreting offered by the Batchelor College (both at the College and in association with the Katherine Regional Aboriginal Languages Centre) and being planned by the Institute for Aboriginal Development in Alice Springs (page 42);

- 7) Participate in the development of a national training strategy for interpreters in Aboriginal languages by the National Accreditation Authority for Languages and Interpreters (NAATI);
- 8) In conjunction with Commonwealth funding agencies such as DEET and ATSIC, encourage training institutions to develop advanced courses in interpreting and translating to follow current introductory courses being offered by Batchelor College and the Katherine Regional Aboriginal Languages Centre;
- 9) Encourage development of advanced courses in interpreter training to follow the introductory courses being offered by Batchelor College and the Katherine Regional Aboriginal Languages Centre (page 18).

#### COMMUNITY INTERPRETING (Page 36)

F. It is recommended that community government and other councils in remote areas be encouraged to appoint an interpreter / liaison officer to assist with communication between the community and visiting officers.

#### LEGAL INTERPRETING (Pages 33-35)

- G. It is recommended that the Office of Aboriginal Development, in consultation with the Department of Law and the Office of Courts Administration arrange a meeting of key stakeholders with the aim of developing an agreed protocol for the use and payment of interpreters in Aboriginal languages with the attendees and objectives of the meeting to be as follows:
  - 1) Attendees to be representatives of the Director of Public Prosecutions, Northern Territory Legal Aid Commission, the Aboriginal Legal Aid Services in Katherine, Darwin and Central Australia, the Law Society, the Northern Territory Police and the Office of Ethnic Affairs; and
  - Objectives of the meeting to be -
    - achievement of a common understanding of the problem and the extent of interpreting needs;
    - agreement on the nature and responsibility of each agency;
    - determination of a process for the development of an agreed protocol for the use of interpreters in the courts.

#### MEDICAL INTERPRETING (Pages 31-33)

H. It is recommended that each hospital develop and implement a communications strategy in relation to Aboriginal patients which recognises the Aboriginal languages spoken in the region served and that interpreting may be necessary.

#### PUBLIC SERVICE ISSUES

- I. It is recommended that the following measures be introduced across the Northern Territory Public Service by the Office of the Commissioner for Public Employment or individual agencies as appropriate:
- 1) A comprehensive survey be conducted to identify NTPS employees with skills in Aboriginal languages and that details of this survey be made available to the agency with the responsibility of implementing this Report (page 18);
- Ensure that the Personnel Information and Payroll System (PIPS) Staff Development and Training Module includes provision to record the ability to speak a particular Aboriginal language or languages and to record details of training received in Aboriginal languages (page 18);
- 3) Record at recruitment the ability of employees to speak a language other than English (page 18);
- 4) Examine the provisions of the current NT Linguistic Allowance and advise on its wider application within the NTPS to enhance the recognition and reward of employees with language and interpreting skills (page 42);
- 5) Establishment of administrative protocols to enable employees with language and interpreting skills to assist other agencies on an ad hoc basis (page 42);

#### 3. TERMS OF REFERENCE

- 1) Survey Government agencies to ascertain methods of communication with Aboriginal people, perceptions about the level of use of Aboriginal languages, and whether this level of use causes difficulties for service delivery.
- 2) Identify the number of trained interpreters/translators and their level of accreditation and whether they specialise in particular functional areas.
- 3) Survey NT Government agencies to identify employees with skills in Aboriginal languages.
- 4) Assess the number of languages needed to reach the maximum number of people with the highest need.
- 5) Assess the options available for the training of translators/interpreters including the requirements to equip them in particular service delivery areas.

#### 4. INTRODUCTION

The challenge to accommodate the existence of Aboriginal languages within the political, social and administrative systems of the Northern Territory is probably more acute than in most other parts of Australia. A significant part of the education and health services delivered to Aboriginal communities is delivered by Aboriginal employees of the Northern Territory Government. For the most part, these employees operate within their own cultural system using their own languages, but at the same time from a non-Aboriginal perspective, they are among the better educated and trained people in their communities.

Health and education service delivery are areas of prominence within the public policy debate that is subject to considerable inter-governmental tensions. Many parties claim to be able to speak knowledgeably on behalf of Aboriginal people. Recognising these factors, the Territory Government made an election commitment to:

Develop a technical interpreter/translator service within all service delivery Departments, commencing with Health and Community Services and Education.

Within the context of the election commitment the word 'technical' has a special meaning that applies to both policy development and inter governmental arrangements. Aboriginal Health Workers and Teachers are resources available to Government with potential to provide Government with greater insight into the perspectives that Aboriginal communities have of issues relating to health and education. This approach requires that these staff are given additional training in the areas of inter governmental arrangements - to better understand the political, economic and cultural context of non-Aboriginal society so that Government can capitalise on their natural advantage with Aboriginal language and culture. The word 'technical' is also used in the report to refer to special interpreting situations such as medical interpreting, legal interpreting and community interpreting. These are discussed in section 8 of the report.

The report focuses on Aboriginal languages spoken in the NT. Fifteen languages are identified as priority languages to be part of an interpreter service. This does not preclude the provision of interpreting in other languages if accredited interpreters are available. In a similar way, one or more of the Torres Strait Islander languages<sup>1</sup> could be included in an interpreting service if accredited interpreters become available.

#### 1) NT Situation

The election commitment recognises the linguistic and cultural diversity that exists among the Territory's Aboriginal people, and the important economic and social position of Aboriginal people in the Territory.

- Aboriginal people comprise approximately 26% of the Territory population;
- 70 % of Aboriginal families in the NT speak a language other than English;
- this percentage exceeds 95% in ABS statistical areas in the remote parts of the NT;

Interpreter training in Torres Strait Creole (a different language to NT Kriol) is provided at the Southbank College of TAFE in Brisbane.

- the 1991 census reported that in rural areas of the Territory 31% of Aborigines either did not speak English or did not speak it well;
- there at least 40 languages spoken by groups of 100 or more (see Appendix 1);
- Aboriginal languages currently spoken in the NT are a significant proportion of the languages spoken in Australia;
- the Australian Bureau of Statistics survey of Aboriginal and Torres Strait Islanders reported that the usage of Aboriginal languages in the NT is proportionally greater than in any of the states (74% in the NT, 24% in SA). This means that the NT may take the lead in initiatives relating to Aboriginal languages;
- the recognition of Aboriginal languages and the development of an interpreter service can be an important initiative in the move to Statehood.

#### 2) Definition of Terms

<u>Interpreting</u> - applies to spoken language, and <u>Translating</u> applies to written language. This report focuses on interpreting. The relatively low literacy levels in Aboriginal languages makes translation a lower priority that may be addressed following the establishment of an interpreter service.

<u>Technical</u> - applies to interpreting at a higher level in specialist areas, eg courts/legal, hospital/medical. Community Interpreting, as identified by the Aboriginal Resource and Development Services consultancy, is also seen as a specialist and technical area.

Aboriginal Languages - a feature of Aboriginal society is the existence of a large number of different languages with relatively small numbers of speakers.

<u>Dialect</u> - a distinct form of a language in which linguistic differences are not sufficient to warrant it being called a separate language. Such distinctions are often regionally based. In some parts of the Territory what are strictly linguistic dialects are referred to as languages for personal and social reasons. There is some debate over the difference between a language and a dialect. One important factor is the degree of mutual understanding that exists between speakers of the two languages or dialects.

Source language - is the language that is being interpreted or translated from.

The target language - is the language being interpreted or translated into.

<u>Consecutive Interpreting</u> - is when the interpreter listens to segments of speech and provides the interpretation when the speaker pauses.

<u>Simultaneous Interpreting</u> - is when the interpreter provides the interpretation while listening to the source language. The interpretation will be a few seconds behind.

<u>Team interpreting</u> - describes a situation where two or more interpreters work together - e.g. a non-Aboriginal and an Aboriginal. Team translating is particularly useful in situations where the interpreter is from a minority group whose members often lack basic knowledge of the dominant institutions and culture. Interpreters need to be bilingual and bicultural so there is a role for non-Aboriginal interpreters as well as Aboriginal interpreters and a need for team interpreting in some specialist situations. Team interpretation is a strong recommendation from the Government sponsored research program of Aboriginal Resource and Development Services (ARDS).

<u>Accredited interpreter</u> - The National Accreditation Authority for Translators and Interpreters (NAATI) issues accreditation at five levels (see Appendix 2).

Sign Language interpreting is a form of simultaneous interpreting between deaf and hearing people. This type of interpreting is not considered in this report.

# 3) Royal Commission into Aboriginal Deaths in Custody

Establishing an interpreter service is consistent with the recommendations of the Royal Commission:

- Recommendation 99 provision of a competent interpreter if there is doubt over the ability of the defendant to fully understand proceedings in English, without cost to that person;
- Recommendation 100 recruit and train Aboriginal people as court staff and interpreters;
- Recommendation 249 non-Aboriginal health professionals ... should have access to skilled interpreters.

The Territory Government has supported these recommendations.

#### 4) This Consultancy Project

#### Objectives:

- 1. To ascertain the current situation concerning the existence and use of Aboriginal languages in the Northern Territory.
- 2. To assess the difficulties the use of English causes for some Aboriginal Territorians and for service delivery agencies.
- 3. To recommend options for the introduction of an interpreter / translator service.

#### Project Procedure:

1. The project was conducted with regular consultation with and reporting to the Office of Aboriginal Development.

- 2. A Reference Group was established to provide advice. It consisted of representatives from the Office of Aboriginal Development, the Office of Courts Administration, the NT Police, and the Departments of Health and Community Services, Education, Lands, Housing and Local Government, and the Department of the Chief Minister. It met on several occasions during the course of the project.
- 3. A progress report was provided to the NT Working Group on Aboriginal Matters at its meeting in December. Representatives from the Office of Aboriginal Development, the NT Police, the Power and Water Authority, the Departments of Correctional Services, Health and Community Services, Law, and Sport and Recreation, were present.
- 4. Consultation with Commonwealth agencies has occurred through members of the NT Aboriginal Affairs Forum: ATSIC; and the Departments of Education, Employment and Training; Human Services and Health; Social Security; and the Office of Northern Development.
- 5. During the course of the project visits were made to Gove, Batchelor, Jabiru, Oenpelli, Katherine, Tennant Creek and Alice Springs in the Territory, and to Perth, Adelaide, Melbourne, Canberra and Brisbane. A full list of agencies consulted is provided in Appendix 4.

#### 5. BACKGROUND

# 1) The Challenge

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#### The Number of Languages

There has always been linguistic diversity within Aboriginal society. Many Aboriginal languages have died out during the past 200 years. A significant proportion of Australia's language resources are in the Northern Territory. A recent study<sup>2</sup> indicated that 12 of 20 strong languages are spoken in the Territory as are approximately half of another 70 languages. There are at least 40 languages spoken in the Territory that could utilise an interpreter service (see Appendix 1).

# Difficulties of Interpreting

The history of interpreting and translating in western culture has focused on translation between European languages, and more recently this has been extended to Asian languages. Some of these languages are related (eg French and Italian, or Dutch and German) and they come from nations with similar cultural backgrounds. The interpreting or translating task is much more difficult when the languages are as different as English and the various Aboriginal languages and where the cultural distance is so great.

#### Cultural Factors

Cross cultural research carried out in north east Arnhem Land by Aboriginal Resource and Development Services has identified significant gaps in the level of understanding among Aboriginal leaders about the operation and priorities of Australian society. This is true for people who have an apparently 'reasonable' command of English. The researchers use the term 'mystification' to describe this reality. A significant factor in this mystification is the fact that when Aboriginal people have received their education in English, they have not necessarily recognised similar or equivalent concepts in their own languages. As a result some people operate in two conceptual worlds. They know their own world which they access through their language. They approach the non-Aboriginal world through a partial understanding of the English language and non-Aboriginal Society. If they do not understand something from Australian society they naturally seek to interpret it in terms of their own cultural traditions. This is a significant factor in cross cultural misunderstanding between two such diverse societies.

The Institute for Aboriginal Development recognises the significance of such cultural differences for their interpreter service. The Institute employs a linguist to work with the interpreters and translators to assist them to better understand English concepts.

## Attitudes Towards Language in Australian Society

Most Australians speak only one language and do not appreciate the difficulties faced by someone who speaks English as a second, third or fourth language. There is a great difference between speaking English in certain restricted situations, such as when shopping and understanding any selection of continuous English speech.

A. Schmidt "The Loss of Australia's Aboriginal Language Heritage" Aboriginal Studies Press, Canberra 1992.

#### Logistic Factors

The isolation and remoteness of many Aboriginal communities creates practical difficulties for an interpreter service. For many languages the people with the greatest bilingual and bicultural skills live in the communities which may be a long distance from urban centres where an interpreting need will arise in a hospital, a court, or other situation. The Top End Aboriginal Bush Broadcasting Association (TEABBA) broadcasts to 30 top end communities using CAAMA facilities. They provide a limited service for the translation of documents into some top end Aboriginal languages. Translations are generally prepared using people living in the communities.

# Kinship Obligations Within a Small Community

Aboriginal languages with the exception of Kriol are spoken by relatively small numbers of people - usually in the hundreds. Within the group, people who speak the same language are related to one another though the group's kinship system. A feature of this system is the existence of obligations and of behavioural constraints between people. This will include avoidance, inability of some people to speak to others, and the inappropriateness of some issues being discussed between certain people. In any given situation it may be difficult to get an accredited interpreter who is not subject to such constraints. A skilled non Aboriginal interpreter may be needed in such situations.

# 2) Related Policy Initiatives

#### Cross Cultural Training and ARDS Research

Since the establishment of the Office of Aboriginal Development in 1992, the Government has supported initiatives in relation to cross cultural awareness programs generally and cross cultural training for specific groups of staff. When such programs are related to the more remote parts of the Territory, the importance of Aboriginal language is inescapable. One outcome of cross cultural training is the recognition of the need to use Aboriginal languages in certain situations. The establishment of an interpreter service is one way to communicate more effectively across a language barrier. The Office of Aboriginal Development has supported the cross cultural research of Aboriginal Resource and Development Services which has identified the need for cross cultural training for Aboriginal people to help them better understand non-Aboriginal society. This research has identified instances where education in English has not been extended to show links between English concepts and similar concepts in the Aboriginal domain. The cultural factors in communication require a good interpreter to be bicultural as well as bilingual.

#### The Education Department's Mentor Program

This program developed for Aboriginal teachers, among other objectives, seeks to deal with the cross cultural conceptual difficulties faced by teachers. The program operates at two levels: for new teachers; and for executive teachers in relation to promotion positions. In the class room the new teachers face the challenge of crossing the conceptual barrier for their students who are learning English. Executive teachers are expected to implement appropriate levels of curriculum understandings. This task places them in the middle of the cross cultural conceptual issue because they need to find a balance between the expectations of their community and the educational needs of the children.

#### Bilingual Education

The Territory Government uses Aboriginal languages in Education. The Department of Education provides bilingual programs in 29 languages in 20 Territory schools. Separate programs are provided in at least 15 other languages some of which are supported by the Aboriginal Education Program initiative (see Appendix 1).

#### Aboriginal Employment and Career Development Policy

Recognition of the reality of Aboriginal languages and the important role they play in communities emphasises the need for people with bilingual and bicultural skills to be employed by Government agencies. The ability to speak an Aboriginal language is a distinct advantage to Government officers engaged in service delivery. In many areas such ability could reasonably provide career opportunities for Aboriginal people from remote communities. As a first step such employees should be considered for interpreter training offered by Batchelor College and planned by the Institute for Aboriginal Development. This training would then become part of the individual's career path training. It will enhance their bicultural skills enabling them to work more effectively in cross cultural situations and be one basis for promotion in service delivery agencies. The importance of language needs to be acknowledged for positions that require the ability to achieve effective communication with Aboriginal people.

#### \* Recommendation

That Government agencies include the ability to speak an Aboriginal language as a desirable selection criteria for all positions that require effective communication with Aboriginal people.

#### Client Service with a Customer Focus

In a culturally diverse society such as exists in the NT special assistance is necessary for people who speak languages other than English. This applies to Government service delivery programs. There are two aspects. First, there should be equal opportunity for employees who speak languages other than English and this is recognised in the Government's Aboriginal Employment and Career Development Strategy. Secondly, there needs to be equal opportunity for people who speak languages other than English to access the services provided by various agencies. Many Aboriginal Territorians suffer significant disadvantage.

It is difficult for service delivery programs to meet the needs of client groups who do not speak English, if the program deliverers cannot communicate effectively with the client group.

#### Statehood

In the move towards Statehood the Territory needs to make advances in two areas:

- establish better and stronger links with Aboriginal communities in remote areas such that those communities can achieve an informed position within the debate;
- to change the perception that the Government is unsympathetic to the question of Aboriginal rights and insensitive to Aboriginal culture.

The more effective use of Aboriginal languages can contribute to both of these objectives. If Aboriginal people do not understand or appreciate the significance of the move to Statehood because of difficulties with concepts in the English language then some interpreting becomes vital. In 1989 the Constitutional Committee of the Legislative Assembly used Aboriginal languages and interpreters in their consultation with Aboriginal communities. It is understood that as a result of this, the Territory Parliament is the only Parliament in Australia with Hansard records of committee meetings in Aboriginal languages.

## 6. CURRENT SITUATION

An overview of the current situation concerning the use of Aboriginal languages in the Territory and the use of interpreters is provided through a summary of the information obtained during the course of this project in relation to the Terms of Reference.

#### 1) Methods of Communication

Survey Government agencies to ascertain methods of communication with Aboriginal people, perceptions about the level of use of Aboriginal languages, and whether this level of use causes difficulties for service delivery.

#### General:

- most agencies use English;
- there is a reliance on officers who can 'communicate effectively' Aboriginal employees and experienced staff who have worked with Aboriginal people and communities;
- some specialist employee groups use Aboriginal languages, eg Aboriginal health workers, Aboriginal community police officers, Aboriginal teachers etc.

A more detailed summary of the survey results is provided in Appendix 3.

#### 2) Number of Trained Interpreters

Identify the number of trained interpreters/translators and their level of accreditation and whether they specialise in particular functional areas:

- accreditation of interpreters is the responsibility of the National Accreditation
   Authority for Translators and Interpreters (NAATI) based in Canberra;
- 65 Aboriginal people in the NT have been accredited in eleven languages some are currently working as interpreters. It has not been possible during the consultancy to contact all of these. The accreditation is as Language Aides or as Paraprofessional Interpreters. As some of the accreditations were given up to 10 years ago it is possible that some of those accredited have died;
- the level of Paraprofessional Interpreter (formerly NAATI level 2) is the highest accreditation level held by Aboriginal people in the Territory. NAATI recommends the next level, that of 'Interpreter', (formerly level 3), as the "minimum level of competence for professional interpreting" (see Appendix 2). The accreditation of Aboriginal language interpreters at the paraprofessional level is regarded as a necessary interim measure;
- a recently published 'Handbook for Legal Interpreters' recommends NAATI's Conference Interpreter (formerly the advanced professional level 4) as the minimum

required for court interpreting. NAATI regards this as an 'ideal' standard that is difficult to achieve;

• because of the cross cultural nature of interpreting it is possible for interpreters to be either Aboriginal or non-Aboriginal. The criterion is that the interpreter needs to be both bilingual and bicultural. Michael Cooke (of Batchelor College) was one of the interpreters at the Coronial inquiry into a killing by Police at Galiwinku. Murray Guard, formerly a teacher linguist, interpreted at a Supreme Court trial in 1994. Gary Stoll of the Finke River Mission is used as an interpreter in Central Australia.

The languages in which NAATI has accredited interpreters in the Territory are: Anmatyerr(e), Djambarrpuyngu, Eastern Arrernte, Gumatj, Gupapuyngu, Kriol, Luritja, Pitjantjatjara, Warlpiri, Western Arrernte, Tiwi.

#### \* Recommendations:

Each accredited interpreter should be contacted to ascertain their current situation, their interpreting experience and their willingness to participate in a service.

Advanced courses in Interpreter training need to be developed to follow the introductory courses being offered by Batchelor College and the Katherine Regional Aboriginal Languages Centre.

# 3) Employees with Skills in Aboriginal Languages

Survey NT Government agencies to identify employees with skills in Aboriginal languages:

information is not generally available in personnel records. In the past there
has generally been no record kept of Aboriginal staff and no consistent
recording of ability to speak an Aboriginal language.

#### \* Recommendations:

The Commissioner for Public Employment arrange a comprehensive survey to identify NTPS employees with skills in languages (both Aboriginal and non-Aboriginal).

The Commissioner ensure that the development of the PIPS Staff Development and Training Module includes provision to record ability to speak a particular Aboriginal language or languages and to record details of training received in Aboriginal languages. This will require identifying codes for Territory Aboriginal languages.

All Government agencies record at recruitment the ability of employees to speak languages other than English.

#### 4) Number of Languages Needed

Assess the number of languages needed to reach the maximum number of people with the highest need.

- 40 languages spoken in the NT by groups of 100 or more (see Appendix 1);
- linguists at the Australian National University advise that 15 languages provide a good coverage. This is based on grammatical relationships between the languages and perceived levels of mutual intelligibility between related languages;
- The Institute for Aboriginal Development currently provides interpreting in four Central Australian languages - Arrente, Pitjantjatjara, Warlpiri and Kaytetye (Kaititj);
- The Katherine Regional Aboriginal Languages Centre is seeking funding to commence an interpreter service in Kriol in Katherine.

A final assessment of the number of languages required is dependent on two factors:

- the extent of language and dialect differences and the acceptability to particular groups to use an interpreter in a language other than their own;
- the extent of use and acceptability of the Kriol language for Aborigines for whom Kriol may be a 3rd or 4th language. This assessment should be carried out through local consultation in the relevant communities. The Katherine Regional Aboriginal Languages Centre reports that Kriol is used in all communities throughout the region except Lajamanu.

#### \* Recommendations

The Katherine Languages Centre should be asked to advise of the acceptability of the Kriol language for use in an interpreting service for people from Lajamanu, if a Warlpiri interpreter is not available.

Seek priority in training for people who are prepared to become interpreters in the following major languages.

#### The Centre

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- . Alyawarr(a) north east of Alice Springs, Tennant Creek
- . Arrente (Western and Eastern) Alice Springs and surrounding region
- . Luritja west of Alice Springs relation to Pintupi to be clarified
- . Pitjantjatjara south west of Alice Springs
- . Pintupi west of Alice Springs relation to Luritja to be clarified
- . Warlpiri Tanami, Alice Springs, Tennant Creek, Katherine
- . Warumungu Tennant Creek

# The Top End

- . Anindilyakwa Groote Eylandt
- . Djambarrpuyngu north-east Arnhem Land
- . Gupapuyngu north-east Arnhem Land
- . Kriol Roper River and Katherine Region
- . Kunwiniku western Arnhem Land
- . Murrinh-Patha Port Keats and outstations
- . Tiwi Bathurst and Melville Islands

#### Other Possible Languages

- . Anmatyerr(e) north of Alice Springs
- . Kaititi Neutral Junction, Barrow Creek
- . Burarra northern Arnhem Land
- . Gaalpu north east Arnhem Land
- . Gumatj Yirrkala and outstations
- . Maung Goulburn Island
- . Nunggubuyu Numbulwar

# The Kriol Language (see "Kriol - the Creation of New Language" in Appendix 6)

A degree of uncertainty exists over the terms Aboriginal Pidgin English and Kriol and their relationship with standard English. A 'Pidgin' is a contact language that is used by groups of people who speak different languages. A 'creole' is a 'pidgin' that is adopted by a group as their own language and becomes the language learnt in the home.

In the latter part of the nineteenth century the influx of both Chinese and Europeans led to the development of an NT Pidgin English. The establishment of the Roper River Mission near what is now known as Ngukurr in 1908 led to the 'creolisation' of Pidgin English in the Roper River region. This linguistic reality has been increasingly recognised over the past twenty years and the language spoken at Ngukurr is now called Kriol.

The use of this language has spread widely in the Katherine Region, in the top end generally, in Tennant Creek, in the north of Western Australia, and in parts of north west Queensland. It is estimated that up to 20,000 Aborigines speak Kriol. Some of these speak it as a second or third language. Aboriginal people who still speak their own language choose to use Kriol, in preference to standard English, if they wish to speak to an Aborigine who speaks a different language from their own.

#### 5) Training Options

Assess the options available for the training of translators/interpreters including the requirements to equip them in particular service delivery areas.

Batchelor College has received approval to develop an introductory Interpreting
Course to be offered in 1995 and provide accreditation to NAATI Para Professional
Level (formerly Level 2). Initial planning is for 15 students in each of two top end
languages - Kriol (in association with the Katherine Regional Aboriginal Languages
Centre) and Djambarrpuyngu (with several related languages);

- The Institute of Aboriginal Development is planning to develop an Interpreting Course with NAATI accreditation. They have advertised for a Coordinator of Interpreter training;
- Batchelor College is considering an advanced course in legal interpreting, following
  a request from the Commonwealth Attorney General's Department. A similar
  advanced course is needed for medical interpreting;
- As noted under section 2) above the NT Interpreter Courses provide training to NAATI's para professional level. These are essentially introductory courses to interpreting and are seen as an interim provision. The demands of 'technical' interpreting in the legal and medical areas require further training;
- The Summer Institute of Linguistics has developed a Certificate Course in Translating. The course is designed to be delivered in communities with the assistance of local or visiting tutors. It has been approved by the NT Employment and Training Authority.

NAATI is developing a National Training Strategy for Interpreting and Translation in Aboriginal Languages. A Discussion Paper circulated following initial consultation has recommended the establishment of interpreter training at several institutions in Northern Australia. Batchelor College and the Institute for Aboriginal Development are recognised as institutions with the potential to provide appropriate training.

The Territory Government through the Office of Aboriginal Development and the reference group for this project have provided comment on NAATI's discussion paper. An important part of a National Strategy is to provide training to all appropriate accreditation levels.

The students at Batchelor College come from all over the Territory and speak many Aboriginal languages. It is appropriate that English be the language of instruction at the College but the multiplicity of Aboriginal languages spoken by the students creates practical problems. It appears that some Batchelor College staff either do not recognise the need to use Aboriginal languages, or regard their use as impractical. However, wherever possible there should be tutorials or workshops for groups of students who speak particular or related languages. This is done for example, in the 'language fortnight' organised as part of the Teacher Education Program, and is seen as an essential feature of the planned Course in Interpreting. This approach needs to be extended to other schools within the College. Details of languages included in the 1994 'language fortnight' are included in the Table of Aboriginal languages in Appendix 1. Batchelor College is aware of the problem that many students have with English, and is developing a common first stage in all courses to provide basic literacy and numeracy.

#### \* Recommendations

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Training for Aboriginal health workers, teachers and community police officers should include segments that provide an introduction to skills needed in interpreting and translating. Such segments would not produce accredited interpreters, but would improve the cross cultural communication skills of these employees.

Wherever possible class groups or at least tutorial groups need to be language specific (or involve people who speak related languages) to enable students to discuss important concepts in their own language.

# 6) The Use of English

Aboriginal Territorians have varying levels of ability in their use of English. Some speak it as their first language, but there are other Aborigines, who may speak a number of Aboriginal languages, but have limited ability in English and may only use English in certain situations, e.g. while shopping or at a Health Centre. Four indicators are given that show the constraints caused by limited ability in English for some Aborigines.

1) The ability in English of students from remote areas on commencing post school studies. Each of the main training institutions find it necessary to either provide bridging programs or special tutorial assistance in English:

# Batchelor College

- employs a Lecturer in English Language and Literacy to support lecturers and students in the English language and literacy components of their courses. The lecturer comments "as a largely monolingual society we have little appreciation of what we are asking people to do when they must first comprehend foreign concepts in a foreign language and then apply this knowledge appropriately in their own contexts";
- the Director of the College has commented that the use of English creates one of the most difficult single problems facing the College. The school system has not helped students to take full advantage of training opportunities available at Batchelor College. The College is planning a reorganisation of the first stage of all courses to provide a common stage 1 that will be a pre-teaching year in all courses. The focus of this year will be basic numeracy and literacy.

# Faculty of Aboriginal and Torres Strait Islander Studies (NTU)

• bridging programs in English are offered at various levels to new students. This starts with the Certificate in Preliminary General Studies.

#### Institute for Aboriginal Development

- offers bridging courses in English through the Certificate in Vocational Access;
- employs a linguist to assist interpreters and translators when working with difficult source material.

#### Nungalinya College

• employs a lecturer to assist students with English language and literacy with a role similar to the lecturer at Batchelor College.

# 2) <u>Difficulties for agencies recruiting Aboriginal people from communities because of level of skills in English</u>

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Health workers often have difficulty in communicating with a doctor when seeking diagnostic advice by phone in an emergency or from an after hours consultation. If the doctor does not know the health worker and is uncertain of the reported diagnosis, an evacuation may be ordered because of the uncertainty. In some instances this may subsequently prove unnecessary because the condition being diagnosed was relatively minor.

The Education Department's policy of devolution has given greater responsibility to school councils. Recruitment of Assistant Aboriginal Teachers and Aboriginal Resource Officers is conducted at the local level involving the Principal, members of the School Council and in some schools the ASSPA Group / Committee. In remote area schools it is likely that some of the people who apply for these positions will not have good English skills. This may be most evident in schools in areas where census figures indicate that an Aboriginal language is used in more than 95% of the homes. The recruitment of Aboriginal staff with limited English skills may create practical problems in interaction with non-Aboriginal staff, and with Aboriginal staff who do not speak the same Aboriginal language. The level of English skills may limit the potential for further employment and promotion of these staff.

# 3) The Pilot Program for Community Housing Management

This program has been commissioned by the Aboriginal Housing and Infrastructure Branch of the Department of Lands, Housing and Local Government with support from the Commonwealth. A number of examples of difficulties with English are drawn from the program.

The community consultations about the 'pilot' housing program were very well received. It was discovered afterwards that some at the consultations understood that they would be taught to fly a plane.

House to house surveys were conducted in five communities. There was considerable difficulty with terms like 'administration', 'management of housing'. It was found impossible to conduct the survey effectively without using Aboriginal people as interpreters. The project team conducted a workshop with the interpreters to go through all the questions and determine the most appropriate words to use to obtain the information:

Notwithstanding this workshop process the survey encountered considerable difficulty with many concepts. Some examples are:

 the concept of age was difficult because the survey had wanted to identify people in five year groups according to age;

- in many homes European personal names, particularly children, were not recognised and people were referred to as a particular person's son or daughter etc. This illustrates the use of the kinship system;
- the survey wanted to determine permanent residents compared with residing visitors. In most cases the survey team was given a list of those relations who had free access to the house and might legitimately visit the house at any time, but not the current visitors.

# 4) Levels of English skills among Aboriginal school children

The Curriculum and Assessment Branch of the Department of Education conducts a Multilevel Assessment Program in non-urban schools as part of the National Aboriginal and Torres Strait Education Program. Comparative results for 1994 are not yet available. The tests administered in 1992 and 1993 show improvements in English reading skills. In the non-urban schools the tests are generally administered to children aged from 11 to 16, which includes secondary aged children. Similar reading tests in urban schools are generally administered to children in upper primary classes.

#### 7. GOVERNMENT RESPONSES

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The project has identified two important aspects of the use of Aboriginal languages in the Northern Territory. These are:

- better communication between Government agencies and Aboriginal people;
- formal or 'technical' interpreting in situations such as a court or a hospital or in community consultations.

This report proposes several complementary responses. The diversity of Government programs and the situation of Aboriginal Territorians means that a combination of one or more of these is appropriate. After a detailed discussion of the use of English several responses are given in outline, with a more detailed consideration in Section 9. The situation in relation to the Department of Education is also considered here because while it was identified in the 1994 election undertaking as an area where interpreters are needed, this study has found that the needs in relation to that area are not as great as they are in other areas of Government service delivery, such as the hospitals and the courts. There are five parts to this section:

- 1) Continue to Use English
- 2) Better Communication by Government Departments and Agencies
- 3) Support Interpreter Training
- 4) Establish An Interpreter Service in the Northern Territory
- ·5) The Education Situation

#### 1) Continue to Use English

It has been the practice in the Territory for many years to use English in communication with remote Aboriginal communities. While many Aboriginal people have some level of ability in English, a significant number do not have a good command of English. Public servants, most of whom speak no other language than English, and who are based in the Territory urban centres do not always appreciate the communication difficulties faced by Aborigines who do not have a good command of English.

Two examples of problems with English only are:

- some prosecutions do not proceed because of the inability of involved Aborigines to communicate effectively in English only;
- the research study in north east Arnhem Land by Aboriginal Resource and Development Services has identified major problems for community leaders in understanding the economic, legal and political structures of Australian society. These leaders generally have a good command of English but their education in English has meant that links have not been established between traditional concepts and English concepts;

There are several indicators that highlight these difficulties:

#### census statistics

The Census in both 1986 and 1991 report that an Aboriginal language is spoken in over 70% of Aboriginal homes in the Territory. The proportion in rural areas in 1986 was 91% and in 1991 it was 87%. Some ABS statistical local areas record figures exceeding 95% of households using an Aboriginal language (e.g. Daly, East Arnhem, Groote Eylandt, Tennant Creek balance, Tanami, Petermann). The census also invites people to answer questions on their English speaking ability. The responses in relation to rural areas are given under five headings:

#### CENSUS OF POPULATION AND HOUSING - ABORIGINAL PEOPLE

	1986	1991
Speaks English well	55%	59%
Speaks English not well	24%	26%
Speaks English not at all	6%	5%
No response given	6%	1%
Speaks English only	9%	9%

These figures record improvement in the perception of people's ability to speak English. It needs to be noted that in both census years over 30% have indicated that they either do not speak English at all or do not speak English well. These figures need to be considered against the background of the findings of the research by Aboriginal Resource and Development Services in north east Arnhem Land. The consultation that was part of the research has included discussions with community leaders many of whom speak English well. The study has demonstrated that many Yolngu leaders do not understand the Australian, legal and political systems. In situations of uncertainty Yolngu leaders look at Australian society through Yolngu perceptions and models. The 1994 report<sup>3</sup> states: "it is important as educators, to recognise that many (Yolngu) will just parrot the words they have heard from Balanda in a state of naive awareness without a true understanding of what these words mean".

The importance of Aboriginal languages in the Northern Territory is confirmed by the Australian Bureau of Statistics survey of Aboriginal and Torres Strait Islander people. The survey reports that the Northern Territory records the highest proportion (74%) of indigenous people who speak an Aboriginal language. Only three of the States (Queensland 15%, Western Australia 21% and South Australia 23%) exceed 10% of people who speak an Aboriginal language. Some care needs to be exercised in the interpretation of the survey results and the comparison of the survey results with the census data. The survey is essentially an attitudinal survey that interviewed approximately 3000 Aborigines in 53 of about 400 census districts in the Northern Territory.

<sup>\*</sup>Cross-Cultural Awareness Education for Aboriginal People - A Consultancy for the NT Office of Aboriginal Development\* Aboriginal Resource and Development Services Inc., Darwin. Page 44.

The survey results need to be considered in relation to the questions asked. For example, one question dealt with the use of an interpreter service. In the NT, the survey records that a higher proportion of Aboriginal people in urban areas would use an interpreter service than those in rural areas. This is a little surprising as the survey also records that a higher proportion of Aboriginal people in rural areas speak an Aboriginal language. The relevant survey question is "When you go to a service or office where only English is spoken, do you have difficulty - Understanding people? - Being understood? Would you use an Aboriginal / Torres Strait Islander interpreter to help you at these places?" This question may have caused difficulty for rural respondents on at least two grounds: one - understanding the role of an interpreter, and two - people who rarely leave their community may have had minimal experience with an office or service where only English is spoken. For some of the 79.7% of rural people who have no difficulty with English, a significant factor may be that they rarely need to use English in their community.

Responses to other questions in the survey warn against a quick and superficial assessment or interpretation of the survey responses. For example in the Northern Territory 87.5% of those surveyed were happy with local health services, and 94.8% were happy with children's education, despite generally poor health and education outcomes.

 There are significant linguistic differences between Aboriginal languages and English. Some of these differences create difficulties for Aborigines in their use of English. This is illustrated by several anecdotes:

#### The word 'kill'

In many Aboriginal languages the word 'kill' also means hit, so that to convey the English meaning kill additional words are needed in any interpretation or translation. The concept in the English phrase "killing time" creates quite a different problem.

#### The word 'heart'

In English the word 'heart' is used for emotions as well as for the body organ, eg 'kind-hearted', 'hard-hearted'. In some Aboriginal languages a separate body part is used to express emotion so that a literal word for word translation of 'heart' will not necessarily convey the emotional concepts to an Aboriginal person. In the Kunwinjku language a kind-hearted person has 'good insides' and a hard hearted person has 'bad insides'.

#### Small English words

A significant difference between English structure and that of Aboriginal languages is that an English utterance is a sequence of smaller words whose order can vary and may signify a change in meaning. Aboriginal languages in many instances use longer words in which several letters or groups of letters carry a similar function to smaller English words. If an Aboriginal person does not recognise the importance of some of the smaller words in English speech then misunderstanding can easily occur. In a land claim hearing an Aboriginal elder was asked how often he visited a particular site. He replied 'by car'. The word 'often' was not recognised and he was answering the question 'How do you come here?'

#### Conclusion

For many Aborigines in urban areas an interpreter service is not necessary. However the lack of an interpreter service creates significant difficulty for Aborigines in remote areas who do not have a good command of English. This is a major issue when Aborigines from remote areas come to urban centres. Two separate responses that are complementary are proposed: first to improve the performance of Government agencies, and second to establish an interpreter service that may be coordinated by a Government agency or by a non-Government agency. The provision of interpreter training is a necessary prerequisite for the establishment of an interpreter service.

# 2) Better Communication by Government Departments and Agencies

There are several aspects to this response:

- improved cross cultural training now provided for non-Aboriginal employees;
- more effective utilisation of NTPS Aboriginal employees who speak Aboriginal languages - cross cultural training that addresses the conceptual differences between English and Aboriginal languages will significantly assist these employees. This could include the interpreter training offered by Batchelor College;
- encourage selected non-Aboriginal employees in certain specialist positions to learn an Aboriginal language. This has the potential to provide benefits similar to those available from the Education Department sponsored CLASP program (Cultures and Languages of Asia for Specific Purposes).
- agencies may access interpreters as consultants on an as needed basis, or develop 'in house' resources and provide training for Aboriginal staff in interpreting. Special training is essential. Interpreters need to be bicultural as well as being bilingual.

# 3) Support Interpreter Training

If there is to be an effective interpreter service in the NT there is a need for the provision of training. This is because of the number of languages spoken in the Territory and because of the importance of providing a competent and professional service in technical areas such as the law, in medical services and in community consultations. Training for the users of interpreters is an important part of this process.

# 4) An Interpreter Service in the Northern Territory

An Interpreter service may be coordinated within the NTPS or provided through a non-Government agency.

# A Service Coordinated within the NTPS

There are several options where an interpreter service might be coordinated from:

- Department of the Chief Minister Office of Ethnic Affairs,
- Office of Aboriginal Development,
- Department of Lands, Housing and Local Government,
- Office of the Commissioner for Public Employment,
- Batchelor College.

# The Provision of a Service by an External Agency

There is no easily identifiable external agency that would cover the whole Territory. Establishing such an agency would lead to a lower level of control and influence by Government as well as a lower level of credit for establishing the service. However an independent agency would have greater potential to attract Commonwealth and Aboriginal support.

There is no reason why such an agency could not be set up to operate on a user pays basis. This would have financial implications for agencies who need to use interpreters. Grants to the Agency to cover establishment costs and initial operating expenses would be required.

# 5) The Education Situation

- in the election undertaking, Education was identified as an area where interpreter services are needed. The consultations undertaken as part of this consultancy have indicated that the current needs within the Education system are not as great as in areas such as health, and the courts;
- the Department employs Aboriginal teachers throughout the NT. Many of these teach in schools (several are Principals) in their own communities and assist the school and the Department in communicating with the community on education matters;
- bilingual education has been established in the NT for over 20 years. There are 29 bilingual programs in 20 schools with separate programs in at least 15 other languages;
- the Aboriginal Languages fortnight that is part of the Batchelor College Teacher Education Program and the Department's Mentor Program both assist Aboriginal teachers in the cross cultural aspects of their teaching;
- Aboriginal teachers should be encouraged to undertake interpreter training as part of their personal development. This training will improve their cross cultural communication skills;
- there are increasing numbers of families from remote communities moving to the urban centres and children from community schools (some with bilingual programs) are attending suburban schools. Special arrangements are often needed. The Department employs Home Liaison Officers, Education Officers and Education

Workers to assist in these situations. Ability to speak an Aboriginal language should be a desirable selection criteria for at least some of these positions, with specific languages nominated for positions in some regional centres;

where necessary the Department could use the Interpreter Service.

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# 8. BENEFITS OF A TECHNICAL INTERPRETER SERVICE

Consideration is given to three examples of 'technical' interpreting - medical, legal and in community consultations. The cost of interpreting is dealt with in a final section through case studies from each of these areas.

### 1) Medical Interpreting

- effective early diagnosis based on good communication will shorten hospital stays and reduce hospital costs, including such things as blood screenings, X-rays and other tests;
- better communication with patients on discharge from hospital to effectively explain
  on going treatment and medicines will reduce the number of readmissions. Better
  compliance and the completion of treatment will lead to less illness and a decrease in
  community morbidity. This should reduce both the cost of readmissions and aerial
  evacuations. In the top end the average cost of an aerial medical evacuation is \$2000;
- some precautionary medivacs are ordered because of uncertainty due to poor communication between doctor and health worker in remote communities. In some cases these are found to be relatively minor illnesses. More accurate communication between doctor and health worker will reduce the number of unnecessary medivacs. The opposite is also possible with a medivac not provided for a really sick person, though this is not common;
- there is significant potential for legal action against Territory Hospitals over the issue of 'informed consent'. To date there have been very few actions by Aboriginal patients. Such actions are always possible and potential damages may be compounded in cases where patients who do not have a good command of English have not had the assistance of an interpreter to explain the nature of the medical procedures they are being asked to agree to;
- Departmental Aboriginal Health Workers provide an important resource as demonstrated by the Gove Hospital's use of a Health Worker as a liaison officer and interpreter;
- the Department of Health and Community Services sees the greatest need for interpreting services to be within the urban hospitals, who employ Aboriginal Liaison Officers. Royal Darwin Hospital has a hospital utilisation rate for Aboriginal patients of over 60% occupied bed-days;
- the Interpreter has a different role from both the Liaison Officer and the Health Worker, though either with training could become interpreters;
- in the smaller regional hospitals, where there is one or two major languages spoken, there is potential for the hospital to employ staff with interpreting and language skills and also local knowledge;
- in Darwin Hospital with a diversity of languages it is impractical, even if interpreters were available in all languages, to employ interpreters in each of the main languages. The hospital liaison officers when requested, arrange for interpreters from among

Aborigines living in Darwin. When available the hospital would call on accredited interpreters to provide interpreting services on a consultancy basis.

#### Informed Consent

Where people are presenting for medical treatment there is a legal obligation on the health service provider to obtain the person's prior consent to any treatment given. For consent to be valid the health service provider must be satisfied that the person has sufficient understanding of the nature of the treatment, its benefits, the real or material risks associated with it and the alternatives available to enable the person to make an informed decision about whether to proceed with the treatment or not.

There is therefore an obligation on the health service provider to communicate this information in a way the person understands. There is also a need for this process to be interactive, for the client to have the opportunity to question the information if they wish, and for the health service provider to be satisfied that they have given the client all the information the client considers relevant or wants to know. Language difficulties can impede this communication.

In the case of Aboriginal clients, language difficulties can be complicated by problems in translating technical terms or concepts for which the language has no direct equivalent. Where an interpreter is being used there is a need for the health service provider to be confident that the interpreter is conveying the information accurately. Where friends or family members are used, rather than accredited interpreters, there is doubt as to the quality of the translation.

Where communication is poor the client's response may be interpreted as 'uncooperative', or the health service provider may perform a procedure which is very different from the one desired or contemplated by the client. Such situations have on occasions resulted in litigation against the health care provider for failing to give appropriate treatment or for performing treatment without consent where the client would have withheld consent had they fully understood what treatment was intended.

# The Royal Commission into Aboriginal Deaths in Custody

In its report the Commission stated:

"the lack of understanding of cultural differences clearly poses major communication difficulties between Aboriginal patients and staff. Unless these difficulties are addressed, it is obvious that misdiagnosis can, and will occur. In some circumstances, the use of AHWs and skilled interpreters will be required to permit adequate communication" (Volume 4 page 233).

"Recommendation 249: That the non-Aboriginal health professionals who have to serve Aboriginal people who have limited skills in communicating with them in the English language should have access to skilled interpreters" (Volume 4 page 259).

#### \* Recommendation

That each hospital develop and implement a communications strategy in relation to Aboriginal patients that recognises the Aboriginal languages spoken in the region served and that interpreting may be necessary.

# 2) Legal Interpreting

better communication will improve the efficiency of legal processes;

# Police and Interpreters

- communication is an essential part of police work in both urban and remote areas of the NT. Aboriginal Community Police Officers play an important part in this process at those locations where they are stationed. Most of these officers interpret during the course of inquiries/investigations however their use as an interpreter in a subsequent court hearing may not be appropriate;
- the basic training of Aboriginal Community Police Officers should include a focus on Aboriginal languages with a comparison of semantic concepts in English and Aboriginal languages;
- when investigating complaints and offences police require effective communication with suspects, victims and witnesses. Interpreters are used when required, though this use is often limited by availability. Where no interpreter is available, the investigation is of necessity carried out in the fairest manner possible. Subsequent court processes are in place to assess the propriety of such action and the admissibility of that evidence. Statistics provided by the Office of Ethnic Affairs indicate that police are major users of interpreters in Asian and European languages, and suggest that they are potentially major users of interpreters in Aboriginal languages.
- the use of interpreters can be beneficial to police work and in many instances is obligatory. In Alice Springs, for example, police have made arrangements with the Institute of Aboriginal Development for the provision of interpreters to assist in the interview process in Central Australian Languages. Interpreters are being used on a regular basis both in normal hours and in after hours situations. The police are finding the arrangement helpful;
- the use of interpreters on a user-pays basis has major financial implications for the police and could not be met from current budget allocations;

# Interpreting in the Courts

- Interpreters have a special role in the legal process. In the Federal Court System in the USA interpreters are officers of the court;
- if Aboriginal liaison officers are to be appointed by the courts, language and interpreting skills should be a desirable selection criteria;

- courts should engage interpreters as consultants where required the pre-trial conference for matters in the Supreme Court is where an assessment of the need could be made. A different approach may be needed in the Magistrates Court;
- the court may wish to make its own assessment of the performance of interpreters for future reference and use;
- some prosecutions are not proceeded with because of the unavailability of suitable interpreters;
- there is a real possibility of an appeal against a conviction on the grounds that the defendant did not understand the proceedings in English and no interpreter was provided;
- the Director of Public Prosecutions uses interpreters in serious cases but it is believed that interpreters should be provided by another agency;
- the North Australian Aboriginal Legal Aid Service believes that at least 80% of their clients from rural areas need interpreting assistance, but they think some other agency should provide interpreters as they are not funded for this;
- there is increasing acknowledgment by all parties of the need for interpreters for Aborigines in the court system, but at the same time there is no agreement as to who should be responsible for the provision of interpreting services;
- the Central Australian Aboriginal Legal Aid Service reports that it is providing interpreters in the courts;
- the Territory Attorney General is considering a recommendation from the Justice Act
  Review Committee that a Magistrate have a power to order an interpreter for an
  unrepresented defendant if the Magistrate considers that the defendant's knowledge
  of English is insufficient to allow him or her to follow the proceedings;
- the Regional Director of the Family Court advises that the Court has made budgetary
  provision for the use of interpreters and would wish to use interpreters as appropriate.

In an ideal situation, experience from other jurisdictions suggests there needs to be several interpreters. One of the Territory Magistrates has suggested separate interpreters for the prosecution, the defence, the court and the defendant. The current experience indicates that it is difficult to obtain one interpreter. To seek multiple interpreters is unrealistic at present. Within the court there are two separate roles for an interpreter. The first is to interpret for the cross examination of witnesses who do not understand English. The second is to translate for the benefit of the defendant, the evidence of witnesses who speak English.

This report recommends a phased approach to interpreting needs:

- to recognise that an interpreting service is only available at present in a limited number of languages;
- to support training initiatives to provide interpreters in other languages;

- to extend the service to other languages as interpreters are trained and accredited;
- to support advanced training for specialist interpreting areas such as courts and hospitals.

It will take several years for this approach to provide adequate numbers of interpreters. There is a need for some agreed interim arrangement acceptable to the major parties involved in the legal process.

# \* Recommendation

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It is recommended that the Office of Aboriginal Development, in consultation with the Department of Law and the Office of Courts Administration arrange a meeting of key stakeholders with the aim of developing an agreed protocol for the use and payment of interpreters in Aboriginal languages with the attendees and objectives of the meeting to be as follows:

- a. Attendees to be representatives of the Director of Public Prosecutions, the Northern Territory Legal Aid Commission, the Aboriginal Legal Aid Services in Katherine, Darwin and Central Australia, the Law Society, the Northern Territory Police and the Office of Ethnic Affairs; and
- b. Objectives of the meeting to be -
  - achievement of a common understanding of the problem and the extent of interpreting needs;
  - agreement on the nature and responsibility of each agency;
  - determination of a process for the development of an agreed protocol for the use of interpreters in the courts;
  - encouraging each agency to provide interpreters for its area of responsibility, recognising the cost implications;
  - it will be important to ensure that this meeting does not become an on going working group or committee. It has the potential to be used as an important forum on legal issues that might be convened on an as needed basis.

# 3) Community Interpreting

There is a need for community-based interpreters to be a recognised position on Community Government Council staff. In most Aboriginal communities, it is either the Council President or Aboriginal town clerk who provide interpreting assistance for official visitors if required. The Ramingining community in Arnhem Land has appointed a liaison officer to meet with visitors and fulfil this interpreting role. Other communities in this region such as Yirrkala, Galiwinku, and Milingimbi are interested in making similar appointments.

Community-based interpreters would be one way of beginning to implement in other regions, some of the outcomes of the Aboriginal Resource and Development Services consultancy in north east Arnhem Land. The following procedure might apply:

- encourage Community Councils to appoint a liaison officer/interpreter to assist visitors in their consultation with the community;
- funding to be determined on a case by case basis as some councils may be able to fund this initiative from their own resources;
- initial financial assistance for a specific period may be available from DEET through training programs such as the Aboriginal Tutorial Assistance Scheme or the Training for Aborigines Programs;
- such initiatives are likely to attract the support of the Local Government Association
  of the NT, who in their recent guide to negotiating and consulting with remote area
  local government councils state:

"An interpreter is usually necessary; and an interpreter simply as a translator of language may not be enough. That is, they must have a full grasp of all the political, economic and cultural aspects of "both" societies operating in this transfer of information using spoken language as a medium. We have a demonstrated need for the use of interpreters, you must budget for them as a compulsory consultation support person" (Straight Talking page 11).

#### \* Recommendation

Remote area community government councils be encouraged to appoint an interpreter / liaison officer to assist communication between the community and visiting officials.

#### 4) Use of Interpreters

It is difficult to make an accurate estimate of the usage of interpreters or of the costs involved. Statistics provided in relation to the interpreting service in Asian and European Languages provided by the Office of Ethnic Affairs indicate that in the six month period from July to December 1994 interpreting services were used by the following Territory Government agencies:

- NT Police \$10473,
- NT Legal Aid Commission \$3767
- Solicitor for the NT \$338
- Magistrates Court \$292
- Director of Public Prosecution \$163
- Department of Law \$40

It would be expected that these amounts would be a minimum that would need to be expended for the use of interpreters in Aboriginal languages. In the above period the police were the major users of interpreters.

# 5) Cost of Interpreting

There are varying rates for interpreting services. Some examples are:

IAD - \$60 per hour, \$315 per day

TEABBA - \$20-\$40 per hour for a minimum 2 hours

rate varies according to complexity

NT Service - Office of Ethnic Affairs

\$20 per hour for a minimum of 2 hours

\$200 per day

National - Australian Institute of Interpreters and Translators \$31.10-\$36.25 per hour for a minimum of 2 hours

For the purposes of these case studies I have set a rate of \$30 per hour or \$300 per day as an average cost. This may seem a high figure but it is a small marginal cost to other expenses incurred in the situation where an interpreter may be used. Several case studies are provided:

# Medical Interpreting

Two scenarios are outlined where the use of interpreters has the potential to generate savings. In each case, minimal figures have been used and comment has been sought from hospital staff. The comments are recorded in each example.

<u>Scenario on Admission</u>: a seriously ill patient is evacuated from a remote community. Communication difficulties limit effective diagnosis. The hospital stay is extended by a day to allow tests etc to determine a diagnosis. The assistance of an interpreter on day one may have led to a more accurate diagnosis, and shorter hospital stay.

An interpreter is engaged for 2 hours at a cost of \$60. The average bed day cost at Darwin hospital is \$540. The cost of the interpreter is 10% of the first day's cost.

If the stay is shortened by one day there is an immediate saving of \$540 which more than covers the cost of the 2 hour interpreting service.

Comment from Darwin Hospital Staff: this scenario may be more applicable to Aboriginal patients admitted without referral. It is felt that the community network involving a sister and health worker in a community conferring with a doctor before patient is admitted contributes to a reasonably accurate diagnosis. The escort service provided for children, for intensive care patients and certain others also assists with communication between these patients and medical staff.

<u>Scenario on Discharge</u>: when a patient is discharged the medical staff need to advise the patient of what needs to be done during the recovery process including ongoing treatment and medication. If this advice is not followed or not understood it becomes more likely that the patient may need to be readmitted.

The monthly readmission rate for Royal Darwin Hospital varies from 5.5% to 7%. In January 1995 there were 3433 bed days for Aboriginal patients with an average stay of 5.84 days. A readmission rate of 6.2% would mean 30 patients readmitted. If interpreters would

have assisted say 10 rural area patients at discharge that would mean a cost of \$600 for interpreters. If this better understanding then led to 2 less admissions there would be a saving of \$9400 for the cost of \$600 interpreting.

medivac 2 @ \$2000 2 x 5 bed days @ \$540

\$4000 \$5400 \$9400

This represents a net saving of \$8800 for an expenditure of \$600.

Comment from Darwin hospital staff: When a patient is discharged the community health centre and the District Medical Officer are provided with a faxed discharge report to monitor ongoing treatment. If this scenario is to applied to Darwin patients, the medivac cost is not relevant. A number of the readmissions to Darwin Hospital involve alcohol abuse, renai failure and victims of violence, and there may not be many examples that fit the outlined scenario.

A detailed analysis of the readmission statistics would provide a clearer picture. There may be other factors that contribute to the readmission rate. However the cost of readmission using the aerial medical service is such that there would only need to be a few cases each month for significant savings to be generated.

It is accepted that the hospital has procedures designed to improve communication with Aboriginal patients. However discussions with a range of people, as well as anecdotal evidence indicates there are instances where communication with Aboriginal patients has been difficult. The development of a communication strategy that recognises the languages spoken by Aboriginal patients will only enhance the effectiveness of the services the hospital provides to Aboriginal patients.

#### **Court Interpreting**

The cost of interpreter for one day in court - \$300

Court Costs -

Supreme Court say

\$3500/day

DPP (estimated)

\$5000

Legal Aid

\$5000

13500

The cost of the interpreter is 2.2% of total cost

Court Costs in the Magistrates Court say

\$2900 per day

DPP

\$1000

Legal Aid

1000

4900

The cost of the interpreter is 5.8% of total cost.

The saving from the use of an interpreter in the magistrates court is even greater in the case of an appeal against a lower court decision on the basis that the defendant did not understand. A three day appeal hearing in the Supreme Court could involve a total cost of \$40000.

The following case study indicates the potential for an interpreter to save court days.

# Police Interpreting

The North Australian Aboriginal legal Aid Service has estimated that 80% of their clients from rural areas need interpreting assistance. The NT Government's 1992/93 Implementation Report on the Recommendations of the Royal Commission into Aboriginal Deaths in Custody gave the figure of 2100 arrests of Aboriginal people in the Northern Territory in areas other than Darwin. If, on the basis of NAALAS estimates, 1680 arrests in the year needed interpreters, the cost of one hours interpreting for each offender at \$30 per hour would total \$50,400. For two hours interpreting the cost would be \$100,800. Recognising that interpreters may be needed for victims and witnesses, an average of 2 hours interpreting for each arrest may be the more accurate figure. These are estimated figures based on the assumption that accredited interpreters are available in all Aboriginal languages. This report indicates that this objective will not be achieved for some years. The use of interpreters by Police will increase as accredited interpreters become available in more languages. The cost to the police will increase accordingly.

#### Community interpreting

Scenario: a major problem has arisen in a remote community in association with a Government sponsored construction program. A special community meeting is arranged and a group of officials charter a plane to attend a one day meeting.

An interpreter is engaged at the cost of \$300

Other costs are:

2 officials (Salary av \$50000 - \$200/day Officer from Area Protection Authority		400 200	
consultant		600	
Charter	-	<u>1500</u>	2700

The cost of the interpreter @ 300 is 10% of total cost.

The figures given in these case studies are estimates and generally relate to minimal cost levels. The potential savings indicated in these preliminary case studies suggests that a full cost benefit analysis of these technical areas would identify significant savings from the use of interpreters in each service delivery area.

# 6) Case Study - Interpreting in a 1995 Court Case in W.A.

An Aboriginal woman from an Arnhem land Community moved away and lived in Western Australia with her de facto. After a period he began to physically and sexually abuse her. The situation became intolerable and under extreme provocation during further violence she killed him. After a police investigation the woman was charged with murder. The Legal Aid service arranged for an interpreter from the NT to attend. It was expected that the court hearing would last 3 days.

The woman herself was the only witness for the defence. Her evidence consisted of testifying to the violence she experienced. This treatment was extremely brutal. The use of the interpreter enabled her to tell her story freely and fully. The court was impressed by her

testimony. On the second day the prosecutor undertook a short cross examination, which convinced him of the inappropriateness of the murder charge. The charge was changed to manslaughter and the woman pleaded guilty. She was released on a bond and has returned to her home community.

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# Benefits from using an interpreter

The use of the interpreter reduced the time of the trial by one day and resulted in a saving in court costs. However, a separate question relates to interpreting and the police investigation. The police inquiries led to the charge of murder. It is understood that an interpreter was not used by the police. If an interpreter had been used and the details as given in evidence during the trial were known, it may have led to the lesser charge of manslaughter. A guilty plea to this lesser charge of manslaughter would have provided an even greater saving in court costs.

The use of the interpreter enabled justice to be done and also provided a saving in costs.

#### 9. PHASED IMPLEMENTATION

"Develop a technical interpreter / translator service within all service delivery Departments, commencing with Health and Community Services and Education."

One objective of this undertaking is to establish more effective communication with Aboriginal Territorians, particularly in relation to Government initiated service delivery. The second objective is the use of accredited interpreters where needed. The responses given in outline in Section 7 above are now considered in more detail.

#### 1) The use of English

Many Aborigines in urban areas in the Territory are competent in their use of English. However for many Aborigines in the remote communities the use of English provides a barrier to effective communication. These problems are most noticeable when these Aborigines visit urban centres. To effectively communicate with some Aboriginal Territorians it is necessary to use an appropriate Aboriginal language.

#### 2) Better Communication by Government Departments and Agencies

- Recognise the potential value of current Aboriginal NTPS employees. Many, but not
  all will speak one or more Aboriginal languages. Some may not be using this skill
  and others will be interpreting in the course of their duties. The use of Aboriginal
  languages is an important skill for effective communication with Aboriginal people;
- The ability to speak an Aboriginal language should be included in the desirable selection criteria for positions which include effective communication with Aborigines among the duties;
- The Territory agencies with significant numbers of Aboriginal employees include the Departments of Health and Community Services, and Education as well as the N.T. Police;
- Basic training courses for these employees could include language and interpreting modules that address the conceptual differences between English and Aboriginal languages. This will require consideration of cultural differences and how best to effectively convey concepts from one culture into the other. This will not produce qualified interpreters but will significantly improve the cross cultural communication skills of Aboriginal employees. Batchelor College has the potential to play an important role in such training;
- These and other agencies as a matter of urgency should consider nominating suitable Aboriginal employees to attend the Batchelor Interpreting Course as part of their training and personal development. In 1995 training is being offered in two languages Kriol and Djambarrpuyngu (with several related languages). The provision of replacement staff in some communities may be difficult;
- Batchelor College, the National Accreditation Authority for Translators and Interpreters, the Commonwealth Attorney-General's Department and other agencies recognise the need for additional interpreting training. Special modules for legal and

medical interpreting are needed to follow the introductory training currently being offered;

- There is emerging a training and career path for bilingual and bicultural Aboriginal people, who when they complete the training would have the option of returning to their own Department, or of serving as professional interpreters, or of moving into a liaison or policy development role in a number of Government agencies;
- Special allowances are paid in recognition of the importance of interpreting skills for service delivery to Employees who gain NAATI accreditation and need to use that skill in the course of their duties. The NT pays an NT Linguistic allowance. The Australian Public Service pays a Community Language Allowance and a language proficiency allowance;
- Special arrangements will be needed for employees of one agency who are accredited interpreters and may be required to assist other agencies;
- Training of non-Aboriginal people in languages is an option. The CLASP (Culture and Languages of Asia for Specific Purposes) program for Government officers to learn Asian languages provides an analogy that can be applied to select staff working with Aboriginal communities;
- Cross cultural awareness programs for all staff and cross cultural training for specific positions is a recognised Government priority that will lead to improved communication. The use of Aboriginal languages where needed will provide greater improvement.

#### \* Recommendations

The Commissioner for Public Employment examine the provisions of the current NT Linguistic Allowance and advise on its wider application within the NTPS to enhance the recognition and rewarding of employees with language and interpreting skills.

The Commissioner establish the administrative protocols to enable employees with language and interpreting skills to assist other agencies on an ad hoc basis.

Government agencies include the ability to speak an Aboriginal language among the desirable selection criteria for positions that require the appointee to be able to effectively communicate with Aboriginal people.

#### 3) Support Interpreter Training

- Batchelor College is providing interpreter training in the Kriol language in association
  with the Katherine Regional Aboriginal Language Centre. The course commenced
  in February. The College is also providing interpreter training in several north east
  Arnhem Land languages at the Batchelor campus. This course will commence in
  May;
- the Institute of Aboriginal Development is planning to reintroduce interpreter training in Central Australian Languages;

- the National Accreditation Authority for Translators and Interpreters is developing a National Training Strategy for Interpreting and Translation in Aboriginal Languages.
   The Territory through the Office for Aboriginal Development has provided comments on a draft discussion paper;
- the Summer Institute of Linguistics has developed a Certificate Course in Translating.
   The course is designed to be delivered in communities with the assistance of local or visiting tutors. It has been approved by the NT Employment and Training Authority;
- a special training program will be needed for users of interpreters. An understanding
  of the structure of Aboriginal languages and the nature of the interpreting process will
  assist efficient use of interpreters and ensure improved communication.

# 4) An Interpreter Service in the Northern Territory

The service would require that:

- A register of interpreters in Aboriginal languages be maintained. The register would include the NAATI accreditation level and/or other relevant and appropriate experience for each interpreter;
- The register to include details of which language is spoken in which community.
   Language details can be incorporated into the Community Data Base being developed;
- Close liaison be maintained with language related agencies:
  - the Institute for Aboriginal Development in Alice Springs;
  - the Centre for Aboriginal Languages and Linguistics, Batchelor College;
  - the Katherine Regional Aboriginal Language Centre;
  - the Papulu Aparr-kari Barkly Regional Aboriginal Languages Centre at Tennant Creek;
  - Aboriginal Resource and Development Services in Nhulunbuy.

## The service could operate as follows:

- the main register would be in Darwin with supplementary regional registers in Alice Springs, Katherine, Tennant Creek and Nhulunbuy;
- an agency requiring the services of an interpreter would contact either the main or the appropriate regional register;
- the registrar would arrange an interpreter and the interpreter would be paid the appropriate fee through the registrar who would in turn bill the agency which used the interpreter;
- in the case of Territory agencies budgetary provision for the fee could be made either by each individual agency or be provided to a central agency as is currently the

practice with the interpreter service provided by the Office of Ethnic Affairs for Asian and European languages.

# A Service Coordinated within the NTPS

The NT Office of Ethnic Affairs provides an interpreter service only in Asian and European languages. The Office maintains a register of accredited interpreters and provides a booking service for those wishing to use an interpreter. The cost of interpreters for Territory Government Agencies and non-profit organisations is met from the Office's own budget. Private agencies and Commonwealth Government agencies are charged a fee for the service.

Within the NT, there are a small number of interpreters (mostly in Central Australia) in Aboriginal languages currently available. There are no accredited interpreters for some top end languages. An essential first step is to support interpreter training, currently offered by Batchelor College in several top end languages and planned by the Institute for Aboriginal Development (IAD) for central Australian languages in Alice Springs.

It may be possible to establish a pilot service in one or two languages in 1996 while supporting continuing training for interpreters in other languages. The service could be extended as more interpreters are trained and accredited for other languages.

It would be important for such a service to work closely with Aboriginal agencies such as IAD who provide interpreting services in central Australian languages and the Katherine Regional Aboriginal Languages Centre, which is associated with Batchelor College in providing interpreter training in the Kriol language.

It is not clear where such a service might best be coordinated from. One possibility is within the Office of Ethnic Affairs as a step towards extending that interpreter service to a full NT service including Aboriginal languages. Some resistance to this option may be received from Aboriginal people and organisations who are very sensitive when Aborigines are considered as 'ethnics'. A second possibility is that a small office of Aboriginal Languages and Interpreting, with a recommended staff of two people, be established as the coordinating agency. This office could be located within a host agency such as the Department of the Chief Minister, the Office of Aboriginal Development, The Department of Lands Housing and Local Government, or the Office of the Commissioner for Public Employment.

Batchelor College with its Centre for Aboriginal Languages and Linguistics and its development of interpreter training is another option for location of such a coordination agency.

# A Service Provided by an External Agency

There is no easily identifiable agency that would cover the whole Territory so a regionally based approach is proposed. In Alice Springs and Katherine there are established Aboriginal organisations with direct involvement in interpreting. In Gove and Tennant Creek there are agencies with involvement in Aboriginal languages and cross cultural training that could be encouraged to become involved in interpreting as well. The agencies are:

- Alice Springs the Institute for Aboriginal Development
- Katherine the Katherine Regional Aboriginal Languages Centre
- Gove Aboriginal Resource and Development Services
- Tennant Creek Papulu Aparr-kari Barkly Regional Aboriginal Languages Centre.

The situation in the top end creates a practical problem as there is no one agency that covers both Darwin and the communities in the region that stretches from Arnhem Land to Port Keats. The initiative taken by Batchelor College in developing interpreter training makes it a possible agency for the top end at least on an interim basis.

# 5) A 'Technical' Interpreter Service

The word 'technical' is understood to apply to advanced interpreting in specialist situations that involve more than just communicating. Three examples are:

- interpreting in the courts and through the legal processes;
- interpreting in hospitals and for medical services;
- interpreting in communities to counter the 'mystification' process identified by the work of the Aboriginal Resource and Development Services in north east Arnhem Land.

The National Accreditation Authority for Interpreters and Translators provides accreditation at five levels. Interpreter training in the NT is being provided at the 'paraprofessional' level (formerly level 2). The recommended minimum for court (taken to apply also to 'technical' interpreting) is the 'interpreter' level (formerly level 3). The ideal for this specialist role is the 'conference interpreter' (formerly level 4).

To reach these higher standards interpreters after receiving basic training need to gain experience working as interpreters and then to receive additional training. Aboriginal interpreters accredited to the 'paraprofessional' level is accepted as an interim measure. It is not possible in the NT to immediately establish a 'technical interpreter' service. Nevertheless it is possible for action to be taken now that will enable such a service to be provided.

## 6) Government Initiatives

Action drawn from several of the options discussed in this report is recommended as the appropriate response to the election undertaking. Some actions link closely with other initiatives such as cross cultural training and the cross cultural research carried out for the Government by Aboriginal Resource and Development Services. Many of the initiatives could be commenced within current budgets. The action is set out under several headings:

# Interim Interpreting Arrangements

Make contact with and visit all interpreters with previous NAATI accreditation to determine their interest and willingness to participate in an interpreter service; Survey non-Aboriginal people with skills in Aboriginal languages to determine availability and suitability to serve as an interpreter;

Identify an agency with understanding of Aboriginal language and related issues to act as an interim point of contact in relation to interpreter services - Batchelor College with its initiatives in interpreter training is one option.

# Interpreter Training

Assist Batchelor College and the Katherine Regional Aboriginal Language Centre with the College Interpreter training programs.

Encourage IAD to develop appropriate interpreter training in Central Australian languages.

Participate in the development of a National Strategy by NAATI for interpreter training in Aboriginal languages.

Develop an effective network with trainers and institutions providing interpreter training in Aboriginal and Islander languages in Western Australia, South Australia and Queensland.

Support the development of advanced training programs for medical and legal interpreting.

Support the development of special training for users of interpreters.

# Consultation Advice on Interpreting

Provide consultancy advice to the Department of Health and Community Services concerning medical interpreting, and to the Office of Courts Administration and associated agencies concerning legal interpreting.

Arrange consultation with Aboriginal communities through the Local Government Division of the Department of Lands Housing and Local Government, and the Local Government Association of the NT. This consultation would assess the need for community based interpreters to help overcome the 'mystification' identified in north east Arnhem Land by the research of the Aboriginal Resource and Development Services and its implications for other regions of the Territory.

## Cross Cultural Training

Assist Batchelor College and the relevant agencies to develop appropriate training for Aboriginal Health Workers, Aboriginal Teachers and Aboriginal Community Police Officers. This training needs to recognise the importance of Aboriginal languages. English concepts introduced as part of the training, need to be related to similar Aboriginal concepts.

# NTPS Initiatives

Assist NT Government agencies to identify liaison positions for which the ability to speak an Aboriginal language should be a desirable selection criteria. Specific Aboriginal languages should be stated in regional positions, eg Kriol in Katherine.

Ensure the situation of Aboriginal languages is adequately dealt with in cultural awareness programs and cross cultural training.

## Consultation

Consultation needs to be held with a range of agencies to obtain their effective support and involvement:

- •NT Government Agencies
- •Commonwealth Agencies
- Aboriginal Organisations
- Territory Aboriginal Communities

## Community Awareness

A greater focus on Aboriginal languages in service delivery and a commitment to use interpreters in communication will benefit from a community awareness raising exercise. The objectives of this exercise will be to assist non-Aboriginal Territorians to better understand the Aboriginal language reality in the Territory.

# 7) An Office of Aboriginal Language and Interpreting

If training of interpreters proceeds as planned it may be appropriate for such an office to be established in 1996 or during the 1996/67 financial year.

The Office would need two staff - a booking clerk at AO3 level and a training liaison officer at AO6 level. The liaison officer would need to have a good understanding of cross cultural issues and preferably a knowledge of an Aboriginal language. The officer would need to be able to maintain an effective network with Aboriginal people and communities, and with agencies both Government and non-Government.

The Office could be located within Government and there is the potential for combining with the present interpreter service in Asian and European languages to establish one NT Interpreter Service that might deal with all languages.

Alternately a non-Government agency might be funded to provide the service. The estimated costs for 2 people for 12 months at 1994/95 costs is:

salary and allowances	88000	
administration	10000	
vehicle and travel	17000	
2 computers	10000	\$125000

#### 10. CONCLUSION

Key issues identified in this report are:

- Attitude to languages other than English;
- Diversity of Aboriginal languages spoken;
- High level of use of Aboriginal languages in many communities;
- Aboriginal employment in the NTPS with a focus on the more effective use of Aboriginal employees who speak one or more Aboriginal languages;
- The necessity of interpreter training to advanced levels and the need to provide training for those who will use interpreters;
- There are three areas of 'technical' interpreting: medical, legal, and in communities;
- A major change in attitudes to Aboriginal languages is needed both within the NTPS
  and in the general community. A sensitive public awareness program would
  contribute to this necessary change.

The Northern Territory is a culturally diverse society. Many of its citizens speak languages other than English. Aboriginal Territorians are a significant part of this linguistic and cultural diversity.

At a national level the Australian Government has decided on a three part response to the High Court's Mabo judgement. The third part is a social justice package. In its report "Recognition, Rights and Reform" on social justice measures, ATSIC has recognised the importance of Aboriginal and Torres Strait Islander languages. The ATSIC Report describes language as 'an integral part of cultural identity' and recommends the use of Aboriginal languages in education, in the provision of information and through interpreter services.

The Territory is a national leader in the use of Aboriginal languages in education. The provision of an interpreter service for Aboriginal Territorians is likewise an area where the Territory is well placed to give a national lead.

The Report addresses one of the real needs of current Territory society. It will assist in building a more cohesive culturally diverse society necessary in the progress towards Statehood.

# MAJOR ABORIGINAL LANGUAGES1 IN THE NORTHERN TERRITORY

MAJOR MEGIGENIA					
·	No. of	Main Communities	Bilingual	Other	Languages
LANGUAGE NAME	Speakers	where Spoken <sup>3</sup>	Education	Education	Fortnight
L	(est) <sup>2</sup>		Program	Programs	Batchelor
Alyawarr(a)	500	Ammaroo, Tennant		x	x
		Creek.			
Anindilyakwa	1000	Groote Eylandt		x	x
Anmatyerr(e)	800	Nth of Alice Springs		*	X.
Arrernte - Central	500?	Alice Springs & to	x		x
		the north			
Arrernte - Eastern	1000	Santa Teresa	x		x
Arrernte - Western	1000	Hermannsburg	` X		х
	-				
Burarra	600	Maningrida	х		х
	200				
Dharlwangu	200	Yirrkala,	x	x	X
T. 1		Gapuwiyak		<del></del>	
Djambarrpuyngu	450	Galiwinku	X	X	X
Djapu	200	Yirrkala	X	X	X
Djinang	300	Ramingining	<u> </u>	<u> </u>	,X
Coolou	200				
Gaalpu	200	Galiwinku, Yirrkala,	X	х	×
Garawa	300	Milingimbi		~	~ ~
		Borroloola		X	X
Gumatj/Dhuwaya	300	Yirrkala	x ·	X	
Gupapuyngu	450	Milingimbi,	x	х	x
C	400	Gapuwiyak			
Gurindji	400	Daguragu,			х
		Kalkaringi			
Turaidia	180	3.0-21			
Iwaidja	190	Minjilang			
Jawoyn	100	Barunga		x	
J		~~~~~			

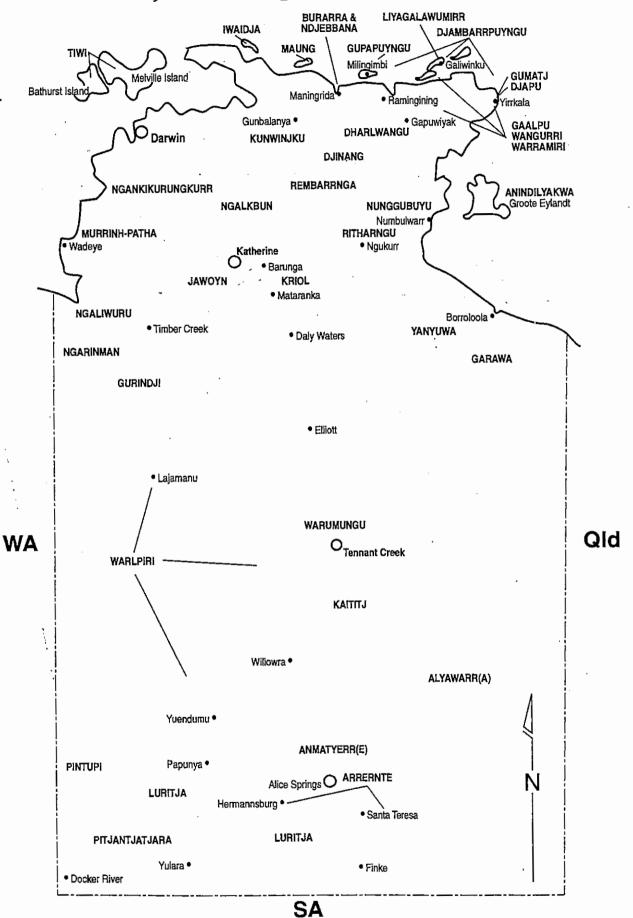
Language details adapted from Table 2, p7 in "Aboriginal Languages of the Northern Territory" by Paul Black, Published by Darwin Community College, 1983. Languages included are those with more than 100 speakers as stated in the Table. There are many other languages spoken in the Territory. Information concerning Education and Batchelor College Programs is for 1994.

Estimated numbers in 1983 compiled by Paul Black. The numbers of speakers for most languages will have increased. For some languages the number includes first and second language speakers.

In most cases the languages will be also spoken in smaller communities in the region surrounding the nominated centre.

LANGUAGE NAME	No. of Speakers	Main Communities where Spoken	Bilingual Education	Other Education	Languages Fortnight
72 1111	(est)		Program	Programs	Batchelor
Kaititj	200	Neutral Junction		X	X
Kriol	20000+	Ngukurr, Katherine	X		X
Kunwinjku	900	Oenpelli			X
Liyagalawumirr	160	Galiwinku		×	
Luritja	300	Alice Springs &	x		
Larrya .		south	^		
,	<u> </u>	South		<del></del>	
Maung	200.	Warruwi	x		
Murrinh-Patha	1000	Wadeye	×		x
Ndjébbana (Kunibidji)	100	Maningrida	x		x
Ngaliwuru	100	Victoria River			,
Nalkbun	200	Barunga		x	
Ngankikurungkurr	100	Daly River			х
Ngarinman	170	Victoria River			
Nunggubuyu	400	Numbulwar	х	х	х
Pitjantjatjara	600	Areyonga, Docker	x		×
		River			
Pintupi	800	Haasts Bluff,	×		×
	<u> </u>	Papunya			
Rembarrnga	150	Barunga, Bulman			×
Ritharngu	300				×
Kimaniga	300	Ngukurr area		<u> </u>	
Tiwi	1500	Tiwi Islands	x	x	x
Wangurri	150	Galiwinku, Yirrkala,	х		x
		Milingimbi			]
Warlpiri	2800	Yuendumu,	х		x
		Willowra, Lajamanu			
Warramiri	175	Galiwinku, Yirrkala,			
		Milingimbi			
Warumungu	200	Tennant Creek		х	х
Yanyuwa	150	Borroloola			x

# Major Aboriginal Languages



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STANDARD	MEANING	RELATED TASKS
Language Aide (formerly Level I)	This is an elementary level of language use; it is NOT an interpreter/translator category. It is appropriate for persons who are required to use a minimal knowledge of a language for the purpose of simple communications.	. counter work: answering general inquiries, usually in the language other than English . assisting clients to complete a simple form in English
For Government Employees only to determine eligibility for language allowances	It is the required level for the first range of the Community Language Allowance (formerly LAPA).	assisting NESB persons by giving instructions or directions in the language other than English (LOTE)
Paraprofessional Interpreter (formerly Level 2)	This represents a level of competence in interpreting for the purpose of general conversations, generally in the form of non-specialist dialogues.	interpreting in general conversations interpreting in situations where specialised terminology or more sophisticated conceptual information is not required interpreting in situations where a depth of linguistic ability is not required
Level 2 Translator to be discontinued for mainstream languages after 31.12.94	This represents a level of competence in translation for the purpose of producing a translated version of non-specialised information.	translation of texts which do not contain technical or specialised information or terminology very simple translation work, where some level of inaccuracy is acceptable
Interpreter (formerly Level'3)	This represents the minimum level of competence for professional interpreting or translating. It may be regarded as the Australian professional standard.  Interpreters are capable of interpreting across a wide range of subjects involving dialogues at specialist consultations. They are also capable of interpreting presentations by the consecutive mode.	interpreting in both language directions for a wide range of subject areas usually involving specialist consultations with other professionals, eg. doctor/patient, solicitor/client, bank manager/client, court interpreting  interpreting in situations where some depth of linguistic abilit in both languages is necessary
Translator (formerly Level 3)	Translators work across a wide range of subjects and require a sound conceptual understanding of the material being translated.  They are qualified to translate into one language only or into both languages, depending upon their accreditation.	translation work may include routine correspondence, reports standard text material in the general field of scholarship translation of non-specialised scientific, technical, legal, tourist and commercial subjects translation work requiring a reasonable level of accuracy
STANDARD	MEANING	RELATED TASKS

STANDARD	MEANING	RELATED TASKS
Conference Interpreter (formerly Level 4)  Advanced Translator (formerly Level 4)	This represents the advanced professional level and a level of competence sufficient to handle complex, technical and sophisticated interpreting and translation.  Conference interpreters practise both consecutive and simultaneous interpreting in diverse situations including at conferences, high level negotiations, and court proceedings. Conference interpreters operate at levels compatible with recognised international standards.  Advanced Translators handle complex, technical and sophisticated material, compatible with recognised international standards. They may choose to specialise in certain areas, usually into one language only, that being their first language.	. tasks involving international conferences, diplomatic missions, trade negotiations, and other high level negotiations  . tasks involving complex court proceedings  . interpreting in situations where a depth of linguistic ability in both languages is required  . tasks involving accurate translations of complex, technical and sophisticated material  . translations of specialist material for specialists eg. international conference papers, scientific papers in journals, legal documents, diplomatic agreements, etc  . acting as revisors of work done by other translators
Conference Interpreter (Senior) (formerly Level 5) Advanced Translator (Senior) (formerly Level 5)	This is the highest level of NAATI accreditation and reflects both competence and experience. It represents an international standard together with demonstrated extensive experience and leadership.	Interpreting tasks as for Conference Interpreters tasks involving the organisation of international conferences providing advice for interpreting services within and outside Australia  Translation tasks as for Advanced Translators Tasks involving the management of translations of papers for international conferences providing advice for translation services within and outside Australia

# APPENDIX 3 - SURVEY RESPONSES

An overview of the current situation is provided through a summary of the information obtained during the course of the project in relation to the Terms of Reference.

1) Survey Government agencies to ascertain methods of communication with Aboriginal people, perceptions about the level of use of Aboriginal languages, and whether this level of use causes difficulties for service delivery.

## Territory Agencies:

It has not been possible to survey all Territory agencies. The following summaries in relation to the use of Aboriginal languages are based on consultations with selected agencies, most of whom are members of the Reference Group:

# Health and Community Services:

- the Department employs Aboriginal Health Workers at Community Health Centres throughout the Territory who use Aboriginal languages as appropriate. They are not normally accredited interpreters;
- the Department employs an Aboriginal Health Worker in a liaison role at Gove hospital. The Health Worker interprets for Aboriginal patients in at least two Aboriginal languages.
- Darwin Hospital employs Aboriginal Liaison Officers who arrange for interpreters if requested. The ability to speak an Aboriginal language/languages should be a desirable selection criteria for the liaison officer positions. In regional hospitals specific languages could be nominated (eg Kriol in Katherine). Some Aboriginal Health Workers may be interested in applying for such positions. The Department of Health and Community services views the interpreter's role as separate from that of the liaison officer.

## Education:

- the Department has Aboriginal language programs in at least 45 schools;
- the Department employs Aboriginal teachers in Community Schools. They are involved in community consultations from time to time and will use an Aboriginal language where appropriate. They are not normally accredited interpreters.
- there are increasing numbers of families from remote communities moving to the urban centres and children from community schools (some with bilingual programs) are attending suburban schools. Special arrangements are often needed. The Department employs Home Liaison Officers, Education Officers and Education Workers to assist in these situations. Ability to speak an Aboriginal language should be a desirable selection criteria for at least some of these positions, with specific languages nominated for positions in some regional centres;

#### NT Police:

- There are two aspects to police methods of communication: day to day interpersonal
  and administrative communication, and the more formal processes such as taking
  statements, conducting interviews etc.
- Communication is variously facilitated through the use of members of the Aboriginal community, through Aboriginal Community Police Officers and interpreters with varying levels of expertise. At the present time, 23 Aboriginal Community Police Officers are placed in urban areas and 12 on remote communities. They are not normally accredited interpreters.
- Any limitation on the use of interpreters is as a consequence of availability and relevant skills. Many obligations are imposed upon Police to provide/use interpreters whenever needed/possible. The range of Aboriginal languages encountered is as broad as the number of languages still in use.

#### Director of Public Prosecutions

- the need to use interpreters is recognised;
- the lack of suitable interpreters is a problem and some prosecutions have not proceeded because of this;
- interpreters have been used in some cases usually in most serious crimes at the cost of the DPP;
- for some there is a perceived problem of 'independence' if the DPP pays and employs an interpreter who interprets for the defendant. This could be overcome by arranging employment of interpreters through the Office of Courts Administration. An important part of interpreter training and accreditation is the 'code of ethics' for professional interpreters. One objective of this code is to provide independent interpreting services of high standard.

# Lands, Housing and Local Government:

- Some local government officers have language skills. The need to use an Aboriginal language in community consultations is recognised and interpreters are used in some consultations. Interpreters in communities generally have received no training and are not accredited. Kriol is an important language for communication in the Katherine Region. The Local Government Regional Office at Nhulunbuy reports that the Ramingining Council have a position designated as interpreter/liaison officer. The duties of the officer are to meet with officers from visiting agencies and to interpret their message, and any requests to the community. (Community Interpreters for Local Government Councils is discussed in Section 8).
- The Local Government Division works closely with Local Government Councils in remote areas of the Territory and has recognised the need for interpreters in community consultations. The Local Government Association of the NT (LGANT) in its publication "Straight Talking: A guide to negotiating and consulting with remote area local Government councils" states,

"An interpreter is usually necessary; and an interpreter simply as a translator of language may not be enough. That is, they must have a full grasp of all the political, economic and cultural aspects of "both" societies operating in this transfer of information using spoken language as a medium. We have a demonstrated need for the use of interpreters, you must budget for them as a compulsory consultation support person."

- Housing tenancy officers report difficulties in explaining to Aboriginal clients tenancy agreements and the tenant's obligations. The subsequent lack of understanding contributes to higher costs. It appears that in Darwin Aboriginal languages are not used in service delivery though the potential value of 'Pidgin English' (or Kriol) in the top end is acknowledged. The availability of a tenancy agreement in Aboriginal languages and in 'Plain English' would be a benefit to the Department and to the clients. In Alice Springs the Aboriginal Housing Information and Referral Service has some staff with language skills and uses translators in some situations. From the Department's perspective the lack of suitable interpreters makes the task more difficult in working with the estimated 30% of clients where this need exists. Some staff see value in developing video and other visual display material to explain tenancy obligations.
- The Housing Division is preparing posters/pamphlets in European and Asian languages. Consideration is being given to using Aboriginal languages, but low literacy levels limit the effectiveness of written material. Audio and video tapes are seen as possible alternative communication mediums.
- Aboriginal Housing and Infrastructure Branch has commented in relation to consultations with remote communities:
  - Communication in communities is in English using experienced officers with site inspections and visual aids;
  - This process 'appears' to provide a 'reasonable grasp of operational issues':
  - Extensive discussion in Aboriginal language occurs among Aboriginal councillors, with those who understand English providing explanation;
  - This is not a formal interpreter process and concerns are held about the effectiveness of this approach;
  - A better approach would be to use skilled people to workshop issues provided that both sides are willing to devote the time with community participants explaining the issues in the appropriate language.

# Transport and Works

In most of its functions the Department is providing a service to other client Departments and T & W is not generally involved in the initial consultation and planning. However it is recognised that from time to time problems occur with projects in communities for which special consultations are held with communities and their leaders. If there were an interpreter service available in Aboriginal languages the Department would utilise the service as needed.

## Commonwealth Agencies:

#### Human Services and Health:

- utilises experienced Aboriginal field staff though consultations are usually in English;
- use of Aboriginal languages is desirable and staff recognise this as a need, but from a practical perspective, no one language covers all the Territory;
- the use of an appropriate Aboriginal language will provide gains in service development and be likely to lead to positive benefits.

# Social Security:

- non-urban Aboriginals are the majority of Aboriginal client population, and service delivery to this group is one of the biggest challenges in the NT;
- Aboriginal field staff are used in community consultations, briefings to community agencies and answering telephone inquiries;
- television and radio used where available;
- trial videos in English that involve Aborigines are being developed to explain Departmental services, and posters with a focus on graphics rather than language are used;
- English is a second, third of fourth language for most non-urban Aboriginal clients;
- some Regional Offices use prominent community members as interpreters who usually do not have formal interpreter/translator qualifications;
- the Department encounters difficulty in its service delivery because of:
  - the low levels of English literacy;
  - the large numbers of Aboriginal languages;
  - the fact that Aboriginal languages are inherently oral;
  - the use of information provided through official forms to assess entitlements.

#### ATSIC:

- Referred to the 1990 Parliamentary Report "Our Future Our Selves" which recommended:
  - greater use of a 'plain English' style in documents and correspondence with Aboriginal communities;
  - greater use of radio and visual media such as video, television, comics and posters;

- where possible Departments engage qualified interpreters;
- encourage staff to study Aboriginal languages;
- make cross cultural awareness a precondition for appointment;
- recognition of the oral nature of Aboriginal languages and that knowledge based on oral transmission be accorded equal status to documented and other sources;
- gave statistics that in the NT there are 40 Indigenous languages spoken by groups of more than 200;
- recognised the importance of the recently developed Creole/Kriol language;
- the Royal Commission into Aboriginal Deaths in Custody recommended the establishment of an interpreter service;
- in remote areas, English is used largely as a second language;
- younger people are used as interpreters in some communities.

# Employment, Education and Training

- to communicate with Aboriginal people the Department utilises field staff selected in accordance with two criteria:
  - a demonstrated knowledge and understanding of Aboriginal and Torres Strait
     Islander culture;
  - a demonstrated ability to communicate sensitively and effectively, including the requirement of proper negotiation and consultation;
- local community people are used as interpreters where necessary;
- recognises that many clients speak English as a second, third or fourth language;
- recognises that effective consultation, negotiation and program implementation takes time and that staff with language skills can facilitate this process;
- recommends that all Departments should have the capacity or establish the capacity to pay community people and agencies who provide an interpreter service;
- it may be possible for DEET to fund courses to train community people to become recognised interpreters and translators.

## APPENDIX 4 - AGENCIES CONSULTED

## In the Northern Territory

# Territory Government Agencies

Department of the Chief Minister - Office of Ethnic Affairs

Department of Correctional Services

Department of Education

Department of Health and Community Services

Department of Lands Housing and Local Government

Department of Law

Department of Lands Housing and Local Government

Department of Transport and Works

Office of Aboriginal Development

Office of Courts Administration

Office of Commissioner of Public Employment

Office of the Director of Public Prosecutions

Legislative Assembly Constitutional Development Committee

N.T. Anti-Discrimination Commission

N.T Police

# Commonwealth Government Agencies

Department of Employment Education and Training

Department of Social Security

Family Court of Australia

Office of Multicultural Affairs

Office of Northern Development

#### Aboriginal Agencies

Aboriginal Resource Development Services

ATSIC

Barkly Regional Aboriginal Languages Centre

Katherine Regional Aboriginal Languages Centre

Miwati Health

North Australian Aboriginal Legal Aid Service

Pitjantjatjara Council

Top End Aboriginal Bush Broadcasting Association

Yirrkala Business Enterprises

## Other Agencies

Batchelor College

The Institute for Aboriginal Development

The Local government Association of the NT

The Katherine Town Council

The Northern Territory University

Nungalinya College

The Summer Institute of Linguistics

The Jabiru Town Council

The Gunbalanya Council

#### In Canberra

# Commonwealth Government Agencies

ATSIC

Department of the Attorney General

Department of Prime Minister and Cabinet - The Office of Indigenous Affairs

Department of Employment Education and Training

Department of Social Security

# Other Agencies

The Australian Institute of Aboriginal and Torres Strait Islander Studies

The Australian National University - Department of Linguistics

The Bible Society in Australia - Translation Division

The National Accreditation Authority for Translators and Interpreters

The National Languages and Literacy Institute

## In the States

# Interpreter Services and Training Agencies

Adelaide Institute of TAFE

Deakin University - School of Languages, Interpreting and Translating

Interpreters International - Perth

Perth Central Metropolitan College of TAFE

Southbank College of TAFE - Brisbane

# Other Agencies:

Macquarie University - School of English and Linguistics

Perth Aboriginal Medical Service

Queensland University - Department of Anthropology and Sociology

# ENDIX 5 - AGENCIES WITH KNOWLEDGE OF ABORIGINAL LANGUAGES

# e Springs

Institute for Aboriginal Development - 511311

Finke River Mission - 524666

#### chelor

e Centre for Aboriginal Languages and Linguistics, Batchelor College - 397111, 397260

#### ırwin

ne Anglican Church (for parts of Arnhem Land) - 852044

atholic Missions (for Bathurst Island and Port Keats) - 410022

he Department of Education - PEO Aboriginal Languages and Bilingual Education - 96418

The Northern Territory University - Faculties of Aboriginal and Islander Studies, Anthropology, and Education - 466666

Nungalinya College - 271044

The Summer Institute of Linguistics - 844488

The Uniting Church (for parts of Arnhem Land) - 818444

#### Gove

Aboriginal Resource and Development Services - 873545

#### Katherine

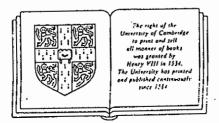
Katherine Regional Aboriginal Languages Centre - 711233

## Tennant Creek

Papulu Aparr-kari, Barkly Regional Aboriginal Languages Centre - 623270

# Language in Australia

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Kriol - the creation of a new language

JOHN W. HARRIS

#### 12.1 Introduction

Kriol is an English-based creole, widely spoken by Aboriginal Australians in the 'Top end' of the Northern Territory and adjacent regions. Emerging early this century but derogated or ignored until just over ten years ago, Kriol has since become better documented. It is now the subject of considerable interest and debate, due largely to its expanding use in education and in the Christian church (see Harris and Sandefur 1985b; J.W. Harris 1986b).

Kriol is of more than local interest because it is probably the latest creole to be comprehensively described linguistically (Sandefur 1979; Sandefur and Sandefur 1979a; and Sandefur, this volume), sociolinguistically (Sandefur 1984b), and historically (J.W. Harris 1984, 1986a). It is also of importance because the circumstances in which Kriol arose differ from those in the plantation and post-plantation societies from which so many other creoles have emerged. I outline briefly the history of Kriol in four broad stages: its pre-European background, the eras of pidgin genesis and stabilisation and the modern period of creolisation and extension.

## 12.2 The pre-European context

Speech communities consisting of large numbers of overlapping language communities are typical of Aboriginal Australia (Rigsby and Sutton 1982; and Sutton, this volume), particularly in areas such as North Australia where favourable natural environments are able to support large numbers of people organised into small groups (White 1978: 48). Along the Northern Territory coast and hinterland, multilingualism was the cultural norm.

Furthermore, for several centuries prior to the European invasion of the region, Aboriginal people of the Northern Territory coast had a close

trading relationship with South-east Asia. The trepang trade was largely based in Macassar (in modern Suluwesi) from where a large fleet of around 50 praus, with multilingual crews, arrived each December and remained until April (MacKnight 1976). The Portuguese-Malay trade language of the archipelago was adapted in North Australia to become the 'Macassan' Pidgin of communication, not only between Aborigines and traders but also, eventually, between distant Aboriginal groups (Urry and Walsh 1981).

English, then, did not come into a pristine situation of societal monolingualism but into a complex cultural region in which there had already been developed skills of cross-cultural communication.

# 12.3 The rise of pidgin Englishes

From the sixteenth century until the early nineteenth, European explorers and slavers made fleeting contact with the northern coast. Their only linguistic heritage consisted of a few Portuguese loanwords (J.W. Harris 1986a: 117). In 1824 the British established the first of three-short lived military garrisons, Fort Dundas on Melville Island. Language contact during its five violent years was minimal. The second garrison, Fort Wellington, was established on Raffles Bay in 1827. Its first year was as violent as its predecessor but the appointment of the remarkable Collet Barket as commandant in 1828 led to an amicable relationship between the garrison and the local Aboriginal people. A contact language based on both English and the local vernacular began to emerge but its development was terminated by the abandonment of the garrison in 1829 (Harris 1985: 160).

. The third garrison, Victoria, on Port Essington lasted from 1838 to 1849, which, under circumstances of reasonable rapport between the settlers and the Aborigines, was a sufficient length of time to enable significant pidgin development to occur. Initially, the Port Essington people attempted to speak to the British in the 'Macassan' Pidgin, the language of their interaction with foreigners. Earl (1842: 140) reported:

You ask for vocabularies. I am in the most ridiculous perplexity about them. After having collected many words, I found that I was making a vocabulary of a horrid patois of the Macassan dialect: in fact, nearly all the words the natives used when speaking with us are Macassarese . . .

Early in 1840, McArthur reported that the Aboriginal people could speak some English but that no Whites spoke their language. By 1841 Stokes (1846 (II): 357) described the contact language of Port Essington as 'such few words of broken English as we min use at the colony'. After a few more years it was becoming frequently isorded that some Aboriginal

people spoke what was recognisably English (e.g. Keppel 1983: 158; Sweatman in Allen and Corris 1977: 44). The Aborigines' contact language had changed in two years from the attempt to speak the 'Macassan' Pidgin, which was not generally understood by the British, to the use of an Englishbased pidgin understood by both groups. There is some evidence that what may have been taking place was a relexification of the 'Macassan' Pidgin (Harris 1985: 165-6).

After an unsuccessful attempt (1864 to 1866) to establish a township at Escape Cliss on the mouth of the Adelaide River, permanent European settlement was finally achieved at Darwin in 1869. Relationships between the settlers and the local Larrakia people were generally friendly and an English-based pidgin emerged rapidly. Ashwin (1932: 92) was able to describe the Larrakia people in 1872 as 'Port Darwin natives . . . semicivilised ones, which understand pigeon English'. Wildey, visiting Darwin in 1873, commented that 'some speak English fairly' (1876: 118). There is, however, little recorded data from this early Darwin period, making it difficult to assess the extent to which the Darwin pidgin may have been influenced by nautical jargon or by pidgin models from South Australia, where most of the early settlers originated from. Typically, the model presented to the Larrakia people was a non-standard English with pidgin elements, as exemplified by the use of terms such as savvy and piccaninny and baby-talk words such as tum tum for food. Important models were also provided by Port Essington people, who were frequently employed as interpreters. Searcy (1909: 36), for example, reports: 'These boys spoke good English, Macassar, and . . . their own language . . . I always took Port Essington boys with me on my trips.'

This 'good English' was the Port Essington Pidgin English, as the very large number of quotations of Searcy's writings demonstrate. Thus, Searcy (1912: 172, in reference to 1882): "No more, me think it", was Boom's reply. "That fella snake been piccaninny, him bin come alonga wood from over there. Blackfella alonga Port Essington say Macassar man have to catchem wood, no more good fella sit down along island"' [No, I don't think so. That was a young snake, he came from the wood over there. Port Essington Aborigines say the Macassans have to gather wood, there's no more good (wood) on the island.]

It is deceptively easy to emphasise the European men's communication with a few Port Essington men and several prominent Darwin men, because these interactions are documented, and to ignore the much more frequent communication between European and Aboriginal women in which much linguistic innovation must have occurred. Thus, Sowden (1882: 144): 'The young lubras [black women] are engaged by the English as washerwomen and chargain en, and they work very well, I am told. Indeed, altogether they are annost indispensable to the whites.'

The discovery of gold in 1872 change arwin from a tiny European outpost to a bustling multi-ethnic frontier town. In a decade or so the non-Aboriginal population jumped from 200 to 8,000, many of whom were Chinese. There were not many mining camps inland from Darwin where communication with Aborigines demanded a contact language. The pidgin English of Darwin was almost certainly transported inland as a model. As Sowden (1882) clearly shows, Chinese Pidgin English was spoken by Chinese to Europeans. It could hardly have failed to influence the developing pidgin of Darwin and the mining camps. This can be seen in Searcy's (1912: 127) example: 'by-em-by plenty fella policeman takem one piecee blacksella along bush' [Later, many policemen will take one Aboriginal into the bush].

In this sentence, spoken by a European in about 1883, fella, a Southwestern Pacific pidgin item, and piecee, a Chinese pidgin English item, both perform the same function as a suffix to a prenominal. This variable use of alternate forms no doubt characterised the pidgin for many years in this region of complex linguistic mixing.

The Overland Telegraph and the goldrush opened up the Northern Territory to exploitation by the cattle industry. Thus the pastoral frontier, which had reached Queensland in the 1850s, extended westwards into the Northern Territory in the 1870s along the valleys of the Roper and Victoria river systems and into the Kimberley region of Western Australia. These were violent years, but the Europeans were there to stay. Despite the valiant efforts of the Aborigines, their resistance was mercilessly put down.

Important sites of pidgin development in the pastoral region were the frontier townships of Roper Bar, Borroloola, and Katherine, and those cattle stations where, either by choice or coercion, Aboriginal people were 'made quiet' (Merlan 1978). Thus, one Aboriginal account observes (Jess James Garalgnanjag and Maudie Mangui, as told to Jay Read, in Read and Read 1978: 74):

Then people come quiet now from after that feller bin get shot now . . . white man bin settlem down blackfeller now . . . might as well him bin just give up . . . and we might as well sit down . . . that when they bin havem that station.

Of these sites, the cattle stations were finally the most important. The 'settling down' of Aboriginal people at the stations institutionalised contact between linguistically different peoples who had thus far been scattered and discontinuous. In this way such contact became a daily fact of life.

The cattle station pidgin, or, more accurately, the Elsey Station version of it, has been immortalised in Gunn's books (1905, 1908), the major source of specific linguistic data. Thus, Gunn (1905: 54, 78):

You plenty savey. Me no more savey yabber stick. I think you close-up savey white fellow paper-yabber. Jimmy.

[You do understand, I don't understand message sticks. I think you nearly understand European writing.)

Him Maluka. Him track belong Maluka. Him bogey last night.

[That's Maluka. Those are Maluka's tracks. He bathed last night.]

Historical studies of the extension of the pastoral frontier from New South Wales through inland Queensland and into the Northern Territory (J.W. Harris 1986a: 184-214), reinforced by lexical analysis of the pidgins (J.W. Harris 1986a: 260-300; J.W. Harris 1988), strongly indicate that the major lexical source of the pastoral industry pidgin was South-east Australian Pidgin English (SEAPE). This pidgin began in the late eighteenth century as a contact language around Port Jackson. It was carried throughout much of Australia and was the invariable model presented to newly encountered Aboriginal groups. Favenc (1904, quoted in Baker 1966: 313) writes:

The pidgin talk which is considered so essential for carrying on conversation with a blackfellow is mostly of very old origin . . . As the whites pushed on and on amongst new tribes, nothing was taken from the local dialects to add to the general pidgin stock, but the original was carried along.

## 12.4 The stabilisation of the pidgins

The single most important factor in the stabilisation of pidgin Englishes in the Northern Territory was their convergence towards a common standard, a phenomenon typical of the Pacific region (Mühlhäusler 1985). The fact that the various pidgins, due to a common ancestry, were not dissimilar to start with, helped this merger.

The convergence was very largely effected by the greatly increased mobility of the population. Aboriginal people often accompanied Europeans to places far from their own country. Many Aborigines were sentenced to periods in Darwin's Fanny Gaol where they mixed with people from other parts of the Northern Territory. Europeans were also very mobile. Stockmen moved from station to station, policemen spent time in different postings and government officials of various kinds moved about a great deal.

These people took the pidgin with them, abandoning its local idiosyncrasies when necessary and preserving its commonalities. A typical example was Lionel Gee, government surveyor, goldfield warden and magistrate who, in his various roles, travelled extensively in the Northern Territory in the first decade of this century. Among his later reminiscences, Gee (1926: 15) observed that the pidgin, although mostly lexically English, was not semantically English: 'though the words used are quite English, some of them are put in such a different sense that it takes a little time before Not only was Gee able to use pidgin English wherever he went, but he and people like him were responsible for the convergence of pidgins towards a common standard. It is clear that by the beginning of this century, the pastoral industry pidgins had merged into one widely-understood lingua franca, best referred to as Northern Territory Pidgin English (NTPE). If one compares the pidgin English spoken in Elsie Masson's kitchen in Darwin in 1913 (Masson 1915) with that spoken in Jeannie Gunn's kitchen at Elsey Station in 1902 (Gunn 1905), or if one compares the pidgin English spoken in Borroloola Courthouse in 1902 (Spencer 1928) with that spoken in Darwin Courthouse in 1913 (Masson 1915), it is evident that all are examples of the same language.

## 12.5 The creolisation of the Pidgin

The history of Kriol well illustrates both the relationship between a creole and its pidgin ancestor, and the important principle that creolisation occurs as a result of rapid social change and the demand for a primary language in a newly-emerged community.

The first place in the Northern Territory where pressure was placed on the pidgin to expand to become the primary language of a new community was the Roper River Mission (now Ngukurr), where creolisation began to occur shortly after 1908 (see J.W. Harris 1986a for details). The invasion of the Roper River region by Europeans had commenced with the construction of the Overland Telegraph in the early 1870s. Huge cattle drives were then undertaken as the pastoral frontier moved from Queensland into the Northern Territory. Cattle stations were established in the 1870s and 1880s and a small township emerged at Roper Bar, the shallow crossing used by European drovers, miners, settlers, cattle thieves and anyone else who had to cross the Roper River travelling north or south.

These were violent years and a great deal of aggression was directed at Aboriginal people in the region. As one of the early missionaries, R.D. Joynt (1918: 7) wrote, hundreds, had been 'shot down like game'. The massacre of Aboriginal people in a 'war of extermination' was widespread and continuous throughout the whole of the pastoral frontier. Initially, the battle was not entirely one-sided. The Aboriginal people of the Roper River region had gained themselves a reputation for fierce and concerted resistance to the European invasion of their lands (e.g. Willshire 1896: 7; Waters 1913: 101-4). The abandonment of most of the cattle stations in the region in the 1890s was attributed to their efforts.

Any possibility, however, of Aboriginal people being able to preserve their traditional cultural integrity was drastically ended at the turn of the (Bauer 1964: 157). Purchasing all the major stocked stations along the western Roper River, they began moving cattle eastward. The Company had no intention of allowing Aboriginal resistance to hinder this huge project. Determined to exterminate them, they employed gangs of up to 14 men to hunt all inhabitants of the region and shoot them on sight. With the police and other authorities turning a blinder, the hunting gangs of the Company staged an unprecedented, systematic campaign of extermination against the Roper River people. They almost succeeded.

This near annihilation of the Aboriginal people of the region produced the first factor necessary for the genesis of a creole; sudden and drastic social change and the accompanying severe disruption of normal language transmission. The second requirement for the genesis of a creole is a new community. Challenged by the plight of Aboriginal people, the Anglican Church was determined to establish a mission, and choose a site on the Roper River itself (Cole 1968). The mission commenced in 1908, and was perceived as a haven of refuge by the scattered people of the region. By 1909 some 200 Aboriginal people gathered there. They were the remnants of the Mara, Wandarang, Alawa, Ngalakan and Ngandi people together with the easternmost Mangarayi people and the southernmost members of the Rembarrnga and Nunggubuyu. As Barnabas Roberts, an Alawa man who came to the Mission as a young boy, once said: (personal communication to John Sandefur), 'If the missionaries hadn't come, my tribe would have been all shot down'.

The eight groups spoke separate and distinct languages. As is typical of Aboriginal people, the adults were multilingual. Although they had not lived permanently in such close proximity before, in their traditional lives they had met regularly for ceremonial and other purposes. Over the course of a lifetime, these people had normally become fluent speakers of each other's languages. The children, however, were not yet multilingual. Approximately 70 children attended school at the mission. There they were forced into contact with other children whose languages they had not yet had time to learn. They were the new community and they needed a primary language. Whereas their parents could communicate with other adults by speaking Alawa or Mara or whatever, the children could not. What they had in common was the English pidgin used between Aboriginal and European people (NTPE) and the English they were hearing in school. With this limited input, it was this younger generation who, in the course of their lifetime, created the creole, manipulating the lexical resources available to them and drawing on linguistic universals to create a

La Ngukurr melabat garrim eitbala langgus. Wen naja traib wandim tok la dis traib, jei tok mijalb garrim Kriol. Jad impotan langgus im Kriol. Olabat gan sabi bla wanim olabat toktok.

[At Ngukurr we have eight languages. When another tribe wants to talk with this tribe, they communicate with one another using Kriol. The important language is Kriol. They can understand what they are talking about.]

A similar creolisation process occurred elsewhere in later years in such places as the Kimberley cattle stations and around the World War II army camps in the top end of the Northern Territory.<sup>2</sup> These creoles have spread and merged into one widely spoken language in use from far western Queensland, through parts of the Northern Territory and into the north of Western Australia. The language is now called Kriol.

It is, however, important to distinguish between creolisation in the past and the spread of Kriol today. Whereas many thousands of people speak Kriol as their primary language, thousands of others from surrounding areas speak it as a second language. Among some of these groups there is a tendency for Kriol to assume near-primary language status, particularly among older children. This is very evident, for example, at Numbulwar. There is, however, an encouraging reverse trend for young adults to use less Kriol and to use Nunggubuyu for adult communication.

In the years before serious attention was given to creoles, such languages were usually dismissed as marginal, inadequate and improper (see Mühlhäusler, chapter 9, this volume). Kriol itelf has been called 'English perverted', 'ridiculous gibberish' and 'lingual bastardisation' (see e.g. Turner 1966: 202, Strehlow 1947: xix, and Baker 1966: 316): Now, however, that Kriol has been objectively studied and described, it is seen to be a creole in the tradition of all the great regional creoles of the world. Although children had a vital role in its beginnings, it is now the language of adults, a fully-fledged language, the vehicle of communication of a large and increasing number of Australians.

In common with many creole-speaking people throughout the world, Kriol speakers were themselves often convinced of its inferiority. This is, however, changing rapidly. A growing sense of community identity and political action are becoming linked with Kriol speech in the minds of many young people. Bilingual education programmes in Kriol and English have been particularly important, especially the outstandingly successful programme at Barunga school.

In this context, it would be difficult to exaggerate the critical importance of the Kriol Bible translation programme. An increasingly indigenous

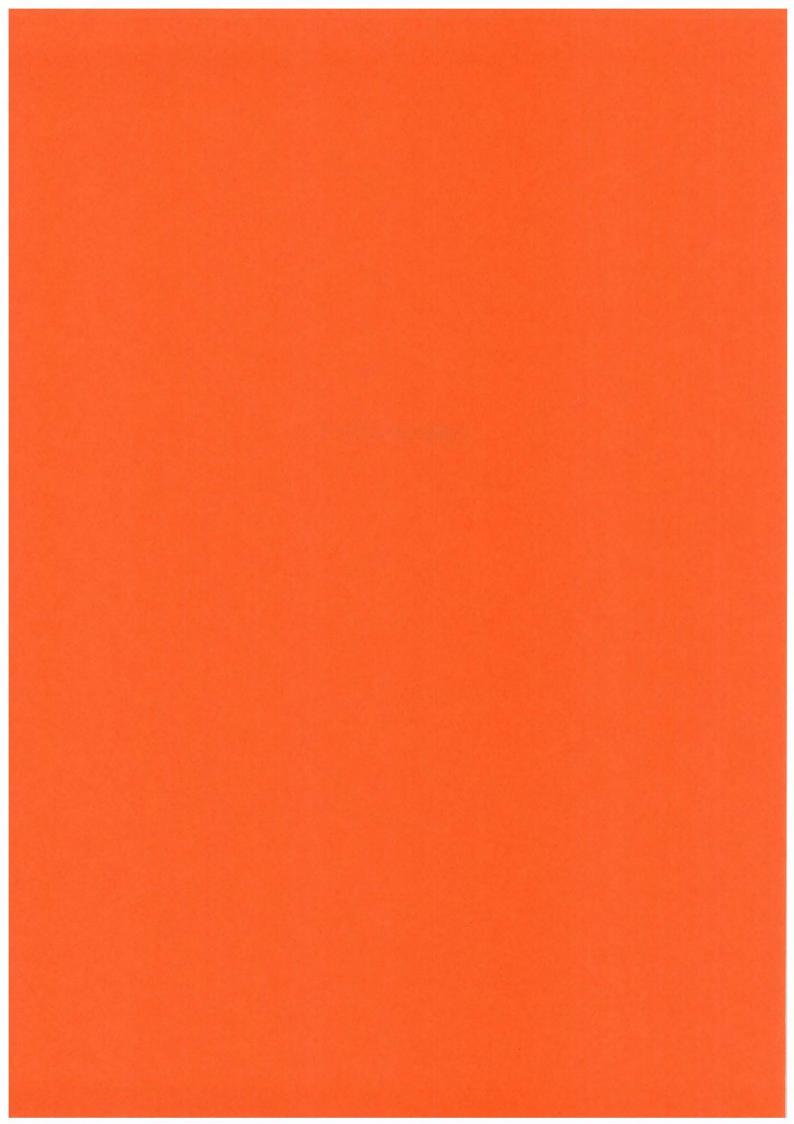
Christian church is a significant institution in the larger Kriol-speaking communities. A critical component of their growing pride in their distinctiveness and unique identity is the possession of the Bible in Kriol. The first edition, containing selected books, was published in 1985. A larger volume containing 30 per cent of the Bible appeared in 1988 and the whole Bible will be completed within the next decade.

#### Notes

1. Langford-Smith (1935: 136) says that he was unable to communicate with a 16-year-old girl who suffered from leprosy and lived with her parents and was never part of the school and dormitory peer group. Speaking neither English nor Pidgin English, she knew only her

2. An important additional factor in these creolisation sites was that existing Kriol speakers were often part of these new extended speech communities. This meant that there was already a creole model and it is difficult to determine the extent to which new creolisation took place or Kriol was simply adopted with local dialect differences developing.

Appendix 4



# EXECUTIVE SUMMARY

The Northern Territory Sets a National Precedent: Objective and Principal Findings of the Trial

Setting a national precedent, the first government sponsored Aboriginal languages interpreter service was trialed in the Top End of the Northern Territory for six months, from 6 January to 30 June 1997. The Trial focussed on providing a service to the legal and medical sectors in situations involving Aboriginal people for whom English is a second, third or fourth language.

It was intended that the Trial would allow for an assessment of (a) whether there exists a need, in the Top End, for such a Service, (b) the feasibility of establishing a permanent Service, (c) the most effective means by which a permanent Service might be run, and (d) how much it is likely to cost.

The qualitative and quantitative data related to the Trial strongly supports the hypothesis that a need for an Aboriginal languages interpreter and translator service does exist. In six months there were 236 bookings made and a total of \$110, 105 was spent. The establishment of a permanent service is certainly feasible and its cost effectiveness evident. The establishment and fostering of a professional Aboriginal languages interpreting facility will address the potential legal, financial and economic ramifications of not providing such a service. The most cost effective means by which to operate such a service is as part of the existing Territory Government NT Interpreter and Translator Service (NTITS). To do so is consistent with Government's position on the mainstreaming of the delivery of services to Aboriginal people and is, in fact, the most cost effective option. The advantages of this approach are discussed in the section titled *Placement of the Service*.

#### Some relevant statistics:

In the Northern Territory, approximately 70% of Aboriginal people speak a language other than English and in remote areas this percentage often exceeds 95%. This is proportionally greater than in any of the other states (70.3% in the NT, 24% in SA). Further 31% of the Territory's Aboriginal people self-identify as not speaking English well – if at all – and this figure is probably quite conservative. Aboriginal people comprise approximately 27.5% of the Territory's population. That is about 48 700 people. In comparison, approximately 8.4% of non-Aboriginal Territorians speak a language other than English. That is about 14 900 people. Indeed, the latest figures from the Australian Bureau of Statistics (Census 1996) reveal that the majority of people who reported speaking languages other than English at home spoke Australian Indigenous languages. I

These facts have tremendous implications for agencies aiming to deliver or administer services effectively to Aboriginal people in urban as well as remote areas. The extent of the financial implications are strongly argued by the Territory in its Submission for





the Commonwealth Grants Commission 1999 Review of General Revenue Grant Relativities. Indeed, in its Submission the Territory strongly argues that the Commission should consider the identification of traditional Aboriginal people from other [Aboriginal people] in those categories where the disabilities of that particular sub-group are likely to be different from the total Aboriginal population. The method the Territory proposes for identifying 'traditional Aboriginal people' is that they speak Aboriginal languages at home.

In addition to the above statistics are those that show the over-representation of Aboriginal people in hospitals and in contact with the law and justice system.

## Service Delivery in a Cross Cultural Context:

It has long been recognised that for governments to deliver services to non-English speaking European and Asian people and achieve maximum participation in mainstream society by those people, that interpreters are often required. There is little doubt that language barriers result in significant social and economic cost to governments and, of course, wider society. These costs have not yet been adequately quantified.

It should be noted that interpreter services identify as their client group those to whom they provide interpreters. For Government sponsored interpreter services, this is mainly Government agencies but may also include the non-English speaking people who require interpreters.

The NTITS, which is administered by the Office of Ethnic Affairs located in the Chief Minister's Department, provides interpreting and translating services throughout the Northern Territory free of charge when migrants access NT Government services. Individuals and firms that utilise the Service are charged a fee. A recent independent evaluation of the Office of Ethnic Affairs found that while the Service is achieving a high level of service delivery satisfaction with minimal duplication of services provided through other agencies, the most frequently nominated reason as to why NTITS does not match the interpreting and translating needs of respondents perfectly is lack of Aboriginal languages interpreting and translating services.

While this Trial has operated only in the legal and medical sectors, and the positive figures that have been revealed only apply in those areas, it is not difficult to see the extent to which the use of Aboriginal languages interpreters could be used to great effect in other areas. There would certainly be an advantage in all government agencies using interpreters when undertaking community consultations on issues as diverse as land management, housing needs analysis, constitutional development and local government consultations.

The Trial has highlighted the necessity for centralised provision of a professional Aboriginal languages interpreter service and the absolute necessity for an integrated and coordinated approach to the total issue.

The most cost effective delivery and use of interpreters in Aboriginal languages in the Top End of the Territory, would be to offer the service through the NTITS at a cost of \$370, 000. This amount would allow the service offered to the legal and medical sectors.

As the Aboriginal Languages Interpreter Service Trial was run in the Top End of the Territory data is only available for this area. However, it should be noted that feedback from agencies represented on the Evaluation Committee suggests that there is a major need for access to Aboriginal languages interpreters in the Centre. On the data available from the Trial it is clear at least one coordinating staff position would be required in the Centre. Interpreting services are presently available from the Institute of Aboriginal Development (IAD). This position could liaise with the IAD in assessing the availability of suitable interpreters and report after an inaugural six month trial period. Based on the data available from the Top End Trial, this would cost approximately \$140,000 (including staffing and on—costs).

This report reveals that the potential cost to Government of not providing and accessing interpreters in Aboriginal languages far exceeds the cost of providing them.<sup>5</sup>

Examples of potential exposure and savings include:

#### Health:

Contingent liability for claims for:

medical negligence

misdiagnoses

lack of informed consent

premature release from hospital

Preventative health care.

Improved quality of health service provided.

#### Legal:

Costs of aborted trials due to inadmissibility of admissions statements, evidence, etc.

Contingent liability for claims for: false imprisonment wrongful arrest

Savings in expenditure of Police and court time.

# INTRODUCTION / BACKGROUND:

#### Effective Communication:

The importance of more effective communication was highlighted by the (then) Chief Minister in his Statement on Aboriginal Development in November 1992. The pursuit of a variety of strategies to address this need was set as one of the primary responsibilities for the newly formed Office of Aboriginal Development and has remained as an essential element of the Office's charter. It has also been identified as a core issue by important service delivery agencies.

There are a number of ways that communication can be improved. To this end the Office of Aboriginal Development has promoted a multi-faceted approach to the issue which is encapsulated in the Enhanced Communication Between Aboriginal People and the Government Strategic Framework and Implementation Plan. The Plan targets three areas: the development of greater cross cultural understanding and skills among NTPS officers; the pursuit of strategies aimed at improving the level of cross cultural understanding of some Aboriginal people; and, strategies to specifically address the adverse impact and cost of the language barriers that exist between some Aboriginal people and non-Aboriginal people.

In response to significant public attention focussing on the actions of some magistrates and judges, the Office of Aboriginal Development drafted an Action Plan to specifically address the issue of Aboriginal languages speakers who deal with government. Although it is called the Aboriginal Languages Interpreters Action Plan and presents a number of strategies related specifically to interpreters, it also presents other strategies for lessening the impact of language differences among some Aboriginal people and service deliverers; including cross cultural awareness training and the use of cultural advisers in courts. It presents short term, intermediate and long term strategies to address the needs that have been identified. The Action Plan is particularly concerned with the situation facing the justice / legal system. The purpose of the Plan is to identify the actions required to:

- (a) address, over time, the problem of ineffective communication between some Aboriginal people and English speaking courts and service delivery staff:
- (b) establish realistic priorities that allow needs to be addressed within resource constraints that exist in funding and personnel;
- (c) allocate responsibility for action; and
- (d) identify those matters on which Cabinet approval will be necessary.

In November 1995 the (then) Attorney-General tabled the draft Action Plan in Parliament. A Working Party was formed by the Chief Executive Officer of the

Attorney-General's Department to analyse, amend (if necessary) and implement the strategies noted in the Action Plan. The Working Party continues to meet. Its membership includes representatives from the Office of Aboriginal Development, Police, Office of the Director of Public Prosecutions, Office of Courts Administration, NT Magistrates, and North Australian Aboriginal Legal Aid Service (NAALAS). A well respected linguist (Michael Cooke) was a member of the Group until his departure from the Territory early in 1997. His advice is sought on a needsbasis.

In line with the strategies noted in the Action Plan, early in 1996 the Office of Aboriginal Development appointed a Coordinator to identify and register people willing to act as interpreters on the NT Aboriginal Languages Interpreters and Translators Register. The Coordinator travelled throughout the Territory and liaised extensively with Aboriginal, governmental and tertiary institutions in pursuit of both accredited interpreters and un-accredited but highly bilingual and bicultural people.

# The 1996 Intensive Training Courses:

Batchelor College commenced a program of intensive pre-test preparation workshops and National Accreditation Authority for Translators and Interpreters (NAATI) tests at the Paraprofessional level in 1996. The program was conducted in eight locations yielding 32 NAATI accredited interpreters in 12 languages (10 Top End and 2 Central Australian languages). It should be noted, this is an unprecedented number of interpreters in Aboriginal languages to be accredited in one year by one institution. Most of the successful graduates have signed on the Register compiled by OAD. With appropriate support this process could be replicated in many more communities. Advice is that there are a number of highly skilled people who could sit the NAATI Level 3 Interpreter exam. An intensive introduction to medical interpreting has been devised and could be incorporated in this program or delivered separately to those interpreters who have passed the program already. The workshops were conducted by Michael Cooke.

Each of the workshops involved a legal interpreting component and for this reason a lawyer was invited to provide legal expertise. Additionally, the Police attended in each community to provide explanations of their procedures regarding criminal investigation, arrest, cautioning and interviewing. In some cases the Police attended the classroom, on others the candidates were shown through the local Police station.

The pre-test preparation covered four main areas:

- \_ the ethics of the interpreter profession;
- \_ the pre-interview process (ie when the interpreter explains to interviewer and interviewee about how to use an interpreter and about cultural matters that may affect cross-cultural communication);
- \_ interpreting practice (role plays, how to translate difficult concepts);
- legal interpreting, Police and court procedures in criminal matters.



In 1996 the Office of Aboriginal Development, the Northern Territory Attorney-General's Department and the Commonwealth Attorney-General's Department agreed to jointly sponsor the Northern Territory Aboriginal Languages Interpreter Service Trial for a period of six months.

# Overcoming Perceived Problems

There are a number of factors that together have together resulted in the situation whereby the need to use professional interpreters to communicate with some Aboriginal people has been overlooked.

For example, it has long been assumed that Aboriginal people will, eventually, all speak English, at the expense of Aboriginal languages. This is clearly not occurring. Census statistics and anecdotal evidence discussed herein indicates that the situation may not change in the short to medium term. Yet the argument is often presented by those who do not support the pursuit of Aboriginal languages interpreter initiatives.

There are a number of other reasons and issues that have, over the years, resulted in a situation whereby government and non-government officials needing to communicate with non-English speaking migrants may access government funded interpreting and translating services and those officials wishing to communicate with non-English speaking Aboriginal people have not been able to access the same level of service.

Another issue is the lack of understanding of the benefit of minimising exposure to liability and actually saving money by the provision of an Aboriginal languages interpreter service program.

Another factor halting progress over the years has been the number of languages spoken. There are over 40 major languages used by Aboriginal groups throughout the Territory, however linguists have established it is possible to substantially meet interpreting and translating needs by the use of interpreters in 15 of the most commonly used languages. Certainly, the Office of Aboriginal Development had little difficulty in locating a total of 87 interpreters covering 61 languages (including the 15 major ones) prepared to work in the Top End of the Territory during the period of the NT Aboriginal Languages Interpreter Service Trial.

Often officials will try to communicate with an Aboriginal person by using another Aboriginal person who appears to speak more English then their friend, as an interpreter. This strategy has been fraught with difficulty. In fact, there are examples where this strategy has been employed during police interviews and, subsequently, professional translators have shown gross misunderstandings of the nuances of English by the friend. In these cases courts have actually dismissed the use of the content of the interview.

People who have interpreting qualifications and/or skills have in the past abandoned this as an employment option because they have too often been used as interpreters without receiving the proper remuneration.

There has also been a strong assumption among service delivery personnel that because they are able to elicit the use of a limited amount of basic English from most Aboriginal people, that they are communicating well enough. Yet the socio-economic statistics of over-representation alluded to above do not support such a belief.

It should come as no surprise that the response from those who have used professional and un-biased interpreters to communicate with Aboriginal people have reported a high level of satisfaction with the procedure and a marked improvement in the quality, or depth, of communication that results.

## OPERATION OF THE TRIAL

The Aboriginal Languages Interpreter Service Trial was jointly sponsored by the Commonwealth Attorney-General's Department, the NT Attorney-General's Department and the Office of Aboriginal Development. An amount of \$133 000 was provided for the payment of interpreters by the Commonwealth. Staffing cost which were borne by the Office of Aboriginal Development include the payment of an AO6 Coordinator and an AO3 Booking Clerk.

It was intended that the Trial Service allow for government and non-government legal and medical organisations in the Top End of the Territory to utilise the services of Aboriginal languages interpreters without having to pay for them. All travel, accommodation and professional interpreter fees were met with the funds obtained for the Trial.

The Commonwealth agreed that, while the Trial would cease on 30 June 1997, the monies remaining could be used in a manner consistent with the terms of the grant until they were fully expended. A balance of \$22,895 remained at 30 June 1997.

The Office of Aboriginal Development employed the Coordinator and Booking Clerk to administer and manage the day-to-day operation of the Trial. The NT Aboriginal Languages Interpreters Register was utilised for contacting the interpreters and new interpreters were signed onto it. These officers were the central liaison point for the service delivery agencies, the interpreters and the finance / salaries section of the Attorney-General's Department which managed the monies provided by the Commonwealth to pay the interpreters. The use of one coordinating, booking and payment facility ensured that there was a central receptacle for the monitoring of expenditure and accurate tracking of need.

Additionally, the Office of Aboriginal Development and the Northern Territory Attorney-General's Department each committed a considerable portion of work time of a senior policy officer to direct this and related initiatives.

The Trial Service was modelled on the Northern Territory Interpreter and Translator Service (NTITS), with some relatively small but important alterations to accommodate the requirements of the largely Aboriginal pool of interpreters. As such:

- \_ the database utilised for the Trial was the same as that used by NTITS with extra fields for surnames of interpreters;
- \_ the forms used for the processing of payments to interpreters were also identical to NTITS;
- \_ the same booking procedures were adopted;
- \_ the Coordinator and the Booking Clerk were contactable in standard office hours. This is commensurate with the service currently provided by NTITS;
- \_ the same schedule of professional fees was adopted.

Those involved in the administration of the Trial were strongly supported at the operational level by the staff of NTITS, who were able to assist on many occasions with practical advice.

One of the important differences between the NTITS system and the Trial Service was that the staff of the latter often picked people up from the airport, checked them in at their hotel and accompanied them to their job on the first morning of their assignment. This level of assistance is considered crucial when dealing with Aboriginal people from remote areas. The issues involved are discussed more fully below.

It was thought that many legal and medical interpreting situations would arise on an emergency and out-of-hours basis. An answering machine was placed on the bookings number of the Service in order to record the number of emergency or out-of-hours requests. However, only one call was received after hours and because the Coordinator was in the office at the time, she was able to meet the need. RDH had situations whereby patients were flown from remote communities on the Air Med Service for emergency treatment, but the use of an answering machine would not provide the service that the Accident and Emergency service would require because Air Med are on call 24 hours and only fly in response to emergency call out. For example a patient is flown in at 21.18 hours (January 97) with coronary heart complaint, now disable and having rehabilitation. Consequently over a 6 month period of hospitalisation.

Alternative strategies to meet the expected memergency/immediate needs were pursued for the Police and Royal Darwin Hospital (RDH).

Although details recorded on the Register (including people's names and personal details) were generally not made available to agencies, all interpreters were asked if they were prepared to have their relevant details given to the Police so that they could be contacted directly if needed after hours. This information was given to the relevant Police stations. It should be noted that there were very few interpreters willing to be contacted 24 hours a day by Police.

Apart for a few instances (by Police) on two communities, all contact of interpreters occurred through the Coordinator or Booking Clerk. As such, consistent records were maintained for the period of the Trial and hold-ups in payment of interpreters were minimised.

In the case of RDH, when interpreters were booked to come into Darwin for legal or medical cases, they were asked if they would be willing to stay for an additional period to interpret in the hospital. Territory Health Services stationed a full time Project Officer at RDH to promote the use of interpreters, and to act as principal contact officer for interpreters and medical personnel needing their services and generally coordinate Aboriginal languages interpreter activities at the hospital. Information about the languages spoken (and the communities they are spoken in) by each attending interpreter was provided daily to the Project Officer who then advised medical staff of same. Interpreters were thus used to accompany staff on rounds or on





a needs basis for consultations as well as the specific job they were originally requested for. For example the initial rounds involved the introduction of the interpreters to become familiar with the foreign environment and specific equipment, the process involved and the time associated with the hospital treatment which ultimately works towards the patients health. ie: the Hyperbaric Unit. The Coordinator and Booking Clerk closely liaised with the Project Officer to ensure the appropriate use of interpreters in the hospital.

This strategy for the hospital was considered to be the most cost effective and pragmatic approach where interpreters were flown in from remote communities. The advantage of having these rotating interpreters available at the hospital was that, should an emergency arise, they could be contacted immediately.

# QUANTITATIVE INFORMATION

#### Trial Statistics:

Relevant information about the Northern Territory Aboriginal Languages Interpreter and Translator Register includes:

- 87 interpreters on the Register, covering 67 languages;
- 26 males, 61 females;
- 79 Aboriginal interpreters, 8 non-Aboriginal interpreters;
- 36 with National Accreditation Authority for Translators and Interpreters (NAATI) para-professional Level 2 accreditation or equivalent certificate, 51 without accreditation and yet to be assessed.

A list of languages that the above interpreters cover is at Attachment A.

This compares with the NTITS details:

- 173 interpreters, covering 38 languages;
- \_ 31 males, 142 females;
- 56 interpreters with NAATI accreditation/recognition. Of these 56, 7 are level 3 interpreters, 33 are paraprofessional Level 2 interpreters, 13 are level 3 translators, 1 is an advanced translator and 2 hold NAATI recognition.

As for the level of use during the Trial period of 6 January to 30 June 1997:

- 236 bookings made;
- \_ 174 bookings were completed;
- 21 bookings were cancelled;
- 5 bookings remain outstanding to be completed after the official Trial period;
- 4 miscellaneous bookings;
- on 32 occasions the Service was not able to provide an interpreter due to lack of their availability. In most cases unavailability was due to short notice by the requesting body or because there were insufficient number of interpreters in that language.

A total of \$110, 105 was spent by the Trial Service.

#### There were:

- 133 bookings by health services;
- 102 bookings by legal services;
- 1 user -pay booking from the Australian Army;
- \_ \$35, 794.45 on travel related costs (flights, Travel Allowance, accommodation etc.);
- total cost of health interpreting was \$61,521:66 (includes travel);

- total cost of legal interpreting was \$46, 933:53 (includes travel);
   taxi vouchers total \$859:25;
   Coordinator's travel \$790:01.
- It is interesting to note that of the \$110,105 spent during the Trial, \$35,794:45 was spent on travel related costs.

This compares with NTITS figures for this period:

- \_ total cost of health related interpreting was \$37, 270.85;
- total cost of legal / law and justice related interpreting was \$22, 767.89.

The total of health, legal/law and justice related interpreting was \$60, 038.74 for the relevant period. It should be noted, however, that NTITS provides interpreting and translating services to a host of other sectors as well so this amount does not reflect the full extent of their activity.

# Interpretation of Statistics:

On the basis of the statistics alone, the Aboriginal Languages Interpreter Service Trial has been successful. The level of use of interpreters was quite consistent with the projected level of use (the methodology employed to project the cost and likely usage is detailed in the *Future of a Service* chapter below). Many of the anticipated problem issues either never arose or were dealt with.

Some of the facts that may be extrapolated from the data collected during the Trial include:

- There were interpreters signed to the Register to cover all of the most commonly spoken Top End Aboriginal languages, although in a few languages a greater number of interpreters were required. On balance, there were very few occasions when an interpreter for a particular language was not able to be found. Although the statistics do suggest a need for training of a larger number of interpreters to increase the pool, it cannot be said that availability of interpreters is as big a problem as it was thought to be before the Trial.
- The two languages in greatest demand were Anindilyakwa (Groote Eylandt) and Murrinh-Patha (Port Keats), particularly for the legal area. Health usage supported these two main languages as well as identifying dominant usage of the Tiwi, Burarra and Warlpiri languages.
- The high level of skill of the interpreters is attested by the number of clients who called for interpreters many times throughout the term of the Trial. This is confirmed in the qualitative evaluations received (refer below).
- A greater percentage of interpreters in the Trial hold accreditation (41%) than in NTITS (32%).

- Most of the requests were for the Darwin area. The majority of jobs outside the Darwin area were requested from Darwin, i.e. by health professionals for remote community visits (which involved community consultations for assessment and treatment/advice for remote community visits) or by the North Australian Aboriginal Legal Aid Service (NAALAS) for bush court circuits.
- There were no major problems with running the interpreter service from Darwin. The only issue appears to be the small number of requests from regions other than Darwin. This is likely to be due more to a lack of advertising of the Trial rather than the fact that it was run from Darwin. NTITS operates an office in Darwin and in Alice Springs and handles all requests from other areas from these two offices. At this time, the data supports this centralised approach; although greater consideration will need to be given to the issue of how a service may operate in the Southern Region.
- \_ The cost of travel related expenses is higher for interpreters of Aboriginal languages than for other non-English languages because by far the majority live in remote areas.
- In the early stages of the Trial the North Australian Aboriginal Legal Aid Service (NAALAS) heavily utilised the interpreters. This usage declined during the term of the Trial and seems to correspond with difficulties experienced by the organisation. It is not the case that solicitors did not have any clients during the slow period who required interpreters as the Office of the Director of Public Prosecutions was still calling for interpreters for hearings during that period. The level of use by NAALAS during the period of the Trial does not necessarily reflect the level of use that could be expected under normal operating circumstances. The situation with NAALAS highlights the need for clear lines of administrative responsibility for organising interpreters to be put in place by each organisation utilising such a service.

The importance of having a contact officer who takes on some administrative responsibility as well as promoting the availability and use of interpreters is evident in the other areas utilising the Trial services. When the Aboriginal Support Coordinator at the Office of the Director of Public Prosecutions went on leave there was a corresponding fall in the number of requests for interpreters from that Office.

In the case of RDH, the presence of the Project Officer saw an immediate increase in the level of use of interpreters and increased efficiency of the administration of the Service. Rather than having the Trial staff accompany the interpreters to the hospital for cases, the interpreters were able to have one contact person familiar with the system for all visits. The placement of the Project Officer also resulted in a more efficient use of the interpreters booked so that they were often used for more than one assignment per visit.

There were very few occasions when interpreters were requested at such short notice that they could not be provided. This is surprising given that the need for interpreters on an immediate or emergency basis was a major concern for both the Police and Territory Health Services.

As noted above, to monitor the level of fafter hours and emergency need that exists, an answering machine was organised for the Trial Service (the machine also took messages when the line was already engaged). There was one after hours request. It is likely that there are a couple of legitimate reasons for this. Firstly, the Trial was not heavily advertised and secondly, many may have assumed that an after hours service would not be available.

In the case of the Police, feedback is that once CIB, specifically, found out that the service was not a 24 hour service they were discouraged from leaving a message. The Police maintain that the periods of greatest need for interpreters will occur after hours.

Nevertheless, it should be acknowledged that the Trial data do not suggest a need for an after hours Aboriginal languages interpreter service at this time. However the nature of an after hours need was demonstrated at RDH. A patient's health/medical needs involved a 24 hour cycle whereby an interpreter was required after 5.00 pm.

#### QUALITATIVE INFORMATION

Two methods of qualitative evaluation were explored. Throughout the Trial informal feedback was sought by the administrators of the service in order to adjust procedures and make notes on the abilities of interpreters in the appropriate field of the database. Towards the end of the Trial professionals who used the Service were asked to complete an Evaluation Form. Two forms were produced, one for health and one for the legal sector (a copy of each is at Attachment B). A few professionals chose to provide a letter stating their position on the Trial and experience of the service. These are at Attachment C. Additionally, some personal interviews were sought from key individuals exposed to the Trial Service.

It should be noted that there has often been a populist denigration of the level of skill and ability of interpreters of Aboriginal languages. There are those who may be supportive of the concept of interpreters in Aboriginal languages who have, over the years, found them inadequate or unprofessional. Russell Goldflam records the negative experience of some legal professionals dealing with interpreters from the Aboriginal Interpreter Service provided through the Institute of Aboriginal Development in its early years. This has resulted in a scepticism among these people that has proven difficult to shake. The stories have also travelled well, such that those who have no experience of Aboriginal languages interpreters approach their use with a negative outlook and may thus be less inclined to use them.

A point that needs to be made very strongly is that there were no major complaints about the level of skill and professionalism of the interpreters. Indeed, quite the opposite reaction was forthcoming. There were, however, a number of practitioners (and the interpreters themselves) who identified the need for more in-depth specialist training in health and legal terminology and procedures. The need for training of the users of interpreters was also a consistent theme.

Although a high percentage of the Trial's interpreters have qualifications in interpreting, often a difficulty exists when people who have had some training are not immediately exposed to the practical application of that training. Should a permanent service be pursued, ongoing in-service training like that provided by NTITS will need to be offered.

#### Evaluation Forms

Twenty two (22) responses were received from the legal sector and 30 from the health sector.

It should be noted that in many cases the same interpreter has been used a number of times by the same professional practitioner. In these instances only one form is completed by the practitioner for that interpreter.

Below is a summary of the responses. Extracts from the comments section follow.





# Legal Sector Evaluations:

Twenty two responses were received. In considering these responses it should be noted that on many occasions the interpreter was used for more than one during the period of their booking. For example, quite a few interpreters were used to obtain instructions and appeared in court during their booked period.

Type of Service:	•
_ appearance in court: _ instructions: _ police interview:	20 16
_ other:	1 (transcript of Police interview)
Court:	
_ magistrates: _ supreme: _ family: _ other:	14 6 2 1 (children's court)
Was the interpreter useful?	
<pre>_ extremely useful: _ useful: _ passable: _ not much help: _ unhelpful</pre>	16 6
Interpreter's fluency and accur	acy in English?
_ excellent: _ good: _ average: _ poor:	16 6
Interpreter's confidence	
_ excellent: _ good: _ average: _ poor:	16 4 2
Administration of the interpret	er service?
_ excellent: _ good:	15 7

_	average:		
_	poor:		
<u>D</u>	id the interpreter understan	d their	role in the process?
_	yes: no:	19	2
	partially:		1
D	id the interpreter appear co	mfortab	ele?
<u>-</u>	yes: no:	22 ,	
W	ould you use the interprete	r again'	
- -	yes: no:	22	•
D	id a kinship or cultural con	flict aris	<u>ee?</u>
_ 	yes:	4	18
Ιf	yes, details:		
- -	Was not able to speak with	h one cl	ient because was [sic] poison cousin.
-	Poison cousin.		· .
Po	osition of evaluator:		
_	solicitor: prosecutor:	2	18
_	Police: Aboriginal Support Office		1

# Legal Sector General Comments

- I cannot praise ....'s work highly enough. He was excellent and hard working. In a complicated case he translated the proceedings for my client. He had a clear understanding of the roles of me, the crown prosecutor, jury and judge as a result of Mr ..... His cultural knowledge was also very valuable. (Solicitor)
- \_ She was fantastic. (Solicitor)
- \_ She was outstanding. (Solicitor)
- \_ .... was outstanding he was able to help obtain a much better and fuller level of instructions than I have ever had from anyone from Port Keats. (Solicitor)
- She was very competent and able. (Solicitor)
- \_ .... was backwards in coming forwards. Some questions were asked and unusual responses were given. This could be because of confusion on my part or just a misunderstanding. With time and help he will be a good interpreter. (Solicitor)
- She was terrific. She needed to get used to the procedure (which she did very quickly) and once she did she was outstanding. She is very highly skilled. (Solicitor)
- He was brilliant. He is one of the most accurate translators. (Solicitor)
- I have also seen this interpreter around the court, she is confident in her role. She also seems to put witnesses at ease, even when some witnesses find they can respond in English they were obviously comfortable with having .... sitting by them. (Crown Prosecutor)
- Great to use ... because she was very confident, sensitive and practical. Being an older woman and having an understanding of the cultural and surrounding issues made it easy to converse with the victim. (Aboriginal Support Coordinator, DPP)
- ... was very helpful indeed in this case. This was a very difficult matter involving a 3 day attendance by ... with quite some hours spent in the witness box interpreting. I felt that ... handled this well, often stopping proceedings off his own bat, to clarify questions or to explain answers. He was patient, painstaking and careful. (Solicitor)
- \_ ... was outstanding. Particularly taking into account that she was being filmed and was very nervous, her interpreting was impeccable and I am confident our client understood much more than he would have without .... (Solicitor)
- Again, I was pleased to have an interpreter available as I find that apart from helping greatly in communication between the client, peripheral issues such as kinship relations and customs are able to be explained and clarified. (Solicitor)

- \_ ... was relaxed and professional. She kept in touch with us during what was two very busy days and let us know what requests were being made by waiting clients and families. A good sustained effort. (Solicitor)
- The transcript (of police interview) which ... completed was done during the time of several other commitments which the interpreter had. The standard of work and the time frame in which it was completed were both very satisfactory. I sincerely hope that this Service will be permanently implemented as it will be used quite often by Police. This can only make for a fairer justice system which benefits everyone. (Detective)

In addition to the comments noted in the evaluation forms, the Director of Public Prosecutions additional comments on the efficiency and effect of the Trial service should be noted, namely, since commencement of the Trial:

- (a) Interpreters are used more often.
- (b) Interpreters have conducted themselves in an efficient and professional manner whereas previously this was not always the case.
- (c) the process of finding interpreters is now simple and efficient. It requires one telephone call to the service as against 6–10 calls to the various communities in an attempt to locate a particular interpreter.
- (d) Our Office is saving a lot of money because we are not financing interpreter fees, travel and accommodation.
- (e) When interpreters are used the witnesses are more confident, informed and better able to give their evidence <sup>7</sup>.



# Health Sector Responses:

Thirty responses were received. As with the legal sector, it should be noted that in many cases the same interpreter has been used a number of times by the same professional practitioner. In these instances only one form is expected to be completed by the practitioner for that interpreter.

# Type of service:

_ consent:	_ 1
surgical procedure: 2	
medication regime: 2	
discharge planning:	1
consultation / determining needs: 28	

# Requested by:

Doctor:		4
Speech Pathologist:		11
Physiotherapist:		4
Social Worker:	•	2
AHW/ALO:	;	5
Nurse:		1
Case Manager:		1

# Was the interpreter useful?

_	extremely useful:	22
_	useful:	8.
_	passable:	`.
_	not much help:	1
	unhelpful	

#### Interpreter's fluency and accuracy in English?

_ excellent:		13
_ good:		15
_ average:	4.	2
_ poor:		

# Interpreter's understanding of medical / health terminology?

_	excellent:	4	
_	good:	10	ó
	average:	7	

_ poor: _ not applicable:		1	
Interpreter's confidence			
_ excellent: _ good: _ average: _ poor:		14 14 2	
Administration of the interpreter ser	vice?		
_ excellent: _ good: _ average: poor:		14 14 2	
Did the interpreter understand their i	role in t	he process?	
yes: no: partially:	28	1 · 1	
Would you use the interpreter again?	? .	•	-
_ yes: _ no:	30		
Was the client satisfied with the serv	rice?		
yes: no:	30		
Did a kinship or cultural issue arise?			
_ yes: _ no:	8	22	
If yes, details:			
_ She (person being interpreted for) treatment. Interpreter was useful i			
_ Kinship and cultural issues arise a	all the ti	me but did not create any diffic	culties as

this is a very crucial part of their role. (Speech Pathologist)

the interpreter is able to advise on how to respond to these issues appropriately -

- On one occasion an avoidance relationship did make it difficult for the interpreter to work with that client. (Physiotherapist)
- Difficulty for female interpreter to discuss bladder / bowel problem with male patient. (RMO)
- Family member of client appeared more comfortable with client this session.
   (Speech Pathologist)
- \_ Avoidance relationship with one client. (Speech Pathologist)
- Family member of client was present during session and I was unsure of how the presence of the interpreter impacted on her. (Speech Pathologist)
- Interpreter family member but did not appear to adversely affect interaction.
   (Speech Pathologist)

### Position of evaluator:

1
3
_
1
б
2
2
1
3

#### Health Sector General Comments:

- \_ Good service. (Renal RMO)
- As per previous session, roles are most important factor. (Speech Pathologist)
- Very helpful as no Aboriginal Health Worker available. Good community liaison.
   (Speech Pathologist)
- Need to do some training with those using the interpreters on how to work with interpreters or else the interpreter may be under-utilised. eg. Worker may talk in long sentences not giving the interpreter a chance to interpret. This leads to the interpreter sitting back or doing other things eg collecting clients rather than language interpreting. (Speech Pathologist)
- Very important to sit down with interpreter first to go through reason for visit, my role etc so they could explain this to clients. (Speech Pathologist)
- Good to have someone who knows the community well. (Speech Pathologist)
- As client has difficulty communicating and speaking interpreter unable to be used in the usual role. But very helpful in explaining treatment instructions to patient. (Physiotherapist)
- \_ Very good. (RN)
- Both Doctor and patient pleased to be able to communicate. Good rapport with both by interpreter. (RMO)
- Prompt service. (RMO)
- This interpreter isn't registered yet. I hope she will be as she is very good. (Physiotherapist)
- Assistance from the interpreter greatly improved the effectiveness of the community visit without this help it is likely that very little could be achieved. (Speech Pathologist)
- Highly professional and highly skilled in ensuring effective communication her assistance was invaluable. (Speech Pathologist)
- \_ The support of the interpreter was crucial in providing access to families giving them the opportunity to communicate their needs, as well as enabling appropriate individual client assessment to occur. (Speech Pathologist)
- Needed some explanation of role but changed way of working once explained.
   Could have done more interpreting even though client had some understanding of English. (Speech Pathologist)

- Believe interpreter needs more general information on expected role within the session, particularly for speech pathology sessions as these are language based. Need to ensure interpreter is only providing interpreter service and not adding own opinions and input within sessions. (Speech Pathologist)
- Client was comfortable with interpreter. (Speech Pathologist)
- Was able to provide translations which therapist able to re-use later very valuable! (Speech Pathologist)
- Client was comfortable with her had worked with her before. (Speech Pathologist)
- \_ Interpreter had worked with patient previously and was familiar which helped the assessment as well as the patient. (Speech Pathologist)
- \_ Had to explain to interpreter what/how to respond and when. (Occupational Therapist)
- \_ Interpreted what I said to patient and then interpreted patient's response back to me. Good feedback provided from interpreter, appeared to have a good understanding of issues discussed and kept personal comments to self. (Occupational Therapist)
- With the use of interpreter valuable information was gained from a previously withdrawn, quiet man. Able to confirm with the use of the interpreter that the man was missing his family. We would have been unable to do a very accurate psychiatric assessment without the aid of the interpreter. (Community Psychiatric Nurse)
- Client initially unsure of role of interpreter as wanting to utilise English but over a few sessions benefited greatly. Interpreter may benefit from more specific information re roles for specific therapies. Very professional manner. (Speech Pathologist)

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# DAY-TO-DAY RUNNING ISSUES / PRACTICAL CONSIDERATIONS FOR RUNNING A SERVICE

Establishing a service that will be able to meet the level of need that is likely to exist must be seen as a long term objective requiring ongoing future and whole-of-issue strategic planning such as that which has thus far been applied to Aboriginal languages interpreting initiatives. This includes negotiation with appropriate training bodies for the provision of appropriate interpreter training and the development of support aids such as videos and courses for people who work with Aboriginal languages interpreters.

Despite these meeds there appears to be no operational or skills—related prohibition to the provision of a professional service by and for Government in the immediate future, albeit with the introduction of some procedures that are a little different to that employed by NTITS.

Issues that will need to be addressed are:

After hours service. Although the need for an after hours service was not borne out during the Trial there is no doubt that should the service become a permanent one then the need for after hours contact will emerge. It is likely that the hospital and Police would be the strongest users.

NTITS does not provide a 24 hour service. But its service is supplemented by the 24 hour Telephone Interpreter Service (TIS) which is operated nationally by the Commonwealth. TIS, like the NTITS, currently provides interpreters in European and Asian languages only.

As noted above, there is a reluctance on the part of the Aboriginal interpreters, in particular, to provide the Police with their details. It is not clear how practical it would be to provide the names of willing interpreters to Accident and Emergency staff for 24 hour contact. In any event, there are very few interpreters based in Darwin. After hours contact in remote communities is difficult given that very few people there have phones.

There are two possible strategies that may be pursued simultaneously to meet the need. The Coordinator could be on call 24 hours a day with a full list of interpreters who are prepared to be contacted out of hours by the Service. The most frequently called on interpreters could be provided with a phone that receives incoming calls but on which outgoing calls cannot be made. This would get around the problem many Aboriginal people experience with a phone in their house, i.e. a large bill due to visitors or family using the phone and not contributing to the payments.

The use of such phones would prove to be useful for a number of short interpreting assignments that could be executed over the phone. Where the use of the phone

cancels the need for the interpreter to come in to town for the assignment, there are considerable savings that could be made.

Payment of travelling allowance. The majority of flights from Aboriginal communities arrive after the close of business. Interpreters invariably arrive without any money and are not able to collect cheques / cash travelling allowance (TA) until the next day. This has resulted in interpreters having trouble paying for dinner on the night of their arrival and breakfast the next morning. On occasions the hotel used for most of the interpreters for the term of the Trial was reluctant to check people in without up-front payment of the account.

Many Aboriginal interpreters do not have a bank account and if they do, may not have key card access. Again, this means that unless they are free at some stage during the day of their assignment, they are unable to obtain their TA and professional fee.

A strategy to overcome this problem is the granting of the right to the Coordinator or Booking Clerk to pick up TA for interpreters. The money could then be given to the interpreter when they are picked up from the airport. Where people do not have bank accounts, professional fees could be paid by cheque sent to the community.

Time Sheets. In line with the procedures of NTITS, the Trial service utilised the triplicate time sheet system for confirming the length of the assignment. With this system payments are not to be processed until the time sheet has been received.

This system has proven extremely difficult to manage. The recipients of the forms (clients; solicitors and medical personnel) have, by-and-large, been extremely tardy in their turn-around rate for the forms. Quite a few forms were never returned and the Coordinator had to expend considerable time in tracing someone who could confirm the hours worked by the interpreter. The use of a photocopied form faxed from the Coordinator to the client and back was a bit more successful, but again, the response times were often excessive. Delays in receiving these forms results in hold-ups in the payment of interpreters, which is clearly unacceptable if interpreters are expected to continue taking on assignments. NTITS interpreters submit or mail the time sheets after clients have signed them and this may be an option in some instances for those Aboriginal interpreters who are able to access faxes.

A way of speeding the process is to identify contact officers in each agency or major client group work-place who would be able to either personally follow up practitioners for their forms or complete forms on practitioners' behalf.

Use of non-Aboriginal interpreters. Eight non-Aboriginal interpreters are currently listed on the Register. There have been isolated incidents where negative comments regarding the use of these interpreters have been made. This has been a particularly controversial issue for many years. By way of address the following should be noted:

\_ for each assignment the Trial administrators approached the most qualified and highest (NAATI test) scoring interpreter as the first choice;

\_ the people being interpreted for have never complained about a non-Aboriginal person (who is normally known to them) acting as interpreter;

\_ there are a number of Aboriginal people who would rather have a non—Aboriginal person interpret. On one particular occasion an Aboriginal woman who was a rape victim specifically requested that a non—Aboriginal male interpreter be found as she did not want an Aboriginal person to know about her experiences;

\_ there are instances when, due to various cultural constraints, an appropriate Aboriginal interpreter cannot be found for the victim/patient. In these instances the use of a non-Aboriginal interpreter is the only option; and

it is extremely difficult to attract suitably skilled non-Aboriginal people to this field. This narrows the options available to Aboriginal people requiring interpreters to communicate with Government officials.

Training needs. As is presently provided by NTITS to its interpreters, Aboriginal languages interpreters also require on—going in—service training. All in—service training should involve the administrators of the service. There is a strong need for training designed to increase knowledge of medical and legal terminology. This need has been identified by both the clients and the interpreters. There is scope for this to be provided by NTPS staff.

For those who have not undertaken any interpreter training courses a short program introducing at least the ethics of professional interpreting should be offered through the service.

Regular refresher courses are required by interpreters who presently hold NAATI qualifications and who may not have worked regularly enough to practice professional techniques.

Additionally, there is a great need for training of those who are to work with interpreters, in order that they are effective users of their services. This could also be provided by the administrators of the service. The Office of Aboriginal Development is currently sponsoring the production of a video on how to work effectively with Aboriginal languages interpreters, which will be a useful aid for training.

There are a number of reports providing direction on the issue of training. Of particular note is Kath Phelan's recent report, A Project to Develop a Strategy for Interpreter Training in Indigenous Australian Languages (1997), produced for the Northern Territory Employment and Training Authority.

Contact Officers. As noted earlier, there is a necessity for key agencies and organisations to have a contact officer on hand to promote effective use of interpreters, provide a contact point for interpreters arriving at the work site and to ensure that the paperwork required for payments is executed. There does not appear to be the same need in remote areas where interpreters are familiar with their local court sittings venue or health centre.

Transport issues. The use of one travel agency for all long distance travel bookings is essential for the smooth operation of the service. It relieves the administrative staff of unnecessary effort at no cost to the service. All accommodation bookings were made by the Booking Clerk.

As noted earlier, the Booking Clerk and the Coordinator took turns at picking up remote area people from the airport, checking them in to their hotel and accompanying them to their first day's job. Taxi vouchers were written up and provided for all other trips associated with the interpreting assignment.

It is likely that this level of support will continue to be a requirement for Aboriginal people from remote areas. It necessitates the service administrators having access to a car that can be home-garaged when after-hours pick-ups are required. It also means that the service will need at least two, if not three, staff for its administration.

Staffing. An additional staffing matter is that which relates to the skills required of the administrative personnel, they need to have a high level of negotiation and liaison skill. They also require a strong appreciation and understanding of varying cultural issues relevant to the Territory's Aboriginal people. Moreover, they must have a good knowledge of Government's processes and procedures.

It was found that the staff were often called on by interpreters to assist the interpreters with personal and financial issues related to visiting Darwin.

# LEGAL, ETHICAL AND COST/BENEFIT ARGUMENTS TO TAKE INTO ACCOUNT WHEN CONSIDERING A PERMANENT SERVICE

# Consequences for the Legal Sector

In the last few years there has been a heightened awareness within Government and the wider community of the difficulty of comprehension, both conceptual and linguistic, experienced by many Aboriginal people in dealings with the mainstream system. In the last ten years that have highlighted the level and extent of need that exists within important service delivery areas.

Increasingly it is the case that the language barrier that exists for many Aboriginal people in contact with the criminal justice system in the NT is being highlighted.

For legal counsel language barriers and the lack of access to interpreters may form the basis for a claim of unfitness to plead. For magistrates and judges there is an increasing propensity to dismiss cases during voir dire on the grounds that records of interview reveal that the Aboriginal person being examined did not have a sufficient understanding of English to understand their right to silence and / or generally did not understand the questions of the Police or that the defendant is not capable of understanding the court's proceedings. While there is currently a project underway within the Office of the Director of Public Prosecutions (DPP) to establish how various cases are lost, it is not yet known precisely how many cases suffer this fate. However, both DPP staff and Aboriginal Legal Aid lawyers confirm that there are literally dozens of such cases every year. The nature of the subject offences runs the full spectrum of criminal cases.

In 1996 the Law Reform Commission recommended:

Existing programs for the training and accreditation of Aboriginal interpreters should be supported and extended. The aim should be to ensure that interpreters are available where needed at all stages of the criminal justice process (ie during police interrogation, as well as in the courts)<sup>8</sup>.

The issue was considered by the Royal Commission into Aboriginal Deaths in Custody which recommended (Recommendation No: 100):

That governments should take more positive steps to recruit and tr ain Aboriginal people as court staff and interpreters in locations where significant numbers of Aboriginal people appear before the courts.

The Sackville Access to Justice Report (1994) stated:

Part 1C of the Crimes Act 1914 (Cth), which was enacted in 1991, provides safeguards for persons who are under arrest for Commonwealth offences or for more serious offences under the law of the Australian Capital Territory and includes specific safeguards for Aboriginal and Torres Strait Islander people.

and covers people in the company of investigating officials who, while not under formal arrest, believe that they would not be allowed to leave if they chose to do so.

The Act requires cautioning of suspects in a language that they understand ... The Act provides a right to an interpreter for a non-English speaking person during police questioning. Once the investigating official has reasonable grounds to believe the accused person cannot communicate in a reasonably fluent manner, questioning and investigation cannot begin or continue until an interpreter is present.

There is little common law protection for people who do not speak or understand English well and who as a result have made or appear to have made damaging admissions during police questioning. In the absence of specific statutory provision, there is no common law rule that such evidence is inadmissible. The court, of course, has a duty to ensure a fair trial and the general rules of evidence provide for the discretionary exclusion of evidence obtained unfairly, unlawfully or improperly. (p.p. 44-46)

There are, in fact, dozens of reports that have, over the last twenty years, examined the area of presentation of evidence by Aboriginal people who do not speak English as their first language. The most recent survey of these is presented in an unpublished paper by Lecturer in Law at the Northern Territory University, Martin Flynn, titled Aboriginal Interaction with the Criminal Justice System of the Northern Territory: A Human Rights Approach.

In August 1995 an Aboriginal man who broke a good behaviour bond because he did not fully understand English was excused by the court in Katherine. No action was taken against the man on the grounds that, because of his poor understanding of English, he was unable to understand the terms of the bond. The defence was based on expert linguistic evidence providing that a defendant could not properly understand English. Should the issue of the provision of interpreters in Aboriginal languages not be resolved it is likely that Aboriginal Legal Aid Services will increasingly turn to this line of defence for their clients.

In October 1995 Justice Kearney wrote to the (then) NT Attorney-General raising his concerns about the lack of access to Aboriginal languages interpreters. He wrote, a large percentage of criminal defendants in the Territory are Aboriginals. A considerable number of them are deficient in their understanding and general command of the English language ... In proceedings in court this lack often tends not to be readily apparent, as they are always represented by a competent lawyer. Nevertheless, whenever Aboriginals testify in court, in my experience in general they lack the benefit of the competent interpreter services which non-Aboriginal persons, who also lack a command of the English language, are routinely supplied with.

As noted earlier in this report, non-Aboriginal people often make the mistake of thinking that if they are getting some responses in English to their questions, that that is an indication that the Aboriginal person they are talking to speaks English. At law, however, this assumption has proven fatal in many cases where it has been shown that in fact the Aboriginal person may have some understanding of English, but certainly not to the standard or level of proficiency to understand such complex concepts as the Police caution.

Language difficulties may create problems for the Police in administering the Police caution, achieving a voluntary and accurate interview and in the provision of evidence in court.

There is a recognition that for evidence to be admissible in court it must be clear that the Police interview has been conducted such that it is clear the interviewee (a) understood the implications of the Police caution and (b) gave voluntary responses that were obtained fairly and lawfully (in accordance with Police General Orders). Where it has been shown that the Police interview does not reflect complete and mutual understanding between an Aboriginal interviewee and Police interviewers, then admissions may be excluded by the court.

The hearing of two cases in which the records of interview with accused Aboriginal persons were rejected led Forster J of the Supreme Court of the Northern Territory to develop guidelines for the interviewing of Aboriginal people. His Honour was joined by Muirhead and Ward JJ in laying down the guidelines (1976), which are known as the Anunga Rules. While these are not strict rules of law, they do represent an expression of the view of the court.

According to the Anunga Rules, which have been incorporated as operational guidelines into Police General Orders, where an Aboriginal person is interrogated as a suspect, an interpreter should be present unless he is as fluent in English as the average white man of English decent , to ensure complete and mutual understanding To. They also go on to state that a prisoner's friend, who may also be the interpreter, should be present whenever practicable. Unfortunately, the role of interpreter and prisoner's friend are, by definition, very different roles; an interpreter must be impartial and a prisoner's friend is there as someone in whom the Aboriginal has confidence, by whom he will feel supported. The same difficulty arises when an Aboriginal Community Police Officer is asked to take on the role of interpreter - there is a clear discrepancy in the roles these people are expected to play. This is to say nothing of the issue of English language proficiency and interpreting skill of someone asked to, perhaps for the first time, take on this role. In any event, the practice has resulted in a great number of cases being dismissed on the grounds that the person being relied on to act as interpreter has no training in the area and has as poor an understanding, or only slightly better, then the person being interrogated.

#### Consequences for the Medical Sector

There is as great a necessity for professional Aboriginal languages interpreters in the medical sector as there is in the legal sector. There are quite alarming social and economic implications for Government in not providing and accessing such a service.

Developments in the law of medical negligence require a patient to give full and informed consent to all medical procedures. This has been interpreted by the High Court as requiring the treating doctor to discuss side effects of a particular treatment which are only a remote possibility and to provide a patient with

information about alternative treatment options available. It is only then that the patient can give his or her informed consent.

In the event that this "informed consent" is not obtained and the treatment causes injury to the patient, the patient may have a right of action against the treating doctor and the hospital. The potential liability for such a claim may be as high as \$6 million.

It is logical that in a situation where patients and their doctors, specialists and other health professionals speak a different language, that a competent interpreter is required to facilitate communication.

In legal and medical interpreting it is imperative that the practitioner has confidence in the professional capacity of the interpreter. Where friends or family are used, rather than professional interpreters, there is often doubt as to the quality of the interpretation. Another aspect that could give rise to concern in the use of family as interpreters is that of privacy. Patients might not want their family to know about their current or previous medical condition.

Health professionals utilising the services of the interpreters during the Trial reported their high level of satisfaction with the quality of the dialogue they were able to achieve.

#### The Cost / Benefit Issue

#### Health

There has never been a full quantitative evaluation of the cost borne by Government through not utilising professional interpreters of Aboriginal languages when officers have a requirement to speak with Aboriginal people who do not speak standard English as their first language. <sup>11</sup> Yet it is not difficult to speculate that the costs are likely to run into the millions each year. And, given language use statistics patterns over the last few years, the situation is not likely to improve in the short to medium term.

Many involved in the criminal justice system have commented that they are noting a decreasing level of literacy in English among Aboriginal people who have been educated since the sixties. That among the older generation there appears to be a greater understanding of English than is the case for people under 50. This anecdotal observation is supported by the findings of the Public Accounts Committee Report on the Provision of School Education Services for Remote Aboriginal Communities in the Northern Territory. (Report Number 27), which highlights a much lower attainment level among Aboriginal children who go to school than among non-Aboriginal children.

Although precise data and causal information is not available, there are some potential scenarios suggested by medical and legal professionals that may be

considered. These scenarios are informed by the statistics noted at the introduction to this report; namely, that approximately 70 percent of the Territory's Aboriginal people speak a language other than English at home and in remote areas this figure rises to as much as 95 percent. That there are tremendous service delivery implications caused by this use of languages other than English (and the different conceptual outlook that often accompanies it) has been strongly argued by the NT Treasury Department. <sup>12</sup>

In the case of the medical arena, it is worth noting that Aboriginal people have extraordinarily worse health problems, and require considerably more health service resources than other Territorians. While non-Aboriginal mortality in the NT is about the same as the rest of Australia, Territory Aboriginal mortality rates are over 3 – 4 times higher than non-Aboriginal rates. Key NT Aboriginal health indicators compared to non-Aboriginal Territorians include:

- deaths from heart and circulatory diseases are over 3 times higher;
- deaths from diabetes are almost 8 times higher;
- deaths from renal failure are almost 11 times higher;
- \_ deaths from homicide and injuries purposefully inflicted by other persons are 6 times higher; and
- \_ death rates for infections in young children are 15 times higher. 13

With a specific focus on the Territory's main hospital, the RDH, there are a number of facts and issues that might be explored.

- \_ During the period of the Trial Interpreter Service, the number of separations (total volume of activity) by Aboriginality were 5915, non-Aboriginal separations numbered 6808.
- During the same period the emergency hospital readmission rate for Aboriginal people was approximately 4.41%. While the data collected does not record whether these unplanned and unexpected readmissions were for the same condition, a related condition or a complication of the condition for which the patient was previously admitted, anecdotal evidence from medical personnel suggests that a fair number of these emergency readmissions are related to the original condition admitted for. This is not necessarily due to misdiagnosis, but perhaps to poor compliance.
- Bed utilisation rate for the period is 40.21% for Aboriginal people and 49.9% for non-Aboriginal people.
- The average cost of a 'bedday' is \$687.
- The average cost of a medical evacuation (Territory wide) during the period October 1996 to March 1997 was \$532.
- The average cost of readmissions for Aboriginal people from remote areas is \$3173, with \$617 being for travel and \$2556 being the average cost of the rest of the readmission process 14.

The majority of Aboriginal admissions are emergency admissions (life saving) rather than planned admissions to treat diseases at earlier, less severe stages. Consequently, they usually require longer hospital stays and more intensive treatment.

The differential between Aboriginal mortality rates and Aboriginal utilisation of hospital services (steadily increasing from 1.2 times to 2.0 times the non-Aboriginal rates) indicates that there remains enormous unmet need for hospital services. The steady and inexorable increase in Aboriginal utilisation of hospital services over the past 15 years will continue for the foreseeable future. If Aboriginal utilisation of hospital services matched their mortality differential there would be a 25-30% increase in hospital separations. <sup>15</sup>

While it is, of course, impossible at this stage to make anything other than hypothetical statements, there are bound to be numerous instances where Aboriginal people who speak only basic English are being diagnosed and treated by people who do not speak any Aboriginal languages. And there must be repercussions from this situation. The use of an interpreter paid at the highest professional rate of \$300 per day (and many situations would not demand the use of the interpreter for that long) has the potential to bring significant savings over the long term.

It is probable that in a number of instances the use of an Aboriginal languages interpreter can facilitate early and accurate diagnosis. It may result in shorter hospital stays, reduced hospital costs, including such things as blood screenings, X-Rays and other tests.

Improved communication between doctors and patients on discharge from hospital when on-going treatment and medicines are explained, may reduce the number of readmissions. Compliance and completion of treatment and medicines may reduce the number of readmissions and aerial evacuations. When the average cost of a readmission of an Aboriginal person from a remote area is \$3173, the off-set savings to the system seem considerable.

Then there is the cost that may be incurred in the event that "informed consent" is not obtained and the treatment causes injury to the patient. As noted above, the patient may have a right of action against the treating doctor and the hospital. The potential liability for such a claim may be as high as \$6 million. To date, Aboriginal people have not exercised their right of complaint in relation to their treatment by the hospital to the same extent that other Territorians have. If the number of cases being dismissed from court on the grounds of insufficient understanding of the Police caution is increasing, it is likely that it is only a matter of time before legal counsel pursue medical negligence cases or lack of informed consent cases on the same basis. That there are those within Government who are aware of the potential for litigation is evident in the care taken to address the issue of interpreters in the drafting of the controversial Rights of the Terminally Ill legislation.

#### Law and Justice

As with the medical sector, the calculations that could determine with accuracy the cost/benefit scenario for the provision and use of a professional Aboriginal languages interpreter service have never been undertaken. The anecdotal observations of

solicitors (government and non-government), magistrates and Police, however, as well as an increasing number of precedent cases inform a hypothetical exploration of the issue.

By and large those using interpreters during the Trial and those observing their use have commented on (a) the heightened level of communication between Aboriginal people and those involved in the justice system, and (b) an increase in efficiency within the court.

This should not seem surprising. The following data is pertinent:

- Police statistics reveal that in 1996/97, 5101 Aboriginal people were arrested and/or summonsed compared with 2931 Caucasians, 307 of other ethnic backgrounds and 1748 not stated or not known.
- Approximately 90% of criminal cases heard in Alice Springs and 70% in Darwin concern crime committed by Aboriginal people.
- Most of the above crimes are committed against other Aboriginal people, hence giving rise to a significant number of Aboriginal witnesses. As noted by the Director of Public Prosecutions, this gives rise to a significant number of witnesses who speak another language before English. All of which leaves his Office with a great need for interpreters of Aboriginal languages.
- \_ It is believed that a minute in the Supreme Court for jury trials costs about \$100. 17

These figures should be considered in relation to the information presented above regarding the increasing number of records of interview which are found inadmissible because Aboriginal people have not understood the Police caution and/or their questions and in relation to the likely cost of preparing and bringing a case to court only to have the matter dismissed on the basis of a language barrier.

There is a strong argument to support the claim that a benefit to the legal sector in the provision of a professional Aboriginal languages interpreter service will lead to a more effective system, that is, justice can be done.

There is, however, also a strong, perhaps more pragmatic, argument to be considered – about the likely savings that are to be made. The Director of Public Prosecutions believes that there is a potential for government saving dollars by using Aboriginal languages interpreters at the police interview stage. It is an observation that most records of interview are challenged for reasons concerning language problems. If competent interpreters were not only used, but used correctly, this would save money and time. 18

This view is consistent with the view of magistrate Alasdair McGregor who noted an increased efficiency in cases involving Aboriginal people in his court during the term of the Trial. <sup>19</sup>

There are, in fact, quite a number of solicitors and others involved in the legal system (government and non-government) who believe that if the Police were to use interpreters when speaking with Aboriginal people who don't have an extensive



understanding of English during the investigation stage and for that use to extend right through to the courts, it would make the whole process much more efficient – thus saving taxpayers dollars over the long term. Savings will accrue through the elimination of language difficulties being an argument at voir dire, more guilty pleas actually sticking, less time obtaining instructions, less use of court time in getting coherent answers in court and a generally more efficient justice system. There are also possible savings to be made in the running of appeals and fewer delays because everyone involved in the system understands the process. It has been asserted that if a longer term view is taken, then over the years the savings to government could run into millions and far exceed the cost of providing an Aboriginal languages interpreter service.

Then there is the cost that has not yet faced this Government but which, given the current political climate in Aboriginal affairs is surely not too far away, and that is the cost of only one miscarriage of justice case which will cost a lot more than the initial cost of providing the interpreters.

# THE FUTURE OF A SERVICE

#### Placement of the Service in Government and How much Will it Cost?

The issue of where an Aboriginal languages interpreter service should be placed is a key question in determining the future of Aboriginal languages interpreter initiatives.

As noted above, the Trial Service was modelled on the Northern Territory Interpreter and Translator Service (NTITS) in many respects. Of particular significance was the decision to pay the interpreters from a central pool rather than billing agencies on a user—pay basis. There are a number of important reasons for NTITS and the Commonwealth Telephone Interpreter Service offering the services of their interpreters in this way. In the first instance, it encourages the use of interpreters by service delivery agencies. It is typically the case that where agencies are required to budget for the use of interpreters they tend not to use them very often or find ways of not remunerating appropriately for services provided. This has certainly been the case in the past with Aboriginal languages interpreters. The services of interpreters registered with the Institute of Aboriginal Development are not called for on a regular basis by Government agencies. With the legal sector, it is when a case is actually before the court that the use of an interpreter is directed.

Whether Government chooses to provide the monies for interpreters directly to each agency or to one central providing agency, there is still a requirement to provide money. As all states operate on the same central agency approach as NTITS, suggests that this has been determined to be the most effective and efficient approach. The point that needs to be made is that if agencies are to use interpreters in Aboriginal languages, funds will have to be provided. This is not presently a cost that agencies budget for and if the central pool of money approach is not adopted, then agencies will require additional budget to pay interpreters directly.

The use of a neutral provider of the service avoids the possibility of there being a perception that the interpreter is not acting independently.

Where there is no central controlling, monitoring and administration body overseeing interpreter services, issues such as consistency in the level of service, training and general professionalism arise as problems.

Of particular importance in the Northern Territory is the Government's policy of mainstreaming. Aboriginal affairs activity. According to this policy, all agencies provide their services to all Territorians, taking into account the special needs of Aboriginal Territorians. The Government found, many years ago, that this system was far more effective than the provision of services to Aboriginal people through a central agency – such as ATSIC.

Given the Office's policy development and coordination charter, it is certainly not possible for the Office of Aboriginal Development to sustain the level of operational involvement it has committed during the Trial.

The Evaluation Committee has found that a central funding and coordinating agency approach is the most effective. There remains the issue of where to place it for greatest benefit. Although some observers have voiced concerns about mainstreaming an Aboriginal languages interpreter service with the European and Asian languages service, the majority of interpreters, Aboriginal people and clients of the Trial believe that it would be the most appropriate arrangement to pursue. As such, the Northern Territory Interpreter and Translator Service would take on the additional responsibility of providing interpreters in Aboriginal languages, applying all the existing rules and protocols, but taking into account those practical issues noted above.

Consideration should be given to separating the Office of Ethnic Affairs policy function from NTITS, which would become purely an operational service delivery unit.

#### How Much Will It Cost?

During the six month Trial, \$110,105 was spent. A year would cost at least twice this amount. As more people become aware of the availability of the service, the cost could be anticipated to be a little more than that. A reasonable figure is \$250,000.

Added to this additional operational expenditure required for extension of the present service is the requirement for additional staff to administer the new service. Given the experience of the Trial, there will be a requirement for a senior officer (Coordinator) to oversee the government, non-government liaison, policy development and overall management of the Aboriginal component and a Booking Clerk to receive and juggle bookings, act as liaison between interpreters and clients and assist the Coordinator as required. The Coordinator would also oversee training plans for interpreters and assist in the running of in-service training programs. Although a proper job evaluation schedule would have to be undertaken on the proposed positions, given the scope of the positions as they were for the Trial, these are likely to be at the AO6 and AO3 level. This would result in an additional \$81,031 in staffing costs. Plus approximately \$40,000 on-costs.

In total, then, an additional \$370,000 per annum would be required for NTITS to offer interpreters in Aboriginal languages in the Top End.

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<sup>2</sup> Northern Territory <u>Submission for the Commonwealth Grants Commission 1999 Review of General Revenue Grant Relativities</u> February 1997 p. p. 149 - 156

<sup>3</sup> lbid p. 156

<sup>4</sup> Hudson Howells Asia Pacific Consulting, <u>Office of Ethnic Affairs Program Evaluation Final</u> Report, June 1997 p. p. 7& 8

Refer to Cost /Benefit section of the report.

<sup>6</sup> Goldflam, R. Silence in Court! Problems and Prospects in Aboriginal Legal Interpreting, in Eades, D. (ed) <u>Language in Evidence: Issues Confronting Aboriginal and Multicultural Australia</u>, UNSW Press, Australia, 1995, p.p. 49, 50

Unpublished correspondence to author, 11 July 1997.

- <sup>8</sup> Law Reform Commission Report No: 31 The Recognition of Aboriginal Customary Laws Vol
- <sup>9</sup> Flynn, M. Aboriginal Interaction with the Criminal Justice System of the Northern Territory: A Human Rights Approach. Unpublished paper.

10 R v Anunga (1976) 11 ALR 412

- <sup>11</sup> Perhaps the issue would benefit by a study such as that recently commissioned by the Office of Women's Policy on the cost to Government and the community of domestic violence.
- <sup>12</sup> Refer above reference to NT Submission for the Commonwealth Grants Commission 1999 Review of General Revenue Grant Relativities.

Territory Health Service Corporate Plan 1996/99

Figures supplied by Territory Health Services, Aboriginal Health Strategy Unit

15 Territory Health Services Corporate Plan 1996/99

<sup>16</sup> Unpublished correspondence to author, 11 July 1997.

<sup>17</sup> Personal interview, magistrate Dick Wallace.

18 Ibid

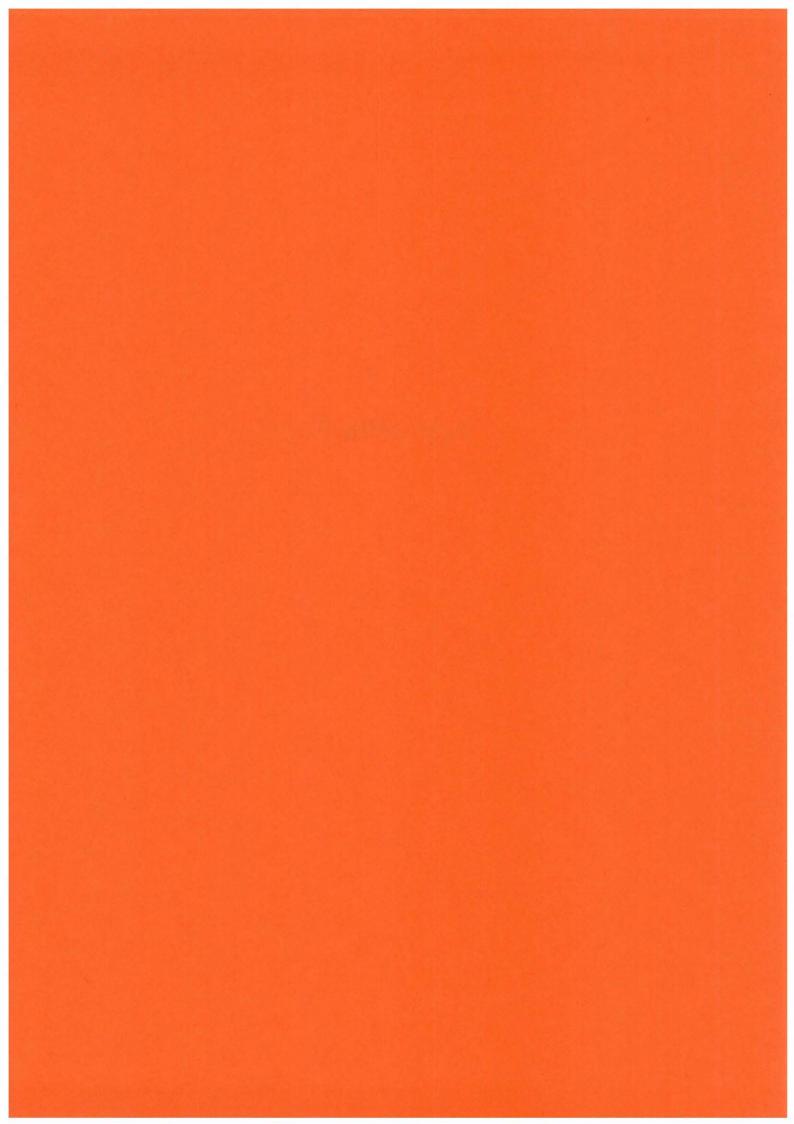
<sup>19</sup> Personal interview.

<sup>20</sup> Again, anecdotal evidence reveals that court cases involving similar offences take much longer when they involve Aboriginal rather than non-Aboriginal defendants.

[Appendices: letters of support, languages info etc]

<sup>&</sup>lt;sup>1</sup> Australian Bureau of Statistics Bulletin 2015.7 <u>Census of Population and Housing: Selected Social and Housing Characteristics for Statistical Local Areas Northern Territory</u> (from Census 1996) p. 3

Appendix 5



Attachment to

COPY



# TRIAL ABORIGINAL LANGUAGES INTERPRETER SERVICE

**EVALUATION REPORT** 

NORTHERN TERRITORY
ATTORNEY-GENERAL'S DEPARTMENT

**MAY 1998** 

**DRAFT** 



## 1. EXECUTIVE SUMMARY

A Trial Aboriginal Languages Interpreter Service (Trial Service) was conducted on a limited basis in the Top End between 6 January 1997 and 30 June 1997, to assess the feasibility of establishing an effective interpreting service for Aboriginal languages using interpreters who are not formally accredited.

The Commonwealth Attorney-General's Department provided \$133,000 for the purposes of the Trial Service to be used to fund interpreters fees and expenses. The Northern Territory Government provided the necessary staff and administration to conduct the Service.

The Trial Service operated at Royal Darwin Hospital (RDH) and to a limited extent, in the court system in the Top End. It was generally well received by the legal and medical staff who used the Trial Service. No attempt was made to survey the Aboriginal clients for whom interpreting services were provided.

The results of the Trial Service indicate that it is possible to provide an effective interpreting service without necessarily using accredited interpreters. However, the average cost of interpreters fees and expenses for each service provided was approximately \$630. This figure does not take into account staff and administration costs. It is not possible to quantify any cost savings attributable to the Trial Service.

In addition, the results of the Trial Service cannot be used to accurately predict the future level of demand for interpreting services because of the failure of some key agencies to fully participate in the Trial, the limited promotion of the Trial, the under-utilisation of the after hours facility and the fact that the Trial did not operate in Central Australia.

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# 2. BACKGROUND AND PURPOSE OF THE TRIAL SERVICE

In July 1995 the Northern Territory Office of Aboriginal Development (OAD) drafted an Implementation Plan for Enhanced Communication with Aboriginal People which identified Action Plans for the development of interpreter systems, highlighting the need within the health and justice systems.

In October 1995, a Working Group was established by the Chief Executive Officer of the Attorney-General's Department to implement the Action Plan. The Working Party included representatives from OAD, NT Police, the Office of the Director of Public Prosecutions, the Office of Courts Administration, Territory Magistrates, and the North Australian Aboriginal Legal Aid Service (NAALAS). A linguist (Michael Cooke) was a member of the Group until his departure from the Territory early in 1997.

On 12 March 1996 the Working Group recommended that a Trial Aboriginal Language Interpreter Service be established for use by health and legal agencies in the Top End. On 26 August 1996, the Commonwealth Attorney-General's Department agreed to provide a grant of \$133,000 for the conduct of the Trial Service.

It has been argued that it would be desirable to provide an interpreting service for Aboriginal languages in the Northern Territory. However, there have been two main difficulties in doing so:

- the inability to find interpreters to cover the large number of Aboriginal languages used; and
- the absence of interpreters in Aboriginal languages accredited to the level usually required for interpreting in non-Aboriginal languages by the National Accreditation Authority for Translators and Interpreters (NAATI) is. Level 3 Interpreter, or, if there is no Level 3 accredited person available, a Level 2 Paraprofessional accredited person.

In establishing the Trial Service, the latter constraint was recognised as insurmountable in the short term. However, the Trial Service sought to determine whether it was possible to:

- Identify interpreters for the most commonly used Aboriginal languages and record those persons in a central Register;
- provide a limited amount of training to persons seeking to become interpreters, including a course specifically directed to the provision of Aboriginal languages Interpreting services in court at Batchelor College;

and using those interpreters, provide an effective interpreting service.

#### THE REGISTER OF INTERPRETERS

In early 1996, OAD appointed a Coordinator to identify and register people willing to act as interpreters. The Coordinator travelled throughout the Territory and liaised



extensively with Aboriginal, governmental and tertiary institutions in order to identify both accredited interpreters and non-accredited persons who were highly bilingual and bicultural.

As a result of this process, a comprehensive register of interpreters for Aboriginal languages in the Top End was compiled for the first time in the Northern Territory. Although there are over 40 major languages used by Aboriginal groups throughout the Territory, linguists established it was possible to substantially meet interpreting and translating needs by the use of interpreters in 15 of the most commonly used languages.

For the purposes of the Trial, a total of 87 interpreters covering 61 languages (including the 15 major languages) were located and indicated a preparedness to participate in the Trial Service. During the Trial, the Register was used for contacting interpreters and signing on new interpreters.

The Register is stored at OAD.

# 4. BATCHELOR COLLEGE COURSES

In 1996 Batchelor College commenced a program of intensive courses in relation to the provision of Aboriginal language interpreting services in court. Pre-test preparation workshops and NAATI tests at the Paraprofessional level were conducted by the linguist, Michael Cooke, in eight locations. The workshops covered the ethics of interpreting, the pre-interview process, interpreting practice and legal interpreting. Lawyers and police participated and provided explanations of procedures regarding criminal investigation, arrest, cautioning and interviewing.

As a result of the program, 32 interpreters in 12 languages (10 Top End and 2 Central Australian languages) were accredited by NAATI. A number of the successful graduates were included on the Register. With appropriate support, this process could be replicated in many more communities to produce accredited interpreters in a wider range of Aboriginal languages.

An intensive introduction to medical interpreting has been developed and could be incorporated in this program or delivered separately to those interpreters who have passed the program already.

#### OPERATION OF THE TRIAL

#### 5.1 ADMINISTRATIVE MODEL

The Trial Service operated for a six month period, from 6 January 1997 to 30 June 1997 as a centrally funded body providing services to government and non-government legal and medical organisations at no direct cost to those organisations. It was based on a modified version of the Northern Territory Interpreter and Translator Service (NTITS). All travel,

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accommodation and professional interpreting fees were met by the Trial Service, Similar forms, booking procedures, hours of operation and schedule of professional fees were used and NTITS provided operational assistance as required.

In summary, bookings were received by a Booking Clerk employed by OAD, usually as a result of a request by the Project Officer at the RDH or the Aboriginal Support Coordinator at the Office of the Director of Public Prosecutions. The Booking Clerk then contacted the appropriate person from the Register and made arrangements for that person to attend.

Because the Trial interpreters were primarily Aboriginal people from remote communities, attendance required significant travel and a greater level of operational support than is normally provided by NTITS eg. Trial staff collected interpreters at the airport, delivered them to their hotel, accompanied them to the first morning of their assignment, arranged for payment for the interpreting services provided and delivered them to their return transport. Such assistance is considered essential when dealing with interpreters from remote communities.

The Booking Clerk and Coordinator were responsible for liaison with the service delivery agencies, the interpreters and the finance/salaries section of the NT Attorney-General's Department, which managed the monies provided by the Commonwealth Attorney-General's Department.

Arrangements were also made to make the service available on an emergency basis, out-of-hours. Interpreters on the Register were asked if they were prepared to have their relevant details given to the Police so that they could be contacted directly if needed outside office hours and this information was given to the relevant Police stations. However, very few interpreters were willing to be contacted in this way.

In any event, this did not cause difficulties as only one call was received after hours and this was dealt with by the Coordinator who was in the office at the time.

Apart from a few instances on two communities, where interpreters were contacted directly by police, all contact occurred through the Coordinator or Booking Clerk.

The full time Project Officer at RDH promoted the use of interpreters and was the principal contact officer for interpreters and medical personnel. Although retained for a specific assignment, interpreters, upon completion of a particular assignment, in some instances were asked to remain in the hospital for the rest of the day. The Project Officer would advise the medical staff of the presence of a particular interpreter and they often accompanied staff on rounds or assisted with other consultations.

In the legal sector, interpreters were made available to police, legal aid organisations, prosecuting authorities and the courts.

## 5.2 FUNDING AND SUPPORT:

The Commonwealth Attorney-General's Department provided \$133 000 to pay interpreters fees and expenses. At the completion of the Trial on 30 June 1997, \$22,895.55 of the funds provided by the Commonwealth was unspent. With the agreement of the Commonwealth a further \$14,315.49 was used to provide interpreting services after the completion of the Trial Service. An amount of \$8,580.06 remains unspent and will be returned to the Commonwealth Attorney-General's Department.

Fees were paid to interpreters at the rate of \$40 for the first two hours and \$10 for every half-hour thereafter, or \$150 per half-day and \$300 per full day, depending on where the service was required and where the interpreter had travelled from.

OAD employed the Coordinator (an Administrative Officer Class 6) and Booking Clerk (an Administrative Officer Class 3) to administer and manage the day-to-day operation of the Trial. In addition, both OAD and the Northern Territory Attorney-General's Department committed a considerable amount of professional time of a senior policy officer.

RDH appointed a Project Officer to act as the first point of contact with the Trial Service.

The total cost of the Trial Service has not been calculated.

## 6. QUANTITATIVE INFORMATION

## 6.1 THE REGISTER

As at 30 June 1997, the Northern Territory Aboriginal Languages Interpreter and Translator Register contains 87 interpreters (26 males and 61 females) covering 67 Aboriginal languages, a list of which is at Attachment A.

Of the 87 interpreters, 79 are Aboriginal people and 8 are non-Aboriginal people.

Thirty-six (36) of the interpreters have NAATI para-professional Level 2 accreditation or an equivalent certificate. Fifty-one (51) of the interpreters are without accreditation and are yet to be assessed.

## 6.2 SERVICES PROVIDED DURING THE TRIAL

Of the 236 bookings made during the Trial:

- 174 bookings were completed;
- 21 bookings were cancelled;
- 5 bookings remain outstanding to be completed after the official Trial period; and
- there were 4 miscellaneous bookings.

On 32 occasions there was no interpreter available, usually because of the short notice given by the requesting body or insufficient numbers of interpreters in the language requested.

One hundred and thirty-three (133) bookings related to services to be provided at RDH, and 102 bookings related to services to be provided in court. One booking was provided on a user-pays basis to the Australian Army.

Non-Aboriginal interpreters listed on the Register were used during the Trial Service. For each assignment the Trial administrators first approached the most qualified interpreter. Although none of the Aboriginal persons to whom interpreting services were provided complained, there are a number of Aboriginal people who would rather have a non-Aboriginal person interpret. On one particular occasion an Aboriginal woman who was a rape victim specifically requested that a non-Aboriginal male interpreter be found as she did not want an Aboriginal person to know about her experiences. There are instances when, due to various cultural constraints, an appropriate Aboriginal interpreter cannot be found. In these instances the use of a non-Aboriginal interpreter is the only option.

## 6.3 EXPENDITURE

A total of \$110,104.45 was spent on the payment of interpreters fees and expenses during the operation of the Trial Service. A full account of these fees and expenses forms Attachment B.

A total of \$74,310 or 67.5% of total operational expenditure was expended on interpreters fees.

A total of \$35,794.45 or 32.5% of operational expenditure, was expended on travel related costs incurred usually when interpreters were flown in from remote areas and accommodated in Darwin: \$13,333 on fares, \$8328.45 on travelling allowance, \$1,249.50 on mileage \$11,892.50 on accommodation and \$991.00 on other expenses.

The average cost in fees and expenses per completed booking was approximately \$632, with the cost of each service ranging from \$40 to \$2,100. If staffing and administration costs were included, the total average cost per service provided would be substantially greater.

### 7. QUALITATIVE INFORMATION

### 7.1 METHODOLOGY

Two methods of qualitative evaluation were explored. During the operation of the Trial Service, informal feedback was sought by the administrators of the service in order to adjust procedures.

Towards the end of the Trial, those who used the Service were asked to complete an Evaluation Form. Two forms were produced, one for the health and one for the legal sector (a copy of each is at Attachment C). Several people chose to provide a letter stating





their position on the Trial and experience of the service. In addition, some personal interviews were sought from key individuals exposed to the Trial Service.

A number of practitioners (and the interpreters themselves) identified the need for more in-depth specialist training in health and legal terminology and procedures. The need for training of the users of interpreters was also a consistent theme.

## 7.2 ANALYSIS OF EVALUATION FORMS

Twenty two (22) responses were received from the legal sector and thirty (30) responses were received from the health sector. In many cases the same interpreter has been used a number of times by the same practitioner. In these instances only one form was completed by the practitioner for that interpreter.

In summary, professionals using interpreters were almost unanimous in their support for the service. Their responses to the surveys are set out in Attachment D.

## 7.3 LEGAL SECTOR EVALUATION FORMS

The 22 Evaluation Forms received from professionals who used the Trial Service in the legal sector indicate the following:

- On 20 occasions, the interpreter was used to provide services in court.
- On 16 occasions, the interpreter was used to obtain instructions for the purposes of a court appearance.
- On one occasion, the interpreter was used to prepare a transcript of a record of interview.
- Interpreters were used in all courts: 14 occasions in the Local Court or Court of Summary Jurisdiction, 6 occasions in the Supreme Court, 2 occasions in the Family Court and 1 occasion in the Juvenile Court.
- Of the professional persons who completed the evaluation forms, 18 were solicitors, two were prosecutors, 1 was a police officer and 1 was an Aboriginal Support Officer.

General comments made on the Evaluation Forms are set out at Attachment E. In addition, the Director of Public Prosecutions has commented that since commencement of the Trial:

- Interpreters are used more often;
- Interpreters have conducted themselves in an efficient and professional manner whereas
  previously this was not always the case;
- the process of finding interpreters is now simple and efficient. It requires one telephone call to the service as against 6-10 calls to the various communities in an attempt to locate a particular interpreter;

- \* the Office is saving a lot of money because it is not financing interpreter fees, travel and accommodation; and
- when interpreters are used the witnesses are more confident, informed and better able to give their evidence.

## 7.4 HEALTH SECTOR EVALUATION FORMS

The 30 Evaluation Forms received from professionals who used the Trial Service in the health sector indicate the following:

- on 20 occasions, the interpreter was used for the process of consultation in order to determine medical needs;
- on 2 occasions, the interpreter was used to discuss a medication regime;
- · on 2 occasions, the interpreter was used to explain a surgical procedure; and
- on 1 occasion, the interpreter was used for the purpose of discharge planning.

A kinship or cultural issue was mentioned in 8 Evaluation Forms. The following details were provided:

- She (person being interpreted for) looks after her sister and thus did not want treatment. Interpreter was useful in understanding her social issues. (Renal Resident Medical Officer)
- Kinship and cultural issues arise all the time but did not create any difficulties as the interpreter is able to advise on how to respond to these issues appropriately this is a very crucial part of their role. (Speech Pathologist)
- On one occasion an avoidance relationship did make it difficult for the interpreter to work with that client. (Physiotherapist)
- Difficult for female interpreter to discuss bladder / bowel problem with male patient.
  (Resident Medical Officer)
- Family member of client appeared more comfortable with client this session. (Speech Pathologist)
- · Avoidance relationship with one client. (Speech Pathologist)
- Family member of client was present during session and I was unsure of how the presence of the interpreter impacted on her. (Speech Pathologist)
- Interpreter family member but did not appear to adversely affect interaction. (Speech Pathologist)

General comments made on the Evaluation Forms are set out at Attachment F.

## INTERPRETATION OF TRIAL STATISTICS

The results of the Trial Service indicate that:

- Although the Register covered all of the most commonly spoken Top End Aboriginal languages, a greater number of interpreters are required for the most common languages in order to meet all bookings. Training of further interpreters in these languages is required. In the legal area, the two languages in greatest demand were Anindilyakwa (Groote Eylandt) and Murrinh-Patha (Port Keats). The same languages were most commonly used in the health area with the addition of Tiwi, Burarra and Warlpiri.
- Legal and medical practitioners surveyed in relation to the Trial Service were generally supportive and indicated an improvement in the quality of the interpreting service provided to Aboriginal clients. There was no survey of Aboriginal persons to whom the interpreting service was provided to determine the level of client satisfaction.
- Most interpreting services were provided in the Greater Darwin area. Services provided outside the Darwin area were requested in Darwin, for example by health professionals for a visit to the Maningrida Community. Services were also provided for bush court circuits at Alyangula, Jabiru and Port Keats.

A contact officer at each client agency who takes on some administrative responsibility and promotes the availability and use of interpreters is necessary. When the Aboriginal Support Coordinator at the Office of the Director of Public Prosecutions went on leave, there was a corresponding fall in the number of requests for interpreters from that Office. In the case of RDH, the presence of the Project Officer saw an immediate increase in the level of use of interpreters and increased efficiency in the administration of the Service.

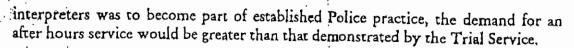
However, the results of the Trial Service cannot be used to accurately predict the future level of demand for interpreting services for the following reasons:

- In the early stages of the Trial, NAALAS utilised the Service. This usage declined dramatically during the term of the Trial. Although no exact explanation has been provided by NAALAS, it appears that that organisation was experiencing internal difficulties during the period of the Trial Service.
- Throughout the Trial, only two services were provided at the request of NT Police.

  The reason for this unexpectedly low level of usage is not known. The legal sector services were promoted generally through the Office of the Director of Public Prosecutions.

The Trial was not widely promoted. Reliance was placed on the Project Officers at RDH and the Office of the Director of Public Prosecutions to identify appropriate cases. It is not known what the effect on the level of use would be if the Trial had been more widely promoted.

The Police maintain that the periods of greatest need for interpreters will occur after hours but the Trial data does not establish a need for an after hours service. If the use of



The Trial Service did not operate in Central Australia and thus cannot provide guidance on the level of demand for such services in that part of the Territory. There is an existing but apparently seldom used Aboriginal Interpreter Service already offered by the Institute for Aboriginal Development in Central Australia.

# LANGUAGES

			:		
1	Alyawarra	26	Kriol	51	Pitjantjatjara
: 2	Anindliyakwa	27	Kunbarlang	52	Rirratjinga
3	Burarra	28	Kune	53	Traditional Tiwi
• 4	Central Arrente	29	Kunwinjku	54	Walamangu
· 5	Datiwuy	30	Kurrwa	55	Wandarrang
6	Dhalwanju	31	Liyagawumirr	56	Wangurri
7	Dhuwaya	32	Luritja	57	Waripiri
8	Dhalwaya	33	Madarrpa	58	Warnmanpa
· 9	Djambarrpuyngu	34	Malarra	59	Warrimirri
10	Djapu	35	Mara	60	Warumungu
11	Djinang	36	Marrgu	61	Wolkarra
12	Eastern Arrente	37	Marranu	62	Wumbaya
13	Galpu	38	Mati-Ke	63	Wurlakl
14	Ganaibingu	39	Maung	64	Yankunytjatjara
15	Golpa	40	Mayali	65	Yanyangu
16	Golumala	41	Maymii	67	Yanyuwa
:17	Gumatj	42	Modern Tiwi		,
18	Gunjelhml	43	Munyuku		•
19	Güninggu	44	Murrinh-Patha		•
20	Gupapuyngu	45	Nakkara		
21	Gurrgonl	46	Ndjebbana		
22	Gurundji	47	Ngaanyatjara		٠.
23	Guyamirrilii	48	Ngaymil		
24	lwaldja	49	Nunggubuyu		
25	Jwang	50	Pintupi		
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## INTERPRETER EXPENSES

DATE	REF	NAME	FEES	FARES	TA	- KIM	ACCOM	OTHER	TOTAL EXP	BALANCE
	,	BEGINNING BALANCE					7.			133,000,00
13-Jan-97.	9697A0001	DIDAMAN UIBO :	150,00			•			150.00	132,850,00
15-Jan-97	MR55018 :	NANCY LALARA	٠.	476.00	100.80	·	176:40	16.35	769,55	132,080,45
17-Jan-97	MR55020	BARBRA RAYMOND	,		316.00	331.24	483.00		1,130.24	130,950.21
20-Jan-97	9697A0005	NANCY LALARA	300,00			,			300.00	130,650,21
22-Jan-97	MR55021	NANCY LALARA		476.00	117.20		176.40	,	769,60	129,880.61
29-Jan-97	MR55024	NANCY LALARA - CANCELLED		0.00	0.00		88.20		88.20	129,792.41
29-Jan-97	9697A0009	BARBRA RAYMOND	1,200.00						1,200.00	128,592,41
29-Jan-97	9697A0013	ERIC ROBERTS	80_00						80.00	128,512.41
30-Jan-97	9697A0004	ESTER DJAYHGURRNGA	300.00						300.00	128,212.41
30-Jan-97	9697A0002	MEGAN YINGI	80,00						80.00	128,132.41
30-Jan-97	9697A0016	MEGAN YING)	200,00						200,00	127,932.41
30-Jen-87	9697A0012	NANCY LALARA	300.00						300.00	127,632.41
	9697A0020	ERIC ROBERTS	900,00						900:00	126,732.41
10-Feb-97	MR55022	CLETUS DUMOO		231.00	170.55		264,60		666.15	126,066.26
	MR55023	MURRAY GARDE		340.00			352.80		927.20	
10-Feb-97	MR55028	MARY YARMIRR		270.00	257.40		176.40		703_80	
10-Feb-97	MR55029	FAYE GIBSON		300.00	50.30				350,30	
11-Feb-97	9697A0007	DIDAMAN UIBO	1,200.00						1,200.00	122,884.96
11-Feb-97	9697A0017	MEGAN YINGI	240.00						240.00	122,644.96
11-Feb-97	9697A0021	DIDAMAN UIBO	150_00						. 150,00	122,494,96
11-Feb-97	9697A0027	MARY YARMIRR	300.00				}		300,00	122,194.96
11-Feb-97	9697A0030	EVAN MAMIRIKA	300.00		1				300.00	121,894.96
12-Feb-97	9697A0010 ····	CLETUS DUMOO	··1;500.00			,			1,500.00	120,394.96
12-Feb-97	9697A0014	CLETUS DUMOO	300.00						300.00	120,094.96
12-Feb-97	9697A0031	CLETUS DUMOO	600.00	1					. 600,00	119,494.96
20-Feb-97	MR55030	MURRAY GARDE		340.00	58.60		88.20		486,80	119,008.16
20-Feb-97	9697A0028	BARBRA RAYMOND	160.00						160.00	118,848.16
21-Feb-97	9697A0023	FAYE GIBSON	300.00						300,00	118,548.16
21-Feb-97	9697A0025/37	NANCY LALARA	900.00			·			900.00	117,648,16
21-Feb-97	9697A0032	MURRAY GARDE	900.00	1.00	1				900.00	116,748.16
21-Feb-97	8697A0040	MURRAY GARDE	300.00		1		1	1	300.00	116,448,16
24-Feb-97	MR55031	VALERIAN MUNKARA		. 100,00	468,80		579.00		1,147.80	115,300,36
	MR55032	GERADA PURUNTATAMERI		100.00			705.60		1,274.40	
24-Feb-97	MR55033	TIMOTHY LALARA		476.00	175.80		264.60		916.40	113,109.56
3-Mar-97		VALERIAN MUNKARA	1,200.00						1,200.00	
3-Mar-97	9697A0018	GERADA PURUNTATAMERI	1,200.00	)	i				1,200.00	
3-Mar-97		BARBRA RAYMOND	80,00					į	80.00	
3-Mar-97		FAYE GIBSON	80.00						80.00	
5-Mar-97		GERADA PURUNTATAMERI	300,00			1			300.00	,
5-Mar-97		GERADA PURUNTATAMERI	40.00						40.00	
5-Mar-97	14-477 16-6 11	VALERIAN MUNKARA -	300,00	<del></del>					300,00	109,909_56
5-Mar-97	9697A0042	ERIC ROBERTS	40.00			1	<u> </u>		40.00	109,869,56

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DATE	REF	NAME	FEES	FARES.	TA	KM	ACCOM	OTHER	TOTAL EXP	BALANCE
					·	- '				
		TIMOTHY LALARA (1.13)	600.00					<u>: 14 300.</u>	600.00	109,269.56
		FAYE GIBSON	750.00			• •	· \.	· · · · ·	750:00	108,519,56
26-Mar-97	MR587799	NGALAWURR MUNUNGURR	4.0	506,00	100.80		. 176,40		783.20	107,736.36
27-Mar-97	MR55037	CLETUS DEMOO		230.00	117:20		191.10	·	538.30	107,198.06
27-Mar-97	MR55038	NANCY LALARA		476.00	293,00		264.60		1,033.60	106,164.46
27-Mar-97	MR55039	MURRAY GARDE		340.00	293,00		264.60		897.60	105,266,86
27-Mar-97	9697A0042	ERIC ROBERTS	40.00						40_00	105,226.86
27-Mar-97	9697A0047	DOMINIC MCCORMACK	300.00						300_00	104,928.86
27-Mar-97	9697A0072	MUJIJI NUNGGARRGALU	280,00						280.00	104,846,86
27-Mar-97	9697A0079	MUJIJI NUNGGARRGALU	80,00						80.00	104,566.86
27-Mar-97	9697A0056	NGALAWURR MUNUNGURR	240.00						240.00	104,326.86
27-Mar-97	9697A0077	NGALAWURR MUNUNGURR	150,00						150,00	104,178.86
27-Mar-97	9697A0080	NGALAWURR MUNUNGURR	150.00						150_00	104,026.88
		FAYE GIBSON	750.00						750_00	103,278,86
		CLETUS DEMOO	300.00						300.00	
	9697A0074	MURRAY GARDE	600.00						600.00	
		MUJIJI NUNGGARRGALU .	300.00						300,00	
	9697A0076	NANCY LALARA	900,00						900.00	
	9697A0085	GERADA PURUNTATAMERI	150,00						150.00	
8-Apr-97		MURRAY GARDE		335.00	117.20		235.20		687.40	100,339.46
8-Apr-97	MR55041	NGALAWURR MUNUNGURR		506.00	117.20	•	235,20		858.40	99,481.06
. 8-Apr-97	MR55042	COLLEEN ROSAS		305.00	167.50		92,00		564.50	98,916,56
10-Apr-97	MR55043	COLLEEN ROSAS			133,60		92.00		225,60	98,690,96
10-Apr-97	MR55044	HEATHER ROSAS			250,80	331,25	184.00	,	766.05	97,924:91
14-Feb-97	9697A0065	NGALAWURR MUNUNGURR	600,00						600.00	97,324.91
14-Feb-97	9697A0070	ESTHER DJAYHGURRNGA	300.00						300,00	97,024.91
14-Feb-97	9897A0081	MUJIJI NUNGGANGALU	750.00						750,00	96,274.91
14-Feb-97	9697A0082	MUJIJI NUNGGANGALU	750,00						750.00	95,524.91
14-Feb-97	9697A0083 .	NGALAWURR MUNUNGURR	600-00						600.00	
	9697A0089/90	GERADA PURUNTATAMERI	1,500.00						1,500.00	
	9697A0091	MEGAN YINGI	80.00						80.00	
	9697A0092	DIDAMAIN UIBO	150,00						150.00	
	9697A0093	HEATHER ROSAS	900.00						.900.00	92,294.91
14-Feb-97	9697A0094	MURRAY GARDE	600.00						600.00	91,694.91
	MR55045	MURRAY GARDE	1	305.00	100.80		235.20		641.00	91,053,91
21-Apr-97	9697A0066	CHARLIE DJORDILLA	300,00						300,00	90,753.91
21-Apr-97	9697A0095	VALERIAN MUNKARA	300.00						300,00	
	9697A0097	VALERIAN MUNKARA	300.00						300.00	90,153.91
	9697A0098	MEGAN YINGI	300_00						300,00	89,853,91
	9697A0099.	MEGAN YINGI .	300,00		]	}			300,00	89,553.91
	9697A0100	VALERIAN MUNKARA	. 300,00		]				. 300.00	
21-Apr-97	9697A0101	MUJIJI NUNGGANGALU	300.00				1		300.00	
21-Apr-97	9697A0102	MURRAY GARDE	300.00						300.00	88,653,91

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## INTERPRETER EXPENSES

DATE	REF	NAME	FEES	FARES	TA	KM	ACCOM	OTHER	TOTAL EXP	BALANCE
-	,									
21-Apr-97	9697A0110	GERADA PURUNTATAMERI	300.00						300.00	68,353.91
		CHARLIE DORDILLA	1,200.00						1,200.00	B7,153.91
		VALDA BOKMAKARRAY	1,500.00						1,500.00	85,653,91
21-Apr-97	9697A0117	NANCY LALARA	600.00						600,00	65,053,91
21-Apr-97		GERADA PURUNTATAMERI		340_00	50,30				190.30	84,863,61
21-Apr-97		JIMOTHY LALARA		476.00	234.40		470,40		1,180.80	83,682.81
21-Apr-97		HEATHER ROSAS		74.00	144.50		92.00		310.50	83,372,31
24-Apr-97		NANCY LALARA		476.00	94,20		235.20		805.40	82,566.91
2-May-97	9697A0088	BARBRA RAYMOND	300,00						300,00	82,266.91
		CHRISTINE CURMAIYI	300,00					··	300,00	61,966.91
2-May-97	9697A0112	VALERIAN MUNKARA	150.00						150.00	81,816,91
		GERADA PURUNTATAMERI	300.00						300.00	81,516.91
2-May-97	9697A0114	SISTER THADIM	150.00						150.00	81,366.91
		MEGAN YINGI	600,00						600,00	80,766,91
		CLETUS DEMOO	300.00						300.00	80,466.91
		ALUYSIUS KUNGUL	300,00		1		·		300,00	80,186.91
		MOLLY WARDAGUGA	1,200,00						1,200.00	78,966,91
2-May-97	9697A0127	CHRISTINE CURMAIY	900.00						900,00	78,066,91
		MEGAN YINGI	600,00						600,00	77,466.91
		HEATHER ROSAS	900,00						900.00	76,566.91
		NANCY LALARA	300.00						300,00	76,266.91
		TIMOTHY LALARA	300.00		,				300.00	
		DAISY PASCOE	1,500.00						1,500,00	74,466.91
		GERADA PURUNTATAMERI	800,00						900,00	
		CHRISTINE CURMAIYI	450.00						450.00	73,116.91
		NANCY LALARA	300,00						300.00	72,816.91
	MR55050	NANCY LALARA		476.00			191,10		767.90	72,049.01
	MR55051	MURRAY GARDE		305.00			235,20		657.40	71,391.61
8-May-97	MR55052	MUJUI NUNGGANGALU		628.00	250.80	•	470,40		1,349.20	70,042.41
	D/N: 180163	OAD - CAS CHARGES APRIL						96,35	96,35	69.948.06
	9697A0149	DJANDJAY BAKER	300,00						300.00	69,646,06
		MEGAN YINGI	450.00					17,15	467.15	69,178.91
		VALDA BOKMARRAY	200.00						200.00	68,978.91
		MOLLY WARDAGUGA	150.00						150.00	68,828.91
	9697A0154	LILINA WURRAMARRA	80,00						80.00	68,748.91
	9697A0155	CLETUS DEMOO	150_00						150.00	68,598,91
	9697A0156	LAWURRPA MAYPILAMA	900.00						900.00	67,698,91
	9697A0157	DARURA LALARA	.80.00		1				80.00	67,618.91
	9697A0158	ALOYISIUS KUNGUL	80.00						80,00	
	MR55055	MURRAY GARDE		305.00		•	572.70		1,405.10	
	MR55056	FAYE GIBSON		508.00			352.80		1,036.60	65,097.21
	MR55057.	NGALAWURR MUNUNGURR		506,00			352.80		1,018.20	
26-May-97	MR55058	NANCY LALARA		476.00	293.00	·	470.40		1,239.40	62,839.61

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DATE	REF	NAME	FEES	FARES	TA	KM	ACCOM	OTHER	TOTAL EXP	BALANCE
						:	1			
26-May-97	MR55059	HEATHER ROSAS		74.00	215.20		209,60		498.80	62,340.81
		MUJIJI NUNGGANGALU						98,85	98.85	62,241.96
27-May-97	MR55060	ELAINE MAYPILAMA			··144. <del>5</del> 0	·			144.50	62,097.46
27-May-97		ELAINE MAYPILAMA		200,00	144.50				344.50	61,752.96
28-May-97	MR55062	GERADA PURUNTATAMERI		140.00	50:30		.		190,30	61,562,66
28-May-97		TIMOTHY KERINAUIU		140.00	50.30				190.30	61,372,36
28-May-97		RACHEL MODINNY		444.00	335_20		705,60		1,484.80	59,887.56
	9697A0143	DAISY PASCOE	150.00						150.00	59,737,56
	9697A0146	HEATHER ROSAS	600.00	-					600.00	59,137.56
	9697A0150	DAISY PASCOE	300.00						300.00	58,837.56
	9697A0151	NANCY LALARA	600.00						600,00	58,237,56
	9697A0164	CHRISTINE CUMAIYI'	600.00						600.00	57,637,56
	9697A0165	DJANDJAY BAKER	150,00						150.00	57,487,56
	9697A0167	NGALAWURR MUNUNGURR	600.00						600,00	56,887.56
	9697A0168	GERADA PURUNTATAMERI	600.00					· · · · · · · · · · · · · · · · · · ·	600,00	56,287,56
	19697A0169	JAMES GALYURNBI	300.00						300,00	55,987,56
	9697A0170	DJANDJAY BAKER	150.00						150.00	55,837.56
	MR55066	FAYE GIBSON			203,10	331.25	352.80		887.15	54,950.41
3-Jun-97		MUJIJI NUNGGANGALU		628,00	133.60		235,20		896,80	53,953,61
	9697A0055	GORDON MACHBIRRBIRR	80,00						80,00	53,873.61
	9697A0131	MURRAY GARDE	2,100.00						2,100.00	51,773.61
	9697A0159	GERADA PURUNTATAMERI	300,00						300.00	51,473.61
	9697A0163	TIMOTHY KERINAULU	300,00		-				300,00	51,173.6
	9697A0174	ELAINE MAYPILAMA	900,00						900.00	50,273.6
	9697A0175	CHRISTINE CUMAIYI	600,00						600,00	49,673,61
	9697A0176	NGALAWURR MUNUNGURR	600,00						600.00	49,073,6
3-Jun-97	9697A0177	HEATHER ROSAS	900.00					<del></del>	900,00	48,173.6
	9697A0178	FAYE GIBSON	600,00		-				600.00	47,573,6
	9697A0179	JACQUELINE PUAUTJIMI	1,800.00						1,800,00	45,773.6
	9697A0180	CHARLIE DVORDILLA	300.00						300.00	45,473.6
3-Jun-97	9697A0181	CHARLIE DIORDILLA	300.00				•		300.00	45,173.6
	9697A0182	MUJIJI NUNGGANGALU	600.00						600.00	
	9697A0183	VALDA BOKMAKARRAY	900,00						900,00	
	9697A0186	RACHEL McDINNY	900.00						800,00	
	9697A0189	EDMUND JOHNSON	450,00						450,00	42,323.61
	MR55071	FAYE GIBSON	,,,,,,,,	144.00	159,40	165,60	352,80		821.80	41,501,81
	MR55069	MURRAY GARDE		305,00			92.00		497.80	41,004.0
	MR55070	WARREN HASTINGS		476.00			705.60		1,516,80	39,487.2
	MR55072	HEATHER ROSAS	<del>                                     </del>	1.0.00	23,00			<del> </del>	113,16	39,374.0
	D/N: 180164	OAD - CAB CHARGES MAY		<del></del>	1	1	<del>                                     </del>	762.30		
	MR55073	ANN HUDDLESTON - CANCELLED		<del> </del>	1	<del></del>	117.60		117.60	
	9697A0205	GERADA PURUNTATAMERI	300.00	<del> </del>					300.00	
	9697A0153	MURRAY GARDE	1,500,00			<del></del>	·	1	1,500,00	36,694.15

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## INTERPRETER EXPENSES

DATE	REF	NAME	FEES	FARES	TA	KM .	ACCOM	OTHER	TOTAL EXP	BALANCE
17-Jun-97	9697A0190	MURRAY GARDE	150,00		: .			*	. 150.00	38,544.15
17-Jun-97	9697A0194	HEATHER ROSAS	150.00						150.00	36,394.15
17-Jun-97	9697A0195	FAYE GIBSON	300,00	: " "	-				300,00	36,094.15
17-Jun-97	9697A0196	DAISY PASCOE	300.00		,				300,00	35,794,15
		MOLLY WARDAGUGA	240.00						240.00	35,554.15
17-Jun-97	9697A0203	ALOYISIUS KUNGUL	80.00						80.00	35,474.15
17-Jun-97	9697A0203	FAYE GIBSON	300.00						300,00	35,174.15
17-Jun-97	9697A0204	NGALAWURR MUNUNGURR	300.00						300.00	34,874.15
17-Jun-97	9697A0206	DAISY PASCOE	300.00						300.00	34,574.15
17-Jun-97	9697A0207	TIMOTHY KERINIAIUA	150.00						150,00	34,424.15
17-Jun-97	9697A0208	TIMOTHY KERINIAIUA	750.00				1		750.00	33,674,15
17-Jun-97	9697A0209	BETTY MARRGANYIN	150.00						150.00	33,524.15
17-Jun-97	9697A0210	CHARLES DJORDILLA	1,050,00						1,050.00	32,474.15
17-Jun-97	9697A0211	VALDA BOKMAKARRAY	240.00						240.00	32,234.15
	9697AQ212	JACQUELINE PUAUTJIMI	600,00	[					600.00	31,634.15
	9697A0213	NANCY LALARA	600.00		-				600.00	31,034.15
	9697A0214	MULLI NUNGGANGALU	. 150.00						150.00	30,884.15
	9697A0215	RENEE PASCOE	490,00						490.00	30,394.15
	9697A0216	RENEE PASCOE	640.00						640.00	29,754,15
	9697A0217	FAYE: GIBSON	1,200.00						1,200.00	28,554.15
	9697A0191	WARREN HASTINGS	900,00						900.00	27,654,15
18-Jun-97		JAMES GAIGURMBI		300.00	175.80		352.80		828,60	26,825.55
	9697A0219	JAMES GAIGURMBI	750.00	1					750,00	26,075.55
	9697A0160	MURRAY GARDE:	1,500.00						1,500.00	24,575.55
	9697A0192	BETTY MARRGANYIN	240,00		·				240.00	24,335.55
	9697A0224	WARREN HASTINGS	300,00						300.00	24,035,55
	9697A0227	JACQUELINE PUAUTJIMI	150.00						150.00	23,885.55
	9697A0228	FAYE GIBSON	300.00	<u> </u>					300.00	23,585,55
	9697A0229	BARBRA RAYMOND	300.00						300,00	23,285.55
	9697A0230	DAISY PASCOE	150.00						150.00	23,135.55
	9697A0231	MOLLY WARDAGUGA	80.00						80.00	23,055.55
	9697A0232	RENNIE PASCOE	80,00						80.00	22,975,55
	9697A0233	VALDA BOKMARRAY	80.00	<u> </u>					80.00	22,895,55
	EXCESS/COD	COLLEEN ROSAS					ļ	40.00	40.00	
	MR550002	NANCY LALARA		476_00	117.20		150,00	· · · · · · · · · · · · · · · · · · ·	743.20	22,112.35
	TAXI FARES	DJANJAY BAKER		<u> </u>			<u> </u>	35.00	35,00	22,077.35
10-Jul-97	TAXI FARES	MURRAY GARDE		ļ				11.50		22,065.85
	9697A0193	MATJARRA GARRAWURRA	500.00						500,00	21,565,85
	9697A0171	DOMINIC MCCORMACK	80.00				ļ	10.00	90.00	21,475,85
	97980003	NANCY LALARA	600.00				ļ		600,00	20,875.85
	97980006	NANCY LALARA	1,200.00			<u> </u>	<del> </del>		1,200.00	19,875,85
18-Jul-97		NANCY LALARA	450.00					·	450.00	19,225.85
10-14-97	9798A0007	SISTER BEATRICE THARDIM	300.00	'I	<u></u>	<u> </u>	<u> </u>		300:00	18,925.85

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DATE	REF	NAME	FEES	FARES	, TA	KM	ACCOM	OTHER	TOTAL EXP.	BALANCE
		THE TOTAL OF WEED OF LAND	450.00					<del>:</del>	150.00	18,775.85
	97980008	TIMOTHY KERINAJUA						<del></del>	80.00	18,695,85
18-Jul-97		VALDA BOKMARRAY	80.00						80.00	18,615.85
	97980010	MOLLY WARDAGUGA	80.00	74.00	457.50		121.00	<del></del>	362.50	
	MR550009	FAYE GIBSON		74.00	167:50		121.00	4 404 00		18,253.35
	D/N: 180165	OAD - CAB CHARGES JUNE				222 22		1,131.93	1,131.93	17,121.42
	MR550019 .	MURRAY GARDE			117.20	253.82			371.02	16,750,40
	MR550022	FAYE GIBSON		39.00	378.90	156.80			574.70	16,175.70
	9798A0012	FAYE GIBSON	600.00						600.00	15,575.70
	9798A0014	FAYE GIBSON	150.00					· · · · · · · · · · · · · · · · · · ·	150.00	15,425.70
	9798A0016	ELAINE MAYPILARRA	1,280.00						1,280.00	14,145.70
	9798A0021	BETTY MARRINGANYIA	150.00						150.00	13,995.70
	D/N: 180166	OAD - CAB CHARGES JULY						477.64	477.84	13,517.86
	9798A0005	JACQUELINE PUANTJIMI	300.00						300.00	13,217.86
20-Aug-97		MURRAY GARDE		305,00	100_60		92.00		497.80	
	9697A0188	JILL NGANJMIRRA	150.00						150,00	
	9798A0001	MURRAY GARDE	600,00						600,00	
	9798A0015	VALDA BOKMARRAY	450.00		<u> </u>				450,00	
21-Aug-97	9798A0015	RENNIE PASCOE	150.00						150.00	11,370.00
21-Aug-97	9798A0015	MOLLY WARDAGUGA	600.00			·. ·		·	600.00	10,770.06
21-Aug-97	9798A0018	MURRAY GARDE	300.00						300,00	10,470,06
21-Aug-97	9798A0019	ELAINE MAYPILAMA	200.00		. 1			·	200.00	10,270,06
	9798A0023	MEGAN YINGI	150,00		,	<del>, , , , , , , , , , , , , , , , , , , </del>			150.00	10,120.00
	9798A0025	BETTY MARRNGANYIN	150,00						150,00	
	9798A0026	MURRAY GARDE	150.00						150,00	
	979840027	CHARLIE DJORDILA	150,00				· · · ·		150,00	9,670,00
21-Aug-97	9798A0028	CHARLIE DJORDILA	300.00						300,00	9,370,00
21-Aug-97	9798A0029	ALOYISUS KUNGUL	40.00					]	40.00	9,330,00
	9798A0030	CLETUS DEMOO	750.00						750.00	
									0.00	8,580.00
		TOTALS	P4 770 00	44 007 00	9,210.05	1,660.12	12,255.50	2,697.27	124,419.94	0 680 0
	1	TOTALS	84,370.00	14,227,00	מילוחיתם	1,000.12	12,200,00	17'160'Y	124,413.54	8,580.08



ABORIGINAL LANGUAGES ATTACHMENT CALL

## EVALUATION FOR INTERPRETING IN THE HEALTH SYSTEM

Interpreter name:		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Language:	Community:	******************
Reference No.:	***********	
Date:/19 Time Requested:	am/pm	
Please tick (1) appropriate box	•	
Service provided: Yes No	. :	
Date of service:/19 Time of serv	rvice:am/pm	
Type of Service (eg consent, surgical procedure, medicat	utlon regime, discharge planning etc):	>
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
Nard/Unit:		
Requested by: Nurse Doctor	AHW/ALO	
Other (if other, plea	zase specify):	
INTERPRETER DETAILS		
Was using the Extremely Useful Linterpreter useful? useful	Passable Not much U help	nhelpful 🔲
Interpreter's fluency and accuracy in English:		
Bxcellent Good Average		
Interpreter's understanding of medical/health term	ninology:	
Excellent Good Average L	Poor L	·
Excellent Good Average	Poor	
Administration of interpreter service:		
Excellent Good Average	Poor	
Did the interpreter understand their role in the proc	cess? Yes No No	
Would you use this interpreter again? Yes	□ N <sub>0</sub> □	
Was the client satisfied with service? Yes	□ N° □	
Comments:	**************************************	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
\$		
4	;	
		-40

Old kinship or cultural issues arise?	Yes No	ָר ב <u>י</u>	. •
f 'yes', please describe eg gender, famil	lv etc.:		
, , , , , , , , , , , , , , , , , , , ,			9974EP4
aa ettabolatioredataddagggggggggggggggggggggggggggggggg		**************************************	
49 -244944949494949494949494949494949494949			
,,, 44-44-44-44-44-44-44-44-44-44-44-44-44-			
General comments:	, , ,	***************************************	
		188md 1 1 7 hann 1 gappagaan gaa saadda bad bad dad ba 1 haann 2 wuwd	:
		¦ •	• •
, produced pridice produced principal construction of the produced principal construction of the		***************************************	***************************************
na protes de tradados (filis el la comunicata para para para especiar-esta trada filis el la comunicata de la c		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
4	***************************************		######################################
9 p y y y y y y y y y y y y y y y y y y	***************************************	**************************************	>>->-16999410122244b
<u> </u>	49	***************************************	***************************************
***************************************	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	da.x-c4424.27524444444444444444444444444444444	***************************************
		!	
Your assistance in the completion of Data collected will be used as part			al.
		•	
Additional verbal comments are w	elcome and may be	directed to:	
• Ms Colleen Rosas			DL. 0000 E1E7
Co-ordinator of the Trial Service			Ph; 8999 5157
<b>)</b>			
Ms Isabel Muir			• ,
Perritory Health Project Officer f	or Royal Darwin H	lospital Trial Service	Ph: 8922 7794
The Aboriginal Languages Interpret	er Service Trial is of	fered to legal and medical	agencies operating in the
op End from 6 January to 30 June, 1 Department, the Northern Territory	Attorney General's	Department and the NT (	Office of Aboriginal
Tevelopment.	, -		
VALUATOR DETAILS			
		· · · · · · · · · · · · · · · · · · ·	
			<u>.</u>
ignature:	***************************************	:	//19
rint name:		Position:	HM232-5/92

EVALUATION FOR INTERPRETING IN THE HEALTH SYSTEM cont.

## ABORIGINAL LANGUAGES INTERPRETER SERVICE TRIAL

# EVALUATION FORM FOR INTERPRETING IN THE LEGAL SYSTEM

	<i>.</i>				
INTERPRETER NAME:					
REFERENCE No.					
DATE(S) OF SERVICE:		:			
TYPE OF SERVICE:	e.g. appear:	ance in court, ir	istructione, p	rollos Interview	· ·
COURT:	MAG If other pless	SUP   F	AM TOT	HER.	
WAS USING THE INTERPRETER USEFUL?	Extreme Useful Passable	ly usefui e		much hel	
PLEASE COMMENT ON:	Excell.	Good A	verage	Poor	
INTERPRETER'S FLUENCY & ACCURACY		: <b></b>		[]	
IN ENGLISH:	<u></u>		<u></u>		
IN ENGLISH:					
IN ENGLISH: INTERPRETER'S CONFIDENCE: ADMINISTRATION OF					
IN ENGLISH: INTERPRETER'S CONFIDENCE: ADMINISTRATION OF		EIR ROLE	IN THE I		?

• .
<del></del>
Attorney General's Department, the partment and the NT Office of evaluation form is very much spart of the formal evaluation emments are welcome and may be rylee (Ms Colleen Rosas on from the Office of Aboriginal
Date: 1 / 97
Date: 1 181
Position:

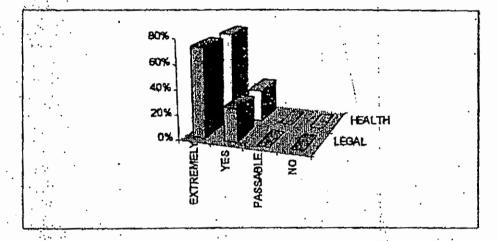
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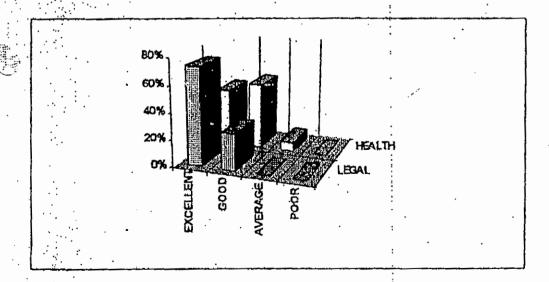
## ATTACHMENT D

## Analysis of Evaluation Form Responses

Was the interpreter useful?

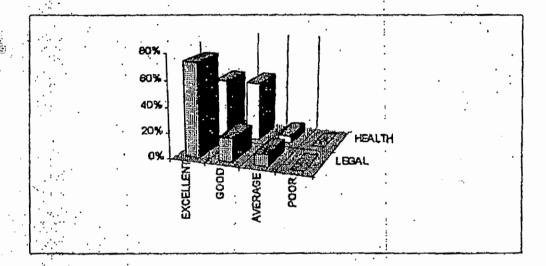


Interpreter's fluency and accuracy in English?



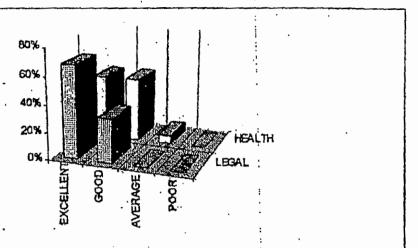


## Interpreter's confidence



Administration of the interpreter service

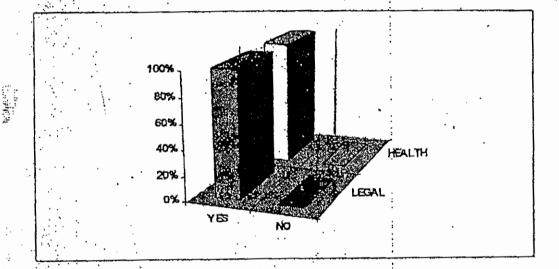




Administration
of the
interpreter
service

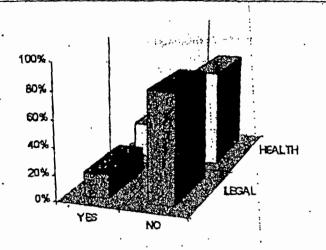


Would you use the interpreter again?



Did a kinship or cultural conflict arise?

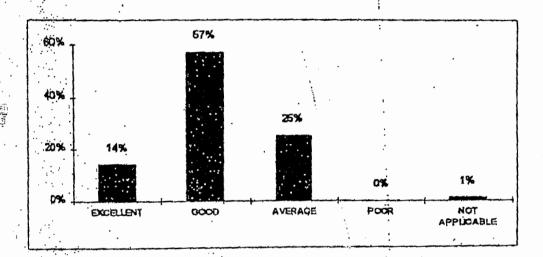




Did a kindrip or cultural ronflick arise?



## Interpreter's understanding of medical/health terminology





## ATTACHMENT E

# GENERAL COMMENTS ON LEGAL SECTOR EVALUATION FORMS

- ... was outstanding he was able to help obtain a much better and fuller level of instructions than I have ever had from anyone from Port Keats. (Solicitor)
- ... was backwards in coming forwards. Some questions were asked and unusual responses were given. This could be because of confusion on my part or just a misunderstanding. With time and help he will be a good interpreter. (Solicitor)
- She was terrific. She needed to get used to the procedure (which she did very quickly) and once she did she was outstanding. She is very highly skilled. (Solicitor)
- Great to use ... because she was very confident, sensitive and practical. Being an older woman and having an understanding of the cultural and surrounding issues made it easy to converse with the victim. (Aboriginal Support Coordinator, DPP)
- ""was very helpful indeed in this case. This was a very difficult matter involving a 3 day attendance by ... with quite some hours spent in the witness box interpreting. I felt that ... handled this well, often stopping proceedings off his own bat, to clarify questions or to explain answers. He was patient, painstaking and careful, (Solicitor)
- ... was relaxed and professional. She kept in touch with us during what was two very busy days and let us know what requests were being made by waiting clients and families. A good sustained effort. (Solicitor)
- The transcript (of police interview) which ... completed was done during the time of several other commitments which the interpreter had. The standard of work and the time frame in which it was completed were both very satisfactory. I sincerely hope that this Service will be permanently implemented as it will be used quite often by Police. This can only make for a fairer justice system which benefits everyone. (Detective)



## ATTACHMENT F

# GENERAL COMMENTS ON HEALTH SECTOR EVALUATION FORMS

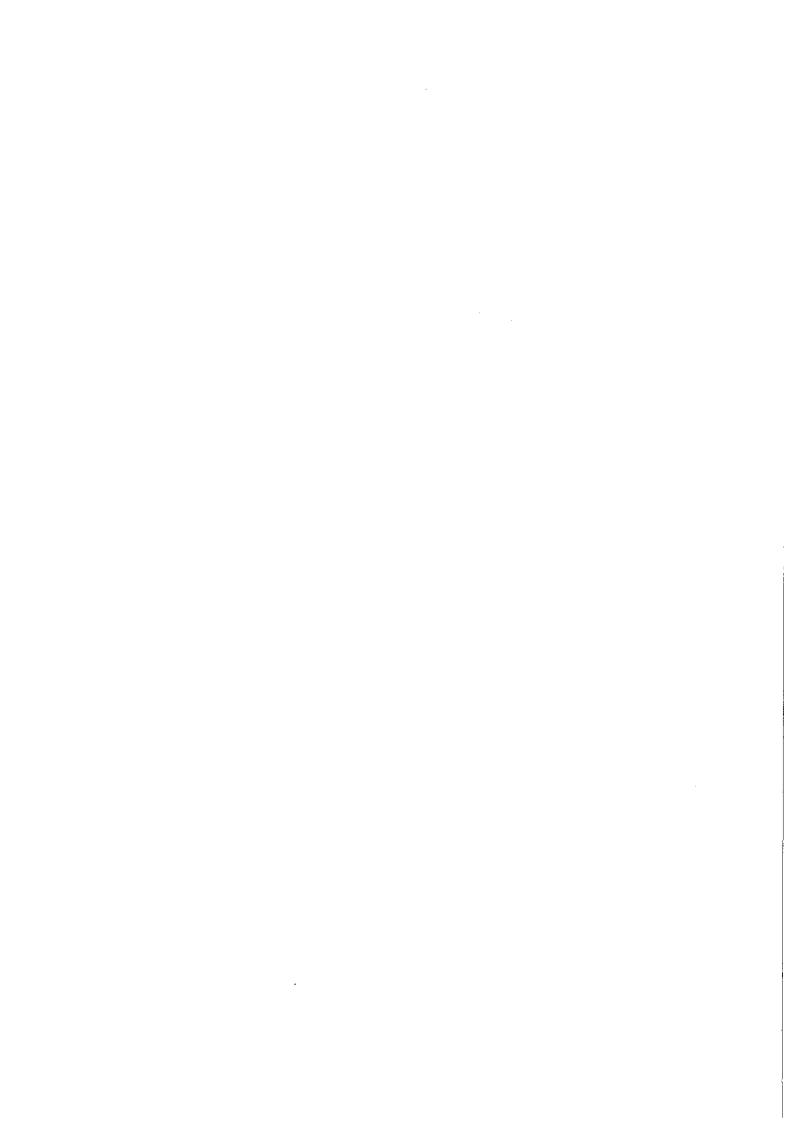
- Very helpful as no Aboriginal Health Worker available. Good community liaison. (Speech Pathologist)
- Need to do some training with those using the interpreters on how to work with interpreters or else the interpreter may be under-utilised. eg. Worker may talk in long sentences not giving the interpreter a chance to interpret. This leads to the interpreter sitting back or doing other things eg collecting clients rather than language interpreting. (Speech Pathologist)
- Very important to sit down with interpreter first to go through reason for visit, my role etc so they could explain this to clients. (Speech Pathologist)
- . Good to have someone who knows the community well. (Speech Pathologist)
- As client has difficulty communicating and speaking interpreter unable to be used in the usual role. But very helpful in explaining treatment instructions to patient. (Physiotherapist)
- Both Doctor and patient pleased to be able to communicate. Good rapport with both by interpreter. (RMO)
- This interpreter isn't registered yet. I hope she will be as she is very good. (Physiotherapist)
- Assistance from the interpreter greatly improved the effectiveness of the community visit without this help it is likely that very little could be achieved (Speech Pathologist)
- Highly professional and highly skilled in ensuring effective communication her assistance was invaluable. (Speech Pathologist)
- The support of the interpreter was crucial in providing access to families giving them the opportunity to communicate their needs, as well as enabling appropriate individual client assessment to occur. (Speech Pathologist)
- Needed some explanation of role but changed way of working once explained. Could have done more interpreting even though client had some understanding of English. (Speech Pathologist)
- Believe interpreter needs more general information on expected role within the session, particularly for speech pathology sessions as these are language based. Need to ensure

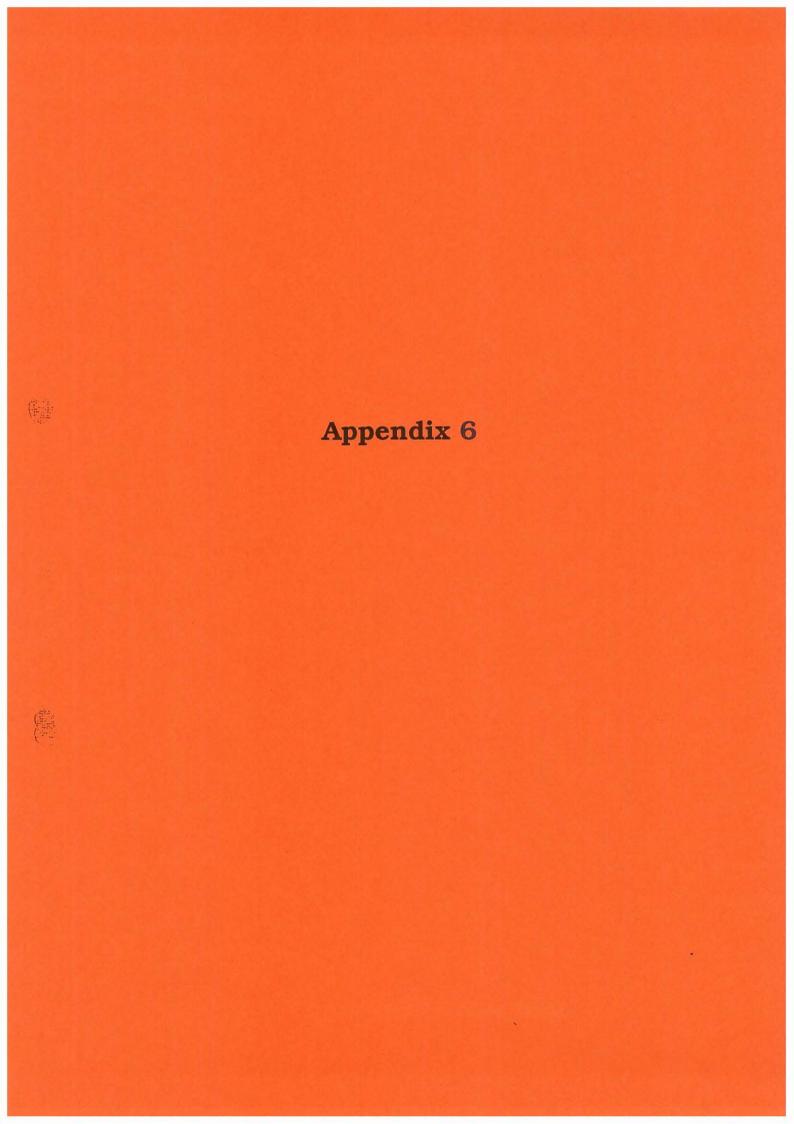


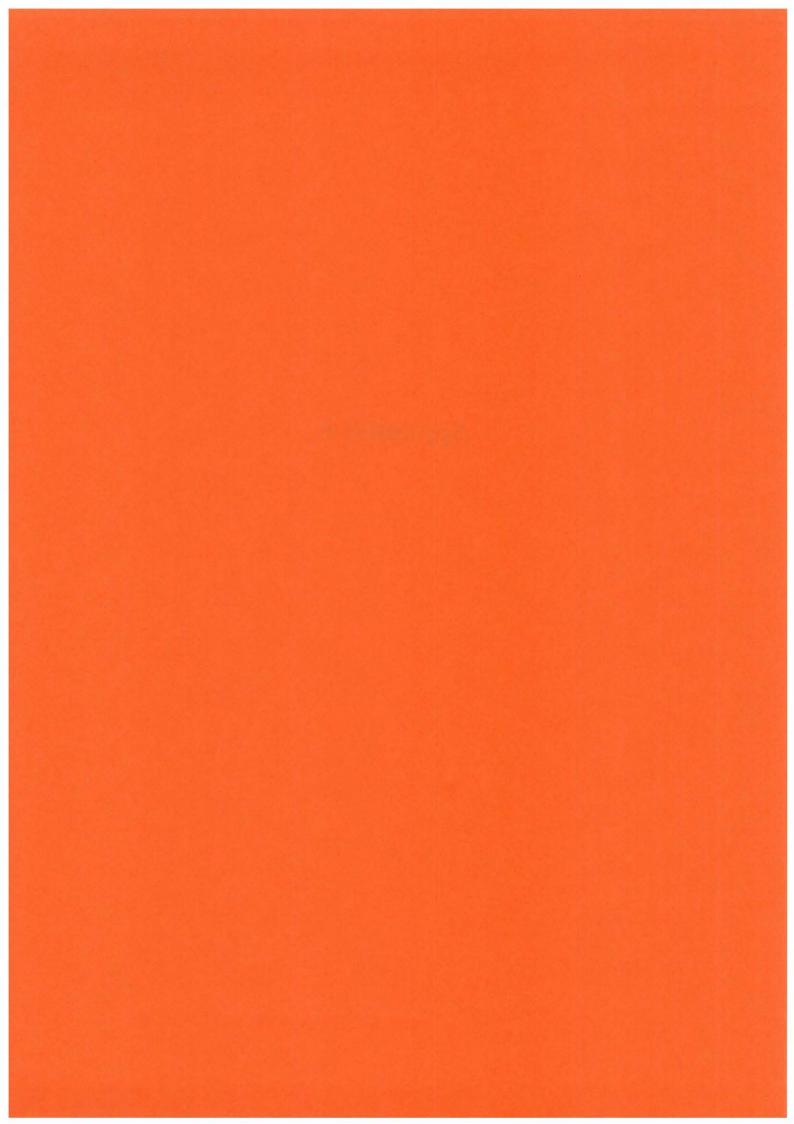
interpreter is only providing interpreter service and not adding own opinions and input within sessions. (Speech Pathologist)

State.

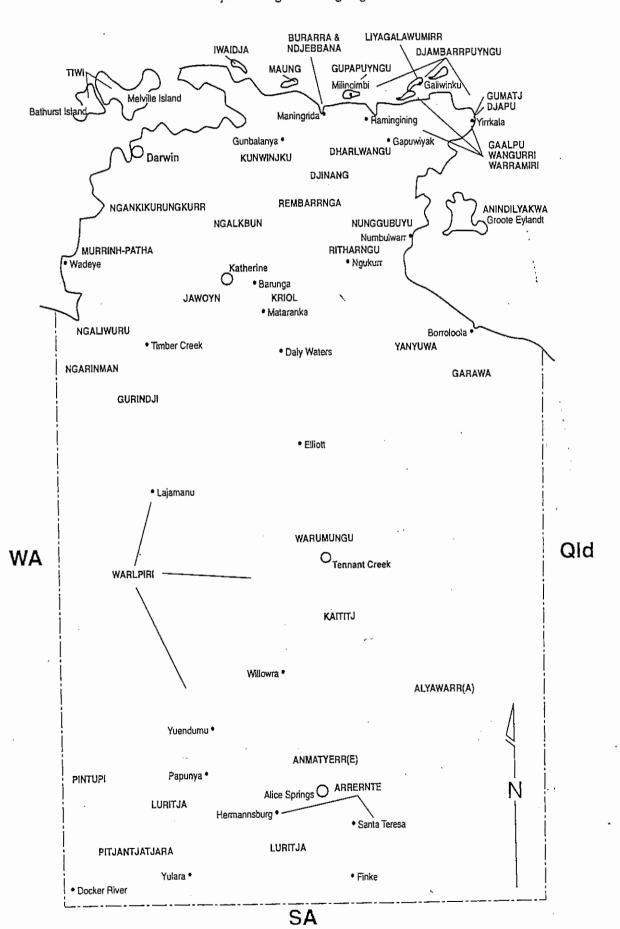
- Was able to provide translations which therapist able to re-use later very valuable! (Speech Pathologist)
- Had to explain to interpreter what/how to respond and when. (Occupational Therapist)
- Interpreted what I said to patient and then interpreted patient's response back to me. Good feedback provided from interpreter, appeared to have a good understanding of issues discussed and kept personal comments to self. (Occupational Therapist)
- With the use of interpreter valuable information was gained from a previously withdrawn, quiet man. Able to confirm with the use of the interpreter that the man was missing his family. We would have been unable to do a very accurate psychiatric assessment without the aid of the interpreter. (Community Psychiatric Nurse)
- Client initially unsure of role of interpreter as wanting to utilise English but over a few sessions benefited greatly. Interpreter may benefit from more specific information re roles for specific therapies. Very professional manner. (Speech Pathologist)







## Major Aboriginal Languages



Appendix - Major Aboriginal Languages<sup>3</sup> in the Northern Territory

l manua - Nom	No. of Speakers	Main Communities where Spoken <sup>5</sup> Ammaroo, Tennant Creek.		
Language Name	(est)*			
alyawarr(a)	500			
nindilyakwa	1000	Groote Eylandt		
nmatyerr(e)	800	Nth of Alice Springs		
rrernte (Central)	500?	Alice Springs & to the north		
Arremte (Eastern)	1000	Santa Teresa		
arremte (Western)	1000	Hermannsburg		
Вигагта	600	Maningrida		
Dharlwangu	200	Yirrkala, Gapuwiyak		
)jambarrpuyngu	450	Galiwinku		
)japu	200	Yirrkala		
)jinang	300	Ramingining		
Gaalpu	200	Galiwinku, Yirrkala, Milingimbi		
Barawa	300	Borroloola		
aumati/Dhuwaya	300	Yırrkala		
Bupapuyngu	450	Milingimbi, Gapuwiyak		
Gurindji	400	Daguragu, Kalkaringi		
waidja	180	Minjilang		
iawoyn	100	Barunga		
Kaititj	200	Neutral Junction		
<pre><riol< pre=""></riol<></pre>	20000+	Ngukurr, Katherine		
Kunwinjku	900	Oenpelli		
_iyagalawumirr	160	Galiwinku		
ıuritja	300	Alice Springs & south		
Maung	200 _	Warruwi		
Murrinh-Patha	1000	Wadeye		
Ngaliwuru	100	Victoria River		
Nalkbun	200	Barunga		
ngankikurungkurr	100	Daly River		
Ngarinman	170	Victoria River		
Nunggubuyu	400	Numbulwar		
Pitjantjatjara	600	Areyonga, Docker River		
Pintupi	800	Haasts Bluff, Papunya		
Rembarrnga	150	Barunga, Bulman		
- Ritharngu	300 -	Ngukurr area		

Appendix - Major Aboriginal Languages<sup>3</sup> in the Northern Territory (Cont.)

Language Name	No. of Speakers (est) <sup>4</sup>	Main Communities where Spoken⁵
Tiwi	1500	Tīwi Islands
Wangurri	150 <sup>′</sup>	Galiwinku, Yirrkala, Milingimbi
Warlpiri	2800	Yuendumu, Willowra, Lajamanu
Warramiri	175	Galiwinku, Yirrkala, Milingimbi
Warumungu	200	Tennant Creek
Yanyuwa	150	Borroloola

<sup>3.</sup> Details adapted from Table 2, p7 in "Aboriginal Languages of the Northern Territory" by Paul Black, Published by Darwin Community College, 1983. Languages included are those with more than 100 speakers as stated in the Table. There are many other languages spoken in the Territory.

<sup>4.</sup> Estimated numbers in 1983 compiled by Paul Black. The numbers of speakers for most languages will have increased. For some languages the number includes first and second language speakers.

<sup>5.</sup> In most cases the languages will be also spoken in smaller communities in the region surrounding the nominated centre.

# **LANGUAGES**

1 Alyawarra 2 Anindilyakwa 3 Burarra 4 Central Arrente 5 Datiwuy 6 Dhalwanju 7 Dhuwaya 8 Dhalwaya 9 Djambarrpuyngu 10 Djapu 11 Djinang 12 Eastern Arrente 13 Galpu 14 Ganaibingu 15 Golpa 16 Golumala 17 Gumatj 18 Gunjeihmi 19 Guninggu 20 Gupapuyngu 21 Gurrgoni 22 Gurundji 23 Guyamirrilil 24 Iwaidja 25 Jwang	(26) 27 28 (39) 30 31 32 33 34 35 36 37 38 (39) 40 41 (42) 34 (44) 45 (46) 47	Kriol Kunbarlang Kune Kunwinjku Kurrwa Liyagawumirr Luritja Madarrpa Malarra Mara Marrgu Marranu Mati-Ke Maung Mayali Maymil Modern Tiwi Munyuku Murrinh-Patha Nakkara Ndjebbana Ngaanyatjara Ngaymil Nunggubuyu Pintupi	51) 52 5 5 5 5 5 5 5 5 5 5 6 6 5 7 5 5 9 6 1 6 2 3 6 4 6 5 6 7	Pitjantjatjara Rirratjinga Traditional Tiwi Walamangu Wandarrang Wangurri Warlpiri Warnmanpa Warrimirri Warumungu Wolkarra Wumbaya Wurlaki Yankunytjatjara Yanyangu Yanyuwa
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