

South Australian Policy Framework: Aboriginal Languages Interpreters and Translators

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1. Introduction

All Australian governments have made a commitment to Close the Gap 'in real life outcomes between Indigenous and non-Indigenous Australians', including making government and government services more accessible, culturally appropriate and responsive.¹ Consistent with this commitment, the Australian Government formally supported the *UN Declaration on the Rights of Indigenous Peoples* in 2009. Article 13.2 of the Declaration states that:

*States shall take effective measures to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate measures.*²

In August 2009, the then Federal Ministers for the former Department for Families, Housing, Community Services and Indigenous Affairs and the former Department of Environment, Water, Heritage and the Arts announced a *National Indigenous Languages Policy* focusing on five key areas including:

*making sure that in areas where Indigenous languages are being spoken fully and passed on, government recognises these languages when it interacts with Indigenous communities.*³

The Commonwealth Ombudsman released a report entitled *Talking in Language – Indigenous Language Interpreters and Government Communication*⁴ in 2011 in response to complaints to the Ombudsman's office, as well as observations and experience within the office, that Aboriginal language interpreters were not always used when they should have been. The report concluded that agencies and their third party service providers could do more to better use interpreters, noting that the wider use of language interpreters would help to break down barriers to communication and strengthen relationships between many Aboriginal Australians, governments and service providers.

However, this is not a new issue, as work in a variety of portfolios has been undertaken to improve access to Aboriginal language interpreters and translators for the better part of a generation. For example, implementation of recommendation 100 of the 1991 report of the *Royal Commission into Aboriginal Deaths in Custody* resulted in governments taking steps to '...recruit and train Aboriginal people as court staff and interpreters in locations where significant numbers of Aboriginal people appear before the courts'.⁵

In response to these initiatives and others, the Commonwealth Government identified the need for effective and coordinated interpreting and translating services in areas where government is working with Aboriginal people who have difficulties communicating in English. A *Draft National Indigenous Interpreters Framework* (Draft National Framework) is consequently being developed as a 'key element in improving understanding and overall engagement between government agency staff at the Commonwealth, State and Territory level, third party service providers and Aboriginal Australians living in remote and regional areas'.⁶

1 Commonwealth of Australia 2008. *Closing the Gap on Indigenous disadvantage: the challenge for Australia*.

2 United Nations March 2008. *UN Declaration on the Rights of Indigenous Peoples*.

3 Australian Government Department of Regional Australia, Local Government, Arts & Sport. *National Indigenous Languages Policy*. Media release by The Hon Jenny Macklin MP and The Hon Peter Garrett MP August 2009.

4 Commonwealth Ombudsman, Canberra April 2011. *Talking in Language: Indigenous language interpreters and government communication*.

5 List of recommendations from *Royal Commission into Aboriginal Deaths in Custody* (1991) accessed at www.alrm.org.au May 2013.

6 Department of Families, Housing, Community Services and Indigenous Affairs 2012. *Draft National Indigenous Interpreters Framework*.

The South Australian Government has developed this *South Australian Policy Framework: Aboriginal Languages Interpreters and Translators* to demonstrate its commitment to 'Closing the Gap', through providing a coordinated policy approach across South Australian Government agencies and services⁷ for the effective provision and use of Aboriginal languages interpreting and translating services. This policy will underpin future action in this area.

Please note that, unless otherwise stated, the use of either the term 'interpreter' or 'translator' in this policy framework should be taken to include both services.

⁷ This policy framework only applies to South Australian Government agencies and entities. It does not apply to third-party service providers who are contracted by or funded by the South Australian Government.

2. Why is a Policy Framework Needed?

The 2011 Census identified Australia's Aboriginal population as 548,368; 30,430 were recorded as living in South Australia. The Census also reported that 3,499 or 11.5% of the Aboriginal people in South Australia spoke an Aboriginal language at home and had varying levels of English.⁸

Recognising the language diversity of South Australia's Aboriginal population, State Government agencies access interpreting and translating services from a range of service providers. While the Government's commitment to continuous improvement requires ongoing consideration of ways to improve the level and capacity of services provided, the primary focus of this policy framework is on the use of Aboriginal languages interpreting and translating services by State Government agencies, rather than the services themselves. Additionally, regardless of the service provider used, agencies must act in accordance with this policy framework.

The *National Indigenous Languages Survey Report 2005* states that the lack of equality in providing interpreting services for Aboriginal people can have 'life threatening consequences in health care; can result in miscarriages of justice and many other disadvantages for Indigenous people'.⁹

The *Review of Aboriginal Language Interpreter Services in South Australia*¹⁰ includes a section on the current demand and use of interpreters in South Australia. The report highlights the considerable challenges and limitations in relation to the use of interpreters. It is clear that, while some South Australian Government agencies and services currently have existing policies or guidelines for the use of Aboriginal languages interpreters and translators, there has to date been no coordinated, whole-of-government policy framework. Similarly, there does not appear to be a formal and consistent recognition across the South Australian Government of the right of Aboriginal people to request and access the services of an Aboriginal language interpreter or translator in situations where language is a barrier to accessing or understanding services.

In the absence of a whole-of-government policy framework, there appears to be a lack of consistency in the provision and use of Aboriginal languages interpreting and translating services, leading to poor outcomes for Aboriginal people across a range of areas. Additionally, this has a negative impact on government service design and delivery.

Several South Australian Government agencies are in constant contact with Aboriginal people and currently use or receive requests for the engagement of Aboriginal language interpreting and translating services. While the need for interpreting services is evident across the entire state, areas of more intensive need include a number of country towns, remote regions in the far north and on the west coast and throughout metropolitan Adelaide.¹¹

The development of a whole-of-government policy framework for the provision and use of Aboriginal interpreters and translators in South Australia will contribute to a coordinated government approach to overcoming the language and cultural barriers and disadvantage experienced by many Aboriginal people when accessing services. A whole-of-government policy framework will provide guidance for more appropriate engagement, communication and involvement of Aboriginal people, as well as improved government service design and delivery.

⁸ Australian Bureau of Statistics, 2011. *Census of Population and Housing – QuickStats (place of usual residence)*.

It is important to note that while efforts are made to ensure the most accurate collection of this data, there may be some persons who did not complete the survey fully or provide information in relation to their language preferences, ironically, due to language and literacy barriers.

⁹ Report submitted to the Department of Communications, Information and Technology and the Arts by the Australian Institute of Aboriginal and Torres Strait Islander Studies in association with the Federation of Aboriginal and Torres Strait Islander Languages, 2005, p. 90.

¹⁰ Monica Redden, 2011. *Review of Aboriginal Language Interpreter Services in South Australia*.

¹¹ Monica Redden, 2011. *Review of Aboriginal Language Interpreter Services in South Australia*. p. 51.

3. Policy Statement

*South Australia's Strategic Plan acknowledges the enduring importance to Aboriginal peoples of Aboriginal values and cultures, authority and customary laws. It recognises the pillars of Aboriginal society - belief system, spirituality, land and family - that connect Aboriginal people are themselves interconnected. The Plan recognises the importance of Aboriginal people's relationships with each other and with the broader South Australian community. It acknowledges the importance of South Australia being an inclusive, vibrant community.*¹²

South Australian Government agencies and services will engage with and utilise Aboriginal languages interpreters and translators (where possible these will be accredited) to assist Aboriginal individuals and communities in South Australia for whom language and / or culture act or may act as a barrier to understanding, accessing and contributing to government and government services.

South Australian Government agencies and services will also dedicate sufficient time and resources to support interpreters and translators prior to, during and after an assignment.

3.1 Vision and Guiding Principles

This policy framework aims to realise a vision for South Australia where:

- South Australian Government agencies and services engage and utilise Aboriginal languages interpreters and translators to assist in communication and consultation with Aboriginal individuals and communities; and
- Aboriginal languages interpreter and translator services are available to all South Australian Aboriginal individuals and communities for whom language and/or culture is a barrier to understanding or accessing government and government services.

Action to achieve this vision will be guided by the following principles:

- Principle 1: *It is a basic right of Aboriginal people to understand and be understood in their communications with government and government services.*
- Principle 2: *It is a commitment and responsibility of government to provide access to Aboriginal languages interpreters and translators that assist Aboriginal people to understand and be understood in communications with government.*
- Principle 3: *The provision and use by government of Aboriginal languages interpreters and translators is based on fairness, equity and mutual respect.*
- Principle 4: *The interpretation and translation of Aboriginal culture and non-verbal communication is as important as the interpretation and translation of language.*
- Principle 5: *The provision of support for Aboriginal languages interpreters and translators is a critical component of effective government service design, delivery and accountability.*

3.2 Policy Objectives

The *South Australian Policy Framework: Aboriginal Languages Interpreters and Translators* aims to achieve the following objectives:

- to ensure that South Australian Government agencies and services acknowledge, understand and respond to the need for Aboriginal languages interpreters and translators by Aboriginal people for whom English is a barrier to effective communication and understanding;

¹² SA Department of Premier and Cabinet. *South Australia's Strategic Plan 2011*.

- to improve awareness across government and in the community of the availability of Aboriginal languages interpreters and translators for use in communication, consultation and service delivery;
- to assist in the development of an effective, coordinated Aboriginal languages interpreting and translating system that is readily accessible to Aboriginal people and State Government agencies and services;
- to apply minimum standards across government agencies and government services regarding the provision of Aboriginal languages interpreters and translators; and
- to reduce the disadvantage experienced by Aboriginal people for whom English and / or culture is a barrier in communicating and consulting with government agencies and services.

3.3 Outcomes and Actions

State Government agencies are expected to adhere to the *South Australian Policy Framework: Aboriginal Languages Interpreters and Translators*, its principles (section 3.1), objectives (section 3.2), the Broad Guidelines (section 4.1) and the two sets of Operational Guidelines (sections 4.2 and 4.3). Agencies acting in accordance with the policy will deliver a range of positive outcomes for Aboriginal people across South Australia. Best practice outcomes will be achieved by individual agencies and departments developing their own interpreting and translating policies (consistent with this policy framework) and imbedding actions into corporate plans, program strategies and service standards.

3.4 Governance of Policy Framework

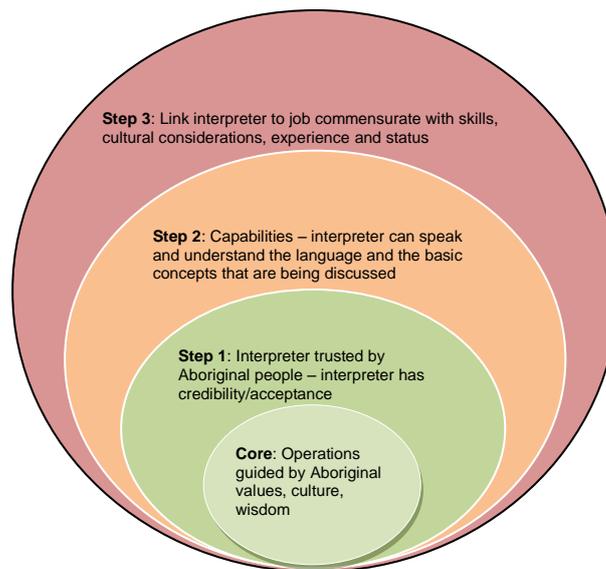
DPC-AARD will have oversight of the policy; however implementation is the responsibility of State Government agencies and departments.

Implementation issues and progress reporting will be tabled for discussion at the Senior Officers Group on Aboriginal Affairs (SOGAA). SOGAA will be utilised to ensure adequate across-government involvement and to escalate significant issues to the Chief Executives Group on Aboriginal Affairs (CEGAA) as necessary.

4. Conceptual Framework

The following conceptual framework, derived from the work undertaken for DPC-AARD by Monica Redden (Redden 2011), provides the overarching structure for the effective provision and use of Aboriginal languages interpreters and translators in South Australia. The framework recognises the link between core values, interpreting and translating skills and the assignment. It reflects the critical relationship between culture and community, noting that work carried out prior to an assignment is critical to success. The actual interpreting / translating assignment is, in effect, the fourth step of the process identified in the diagram below. Central to the interpreting and translating process is knowledge of Aboriginal culture and trust between parties.

Conceptual Framework: Aboriginal Interpreters and Translators* (Redden 2011)



* Note: the diagram's use of the term 'interpreter' is used to mean 'interpreter' and 'translator'.

This section is provided as context for agencies considering using interpreters and translators.

Effective interpreting and translating services operate in a manner that:

- respects cultural values and relationships when assigning interpreters and translators;
- provides support and development to contracted interpreters and translators;
- provides interpreters and translators with appropriate information relating to scheduled assignments;
- maintains a mechanism to listen and responds to issues and complaints that arise during an assignment;
- incorporates a two-way feedback system between managers and interpreters and translators; and
- ensures payment to Aboriginal languages interpreters and translators is equitable, consistent and made in a timely manner and in an appropriate form.

Refer to Appendix 1 on page 13 for contact details for Aboriginal languages interpreting and translating services operating in South Australia.

4.1 Broad Guidelines: SA Government Agencies and Services

The need for an Aboriginal languages interpreter or translator may vary depending on the complexity and implications of the communications between government agencies / services and Aboriginal people for whom English is a communication barrier. Irrespective of the complexity, there may be some situations where the use of an Aboriginal language interpreter or translator has not been requested, but would clearly improve communication. Some South Australian Government agencies have developed specific guidelines for the provision and use of Aboriginal languages interpreters and translators that are specific to their area of expertise.¹³ While government agencies and services are encouraged to develop specific guidelines, the following minimum guidelines are to be used by South Australian Government agency staff and services to determine whether an Aboriginal languages interpreter or translator is needed and the form this service should take:

- identify situations where language and/or culture may be a barrier to effective communication and/or consultation;
- inform clients of the availability of the Aboriginal languages interpreters and translators;
- determine the most appropriate form of services – this should include identifying where verbal or written services (or both) are required;
- recognise that cultural issues such as gender, status and family relationships must be considered in identifying appropriate Aboriginal languages interpreters and translators, noting that using a family member or friend may constitute a conflict of interest and may compromise confidentiality or influence the integrity of the communication; and
- ensure an appropriate setting for the interaction to take place, including allowing extra time for the meeting or interview, noting that interpreting and/or translating will increase the time required to improve understanding.

4.2 Operational Guidelines: SA Government Agencies and Services

South Australian Government agencies and services will operate within the following Operational Guidelines, which make agencies responsible for:

- providing Aboriginal individuals and communities with timely access to Aboriginal languages interpreters and translators where language may be a barrier to effective communication and/or consultation (in accordance with the guidelines contained in 4.1, above);
- arranging logistics to ensure that Aboriginal languages interpreters and translators operate in a venue that is readily accessible and non-threatening to all parties;
- use professionally accredited¹⁴ Aboriginal languages interpreters and translators where possible;
- negotiating in advance with Aboriginal languages interpreters and translators on matters associated with travel, accommodation and other expenses, where an assignment is a significant distance (100 kilometres or more) from the interpreter's / translator's place of residence and / or the assignment is for multiple consecutive days;
- respecting cultural values and relationships when using Aboriginal languages interpreters and translators;

¹³ For example, the Law Society of South Australia has developed *Aboriginal Interpreter User Guidelines*¹³ which will help a lawyer determine if the services of an Aboriginal language interpreter are required. These can be found in The Law Society of South Australia. Lawyers' Protocols for Dealing with Aboriginal Clients in South Australia. First Edition 23 August 2010.

¹⁴ Industry accreditation / recognition is provided by the National Accreditation Authority for Translators and Interpreters Ltd (NAATI).

- if necessary, arranging a briefing for the Aboriginal languages interpreters and translators prior to a meeting or interview in order to provide general background information such as the purpose of the meeting, specific terms that may be used and the purpose and objectives of the meeting (in some cases a written document providing background may be sufficient);
- establishing trust between the Aboriginal languages interpreters and translators and the client;
- establishing an agreement that the interpreter / translator is not there to add to the communication, but only to interpret / translate what is said / written;
- demonstrating sensitivity to issues that may be discussed and the potential impacts of those discussions on Aboriginal languages interpreters and translators;
- speaking directly to the client, not to the interpreter;
- summarising key points from the meeting or interview, making sure that all parties agree on those points;
- debriefing the Aboriginal languages interpreters and translators following the assignment; and
- reporting any complaints about the Aboriginal languages interpreters and translators to the service provider.

4.3 Operational Guidelines: *Aboriginal Languages Interpreters and Translators*

Aboriginal languages interpreters and translators will operate within the following Operational Guidelines¹⁵ where interpreters and translators are responsible for:

- maintaining dignity and respect for all parties involved in an assignment for which the services have been provided;
- respecting clients' rights to privacy and confidentiality;
- maintaining impartiality and confidentiality in all matters relating to an assignment;
- declaring any conflict of interest that may make the involvement of a particular interpreter or translator inappropriate;
- demonstrating professionalism, punctuality and reliability;
- attending briefings prior to an assignment, if applicable;
- attending debriefs following an assignment, if applicable; and
- reporting any complaints about the assignment to the service provider for review and resolution where possible.

¹⁵ This Code of Conduct is consistent with existing interpreter / translator contracts.

5. Implementation of Policy

The intended application of the *South Australian Policy Framework: Aboriginal Languages Interpreters and Translators* extends across all State Government agencies and services. However, the way in which the policy framework is used within each agency will vary depending on the nature and complexity of the specific communications and the types of services offered.

Successful implementation requires a commitment across government agencies and services to the appropriate provision and use of Aboriginal languages interpreters and translators. While this policy framework provides guidance, it is important that State Government agencies consider how it can be applied within their own areas of operation and service delivery. This consideration may include identifying situations or areas of business where interpreters and/or translators 'must', 'should' or 'may' be used depending on requirements, the services being provided and the level of risk to clients' rights, health or safety; noting that Aboriginal languages interpreters and/or translators must be used in any situation where language acts as a barrier to effective communication and understanding.

Successful application of the policy framework will, in large part, be determined by the level of agency commitment to its vision and objectives. DPC-AARD's oversight of the framework's implementation and the support provided by SOGAA will be used to ensure consistent application of the policy, clear lines of accountability and responsibility, and transparent governance arrangements.

A 'Policy Summary and Information Booklet' has been prepared as a concise guide to the implementation of the policy for agencies and departments. This document is available at www.aboriginalaffairs.sa.gov.au. This website also contains an electronic version of the full policy framework.

5.1 Transparency and accountability

To facilitate accountability across government, the South Australian Government, through the leadership of DPC-AARD, will table implementation and compliance issues at SOGAA meetings. Should issues require escalation, they will be put to CEGAA for resolution.

In addition, the South Australian Government will work with the Commonwealth Government to jointly undertake a formative evaluation of the implementation of the state and national frameworks within two years of the commencement of the National Framework.

5.2 Reporting and measuring success

SOGAA will be used to report issues and progress associated with implementation of and compliance with the policy framework. DPC-AARD will regularly brief SOGAA and key issues will be escalated to CEGAA if necessary.

SOGAA will make recommendations on implementation issues. For across-government issues or issues that relate to interpreter / translator service providers, DPC-AARD will have carriage of these recommendations. Where recommendations relate to the conduct or processes of individual State Government agencies, the respective agency will be responsible for actioning them. All agencies will be expected to report back to SOGAA on action undertaken.

Evaluation work undertaken on either of the policy frameworks (national or state) will also be reported to SOGAA through DPC-AARD.

6. References

- Australian Bureau of Statistics. *2011 Census of Population and Housing (QuickStats – data based on place of usual residence)*. 2011
- Commonwealth of Australia. *Closing the Gap on Indigenous disadvantage: the challenge for Australia*. 2008
- Report submitted to the Department of Communications, Information and Technology and the Arts by the Australian Institute of Aboriginal and Torres Strait Islander Studies in association with the Federation of Aboriginal and Torres Strait Islander Languages. *National Indigenous Languages Survey Report*. 2005
- Department of Families, Housing, Community Services and Indigenous Affairs. *Draft National Indigenous Interpreters Framework*. 2011
- Department of Regional Australia, Local Government, Arts & Sport. *National Indigenous Languages Policy*. Media release by The Hon Jenny Macklin MP and The Hon Peter Garrett MP. August 2009
- Monica Redden. *Review of Aboriginal Language Interpreter Services in South Australia*. 2010
- United Nations. *UN Declaration on the Rights of Indigenous Peoples*. March 2008
- Report by the Commonwealth Ombudsman, Canberra. *Talking in Language: Indigenous language interpreters and government communications*. 2011
- Royal Commission into Aboriginal Deaths in Custody, Canberra. *Final Report of the Royal Commission into Aboriginal Deaths in Custody*. 1991
- SA Department of the Premier and Cabinet. *South Australia's Strategic Plan 2011*
- The Law Society of South Australia. *Lawyers' Protocols for Dealing with Aboriginal Clients in South Australia*. First Edition 23 August 2010

APPENDIX 1

Aboriginal Languages Interpreting and Translating Services (SA)

Organisation	Telephone	Email	Service description
Northern Territory Aboriginal Interpreter Service	(08) 8999 2062 (24 hours)	ais@nt.gov.au	2013/14 trial of the service for Pitjantjatjara, Yankunytjatjara and other Central Australian languages in the APY Lands, Port Augusta and Adelaide (interpreting only)
Multilingua Pty Ltd	(08) 8232 6696 (business hours)	mlg@optusnet.com.au	Aboriginal language services, with a focus on the justice area (various languages)
ABC International Pty Ltd	(08) 8364 5255 (business hours)	bookings@abcinternational.com.au	Adelaide based interpreting and translating agency providing Pitjantjatjara language services
Interpreting and Translating Centre (ITC)	1800 280 203 (business hours)	itc@sa.gov.au	SA Government Agency providing Pitjantjatjara interpreting and translating services