



Ombudsman NT Report

Strangers in their own land

Use of Aboriginal Interpreters by NT public authorities

August 2018

Glossary

‘Aboriginal’ is used where possible in this Report to reflect the NTG’s preferred naming policy. **‘Indigenous’** is also used in places because that is the term used by Commonwealth bodies and in a number of publications and quotes.

Best Practice Principles (BPPs) refers to eight general principles relating to interpreter use developed by the Commonwealth Ombudsman in 2009.

Clients refers to the users of services delivered by NTG agencies and other people with whom NTG officers interact.

Indigenous Best Practice Principles (Indigenous BPPs or IBPPs) refers to 17 suggestions developed by the Commonwealth Ombudsman in 2016 to assist development of specific Indigenous Interpreter Best Practice Principles.

NTG agencies refers to public authorities of the Northern Territory responsible for delivering services to, or otherwise engaging with, members of the public.

Surveyed agencies refers to Corrections, Education, Health, Housing, Police, PWC and Families.

Organisations

AIS	Aboriginal Interpreter Service
AMSANT	Aboriginal Medical Services Alliance
AUSIT	The Australian Institute of Interpreters and Translators Inc.
Congress	Central Australian Aboriginal Congress
Corrections	Northern Territory Correctional Services (now part of the Department of Attorney-General and Justice)
Education	Department of Education
Health	Department of Health
Housing	Department of Housing and Community Development
ITNT	Interpreting and Translating Service NT
NAAJA	Northern Australian Aboriginal Justice Agency
NTG	Northern Territory Government
Police	Northern Territory Police, Fire and Emergency Services
PWC	Power and Water Corporation
Families	Territory Families

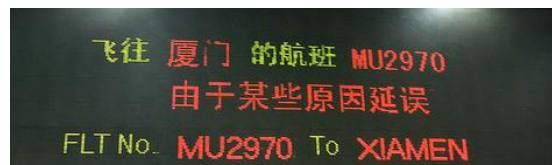
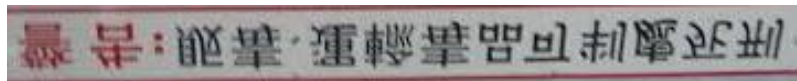
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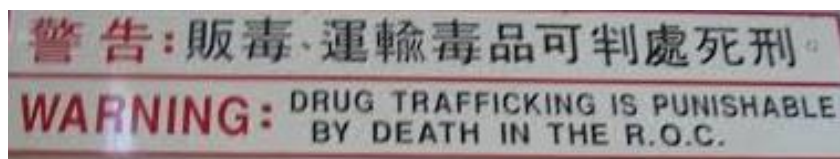
EXECUTIVE SUMMARY

1. Those of us who speak English as our first language are incredibly privileged. We can travel the world and enjoy the benefit of signs in English as well as the native language of the country we are visiting. Frequently, we can find someone who speaks some English to help us muddle through.
2. Yet even so, if we travel in non-English speaking countries, we are often confronted with a sense of confusion or at least uncertainty about language and culture when undertaking even the simplest of tasks.
3. Take the signs below. They certainly do little to inform or enlighten English speakers.



4. This sense of uncertainty, unease (and, at times, downright distress) can cause us apprehension and lead to unintended and unwelcome consequences.
5. We may make an effort to learn at least the basics of the prevailing language. Many of us have tried to master a few simple words or phrases when overseas. We may have managed to order a soft drink or a hamburger or ask the way to the chemist or the nearest shop.
6. But how many of us would be confident enough to have a detailed discussion in a foreign language with a doctor about an illness or explain ourselves to a policeman when confronted with an awkward situation.
7. And if we did, how confident are we that we would understand the words and phrases and the nuances of language and culture that really count. Would we end up agreeing to have a radical procedure or admitting to a crime by mistake?

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8. Imagine for a moment that you wake to find yourself in your own country, in a system where you do not have the privilege of that shared pervasive language, where the culture is vastly different from your own, and where everyday functions, from the most complex to the simplest, are conducted in a foreign language according to foreign rules.
9. In the Northern Territory, a substantial proportion of the population finds itself facing this confronting situation on a daily basis in communities they have called home for generations.¹
10. For Aboriginal Territorians, the level of English proficiency varies substantially. Many are articulate and confident in their dealings with officials. Many have enough English to understand and make themselves understood well enough in routine transactions. But many do not.

The right to understand and be understood

11. There is longstanding general recognition at international, Australian and Territory levels that equitable service delivery can only be effectively undertaken in a language in which the client is proficient.
12. With Aboriginal Territorians comprising over 30% of the Territory's population, there is a special onus on NTG agencies to be at the forefront in terms of providing information and interaction in Aboriginal languages.
13. With this in mind, the role of Aboriginal interpreters must be a key focus for NTG agencies.
14. In saying this, it is important that we fully appreciate the broad range of situations in which interpreters can and should be used.

¹ A significant, although historical, example may be drawn from the High Court decision of *Tuckiar v R* [1934] HCA 49; (1934) 52 CLR 335. "It is manifest that the trial of the prisoner was attended with grave difficulties, and indeed was almost impossible. He lived under the protection of the law in force in Australia, but had no conception of its standards. Yet by that law he had to be tried. He understood little or nothing of the proceedings or of their consequences to him" per Starke J, 349.

When are language services needed?

There are situations where the life, liberty and health of the client is at stake and there is an indisputable requirement for an interpreter. But there are also many more routine interactions where a client's understanding and protection of their own rights and involvement in government and democratic processes is diminished if they are not given access to adequate language services.

In an NTG context, there are countless examples but it is worth including a few to illustrate the breadth and depth of interactions that English speakers undertake without necessarily considering the privileges they enjoy:

- registering a birth, death or marriage
- explaining and getting advice about a problem experienced with breastfeeding a baby
- talking to a school about a child's educational needs or problems they are facing
- talking to a doctor or nurse about medications or why it is important that your child attends their next scheduled appointment
- understanding why a Territory Families officer is visiting you and what you need to do to respond
- dealing with a situation where you have suffered violence as a victim of domestic violence or another crime
- understanding your rights and what Police are saying if Police raise an issue regarding a potential crime or other offence
- going to court, complying with a community corrections or parole order or serving time in prison or other detention
- making a complaint about dodgy business practices
- understanding your options when you are asked to give informed consent to a medical procedure or other treatment
- understanding your rights and obligations as a public housing tenant
- participating in public debate and making decisions about who to vote for in elections
- being involved in community engagement and debate about new programs proposed by government
- finding out about, and applying for, benefits provided by government
- information about what activities agencies are undertaking in local communities
- understanding why an agency has chosen to take or not to take action in a particular case.

Ideally, language services should be available to enable Aboriginal Territorians who are not fully proficient in English to understand what is happening, participate in public debate and protect their rights to the same extent as English speakers.

This investigation and report

15. The Commonwealth Ombudsman has taken a lead in addressing issues relating to use of interpreters, producing three reports since 2009. The first related to interpreter use generally and included eight Best Practice Principles for interpreter use (**BPPs**: see page 9).
16. This was followed by a second report in 2011, which dealt specifically with use of Indigenous interpreters. In 2016, the Commonwealth Ombudsman produced a follow-up report which included specific Indigenous Best Practice Principles (**IBPPs**: see pages 10-11).
17. My Office commenced an investigation in 2016 in parallel with the Office of the Commonwealth Ombudsman. Joint activities were undertaken, with the Commonwealth Ombudsman focussing on Commonwealth agencies and my Office focussing on NTG agencies.
18. This Ombudsman NT investigation is in part a scoping exercise to establish the current state of play for Aboriginal interpreter use by NTG agencies, to point to promising initiatives and to areas where further work is needed (Chapter 2).
19. This report looks at international, as well as Australian and Territory whole-of-government frameworks for Indigenous interpreter use (Chapter 3). It also considers current practices of a cross-section of NTG agencies which interact regularly with Aboriginal Territorians (Chapter 4) as well as the work of the Aboriginal Interpreter Service (AIS) which provides interpreter services in numerous Aboriginal languages (Chapter 5).
20. Various agencies are undertaking promising initiatives but there is clearly work that remains to be done at all levels of government. The evidence strongly suggests that, for a variety of reasons, the real level of need for Aboriginal interpreter services is substantially greater than the current level of use.

Guarding against overestimation of English proficiency

21. One clear reason for underuse of interpreters is the tendency to overestimate the English speaking abilities of clients. This is not a one-sided affair. There is often a shared tendency to overconfidence between agency officers and clients regarding English proficiency.
22. On one side, clients commonly overstate their proficiency. This may arise from an eagerness to please agency officers or from a reticence to do anything they think might paint them as poorly educated or unintelligent. It may be that a client who is able to deal with straightforward words and concepts at the start of a discussion finds themselves in deep water as more complex matters are raised but feels unwilling to raise concerns mid-stream. Whatever the reason, the client themselves will often make an effort to portray their proficiency at a level beyond their capacity.
23. This will often be combined with an inclination on the part of agency officers to overestimate the language abilities of the client. This may arise from a lack of specific knowledge of the client and a brief interaction which suggests that the client has at least some English proficiency. The officer may be hesitant to press a client about their English proficiency for fear of upsetting or embarrassing them. It may even arise where the client is reasonably well known to the officer but in a context where previous interactions have been straightforward or have taken place in circumstances familiar to the client. However, when faced with unfamiliar or complex situations the client may find they are out of their depth without it becoming immediately apparent to the officer.

24. It must be stressed that the fundamental obligation to ensure effective communication rests with the agency. Ensuring effective communication may be complicated by a range of cultural and social factors involved in determining proficiency but these complications are for the agency to recognise and manage.
25. It is therefore vital for agency officers to adopt a starting assumption, in the absence of clear knowledge to the contrary, that both they and the client may tend to overestimate the client's English proficiency, and accordingly to take the utmost care when assessing proficiency. There is guidance available with regard to assessing proficiency (see Appendix C for example) but making an accurate assessment can take time and effort. Clearly, the more complex the subject matter and the greater the potential to impact on the rights and interests of the client, the greater the proficiency needed and the more involved the assessment that may be required.

Other challenges with interpreter use

26. Chapter 5 discusses a range of challenges facing the Aboriginal Interpreter Service (AIS) in providing a consistent and responsive level of interpreter services within timeframes expected by agencies. These issues tend to arise from the huge number of different Aboriginal languages and dialects within the NT, the enormous distances that must be covered to provide services and issues with attracting and retaining a sufficient number and range of qualified interpreters.
27. There is no doubt that interpreter use can be a costly option, particularly when it is necessary to engage an interpreter for a one-off visit to a remote community. This is inevitably a consideration when agencies have limited resources and budgetary allocation for interpreter services is either limited or not specified.
28. Service provision is also frequently complicated by small populations of particular language speakers and limitations arising from cultural norms and social relationships and the often sensitive nature of information discussed in the course of interactions.
29. While the NTG is funding expansion of the role of the AIS, the comments of users suggests that it does not currently have an adequate pool of interpreters to comprehensively address all user expectations.²
30. The above issues have contributed to a tendency to limit interpreter use to the most obvious cases where there is an absolute necessity. There appear to be many cases, where the consequences of incomplete understanding are not so dire or the lack of English proficiency is not so clear, where interpreters are not being utilised.
31. If this approach continues, Aboriginal Territorians who do not have full English proficiency will continue to have less effective engagement with NTG agencies than English speakers and face ongoing disadvantage in the protection of their rights.

The way forward

32. Future efforts need to be directed at both increasing the use of interpreters and increasing the capacity of the AIS to provide services as and when required. This is not a chicken or egg situation. These two objectives, increased demand and consistent high quality supply, must go hand in hand.

² This is no criticism of the AIS or of the expertise or quality of existing interpreters. It is rather an acknowledgement that steps need to be taken to substantially increase and sustain that pool.

33. It is therefore important that there be long term planning to enhance the attractiveness of interpreting and hence the capacity of the AIS. However, this can only be achieved by long term commitment based on a recognition that there is a need for substantially increased interpreter use across the board.
34. Given the nature of demand for interpreting services in the NT, this commitment must come from not only the NTG and its agencies but from local government, non-government organisations and the Commonwealth.
35. There is a need for a long term plan (a Development Plan or Master Plan however described) to plot the substantial development of Aboriginal interpreter and language services that will be required in the NT over the next decade. Core elements of this long term plan are discussed in Chapter 5.
36. A National Framework for Indigenous Interpreters has been under discussion for many years. It might well meet a number of the objectives of such a long term plan but there is little sign of substantive progress towards finalisation of the Framework and, even if it was implemented, there are many Territory-specific factors that would be likely require a Territory-specific plan.
37. Housing and the Department of the Chief Minister should play key leadership roles in the development of a Territory-specific plan but development will require commitment from all and so must be equally driven by strong support from a broad range of government and non-government agencies at both the NT and Commonwealth level.
38. A number of recommendations arising from this investigation are set out on the next page. They are focused on collaboration across jurisdictions and sectors to establish a framework for the future, the implementation of agency-wide policies, protocols and practices, and improved recruitment, training and support for Aboriginal interpreters and bilingual workers.

Conclusion

39. I acknowledge the co-operation of selected agencies that participated in this investigation. I also acknowledge the valuable contribution made by stakeholders who provided input.
40. This is an area where substantial steps have been taken by NTG to promote translation into language and use of interpreters. This includes a commitment by NTG of an additional \$1Million to the AIS in 2017. However, it is an area where much still stands to be done to increase utilisation of interpreters to ensure that Aboriginal Territorians can exercise their rights and pursue entitlements on an equal footing with Territorians whose first language is English.
41. My Office is committed to working with NTG agencies over coming years to support the implementation of the recommendations in this report.

**Peter Shoyer
Ombudsman NT
August 2018**

RECOMMENDATIONS

1. NTG pursue with the Australian Government and other jurisdictions the finalisation and implementation of a National Framework for Indigenous Interpreters.
2. NTG establish a long term Master Plan for the development of Aboriginal language services that recognises unmet need and provides for a substantial increase in interpreter demand over the next decade.
3. NTG agencies participate in the development of the long term plan and make long term support and financial commitments to raise the level of interpreter use to meet the real needs on Aboriginal Territorians.
4. NTG pursue with the Australian Government and key Commonwealth agencies the potential to participate in the formulation, implementation and support of the long term plan.
5. NTG establish and maintain a high level, broad based forum to facilitate development and implementation of the long term plan and facilitate collaboration and increasing efficiencies across NTG Agencies and other stakeholders in relation to communication and engagement with Aboriginal Territorians.
6. NTG review its whole-of-government Language Services Policy, Cabinet templates and other whole-of-government documentation, with a particular emphasis on provision of Aboriginal language services.
7. NTG agencies develop or produce revised agency language services policies and protocols aligned with the BPPs, the Indigenous BPPs, and NTG whole-of-government policies. The policies should include specific and detailed reference to Aboriginal language services (either included in one policy or in a stand-alone policy) and, in that regard, should place emphasis on:
 - a. Assigning clear responsibility within the agency for executive oversight and operational functions;
 - b. Promotion of Aboriginal interpreter use among staff and clients, with a cautionary approach along the lines, “When in doubt, use an interpreter”;
 - c. Collaboration and co-operation with other government and non-government stakeholders to maximise the efficiency of interpreter use;
 - d. Planning and adequate budgeting for Aboriginal interpreter use for all new programs (including rollout and evaluation) and regular review of existing programs to ensure adequate provision is explicitly made for ongoing needs;
 - e. Promotion of adequate preparation and support for Aboriginal interpreters;
 - f. Adequate training and guidance for agency staff in identifying the need for interpreter services and other relevant operational matters;
 - g. Encouragement for the engagement by the agency of bilingual and multicultural workers;

- h. Record keeping that facilitates access to information about client needs and allows agency monitoring and review regarding the extent and consistency of provision of interpreter services;
 - i. Provision of complaint mechanisms that encourage and facilitate approaches from Territorians who are not fully proficient in English;
 - j. Extension of obligations to contracted service providers, including mechanisms that allow the agency to monitor and ensure compliance.
8. Aboriginal Interpreter Service review its current procedures and practices in light of the issues raised in this report to establish whether there are aspects of its operations that can be improved.

In order to ensure that adequate steps are taken to implement these recommendations, I seek from the chief executives of Housing and the Department of the Chief Minister:

- a. within three months of the date of this report, a response that outlines the steps taken or proposed to be taken to give effect to each recommendation and any reasons for not taking all steps necessary to give effect to a recommendation; and
- b. every three months thereafter until full implementation, a summary of steps taken in progress towards implementation.

In due course, I propose to commence a follow-up 'own motion' investigation into progress that NTG agencies have made in relation to Aboriginal interpreter use.

BEST PRACTICE PRINCIPLES FOR INTERPRETER SERVICES

Best Practice Principles

1. Develop a clear and comprehensive policy on the use of interpreters that covers all programs and services as well as contracted service providers.
2. Provide a direct link to interpreter services and other information in languages other than English on websites.
3. Endeavour to provide an interpreter wherever necessary.
4. Specify who should and should not be used as an interpreter – the use of friends, family members and children should be avoided.
5. Agency and contracted service provider staff should receive training on working with interpreters.
6. Records of a client's interpreter and language needs should be kept including dialect, any gender or other requirements, as well as details of occasions when an interpreter was used and when an interpreter was declined.
7. Establish accessible complaint handling mechanisms that allow clients to complain about access to, use of, or quality of an interpreter's services.
8. Encourage the development of interpreters.

As summarised in the Commonwealth Ombudsman's 2011 report.

Indigenous Best Practice Principles

1. Specific reference to Indigenous language interpreters should be incorporated into general interpreter policies, cultural awareness programs, relevant overarching policy frameworks and, where appropriate, Reconciliation Action Plans.
2. Agencies should co-operate, where possible, with other agencies and non-government organisations to share resources and coordinate their use of and support for interpreter services.
3. Agencies should ensure that training on the need for, and use of, interpreters is available and mandated for all staff and service providers involved in remote area servicing and such training is developed and delivered with the assistance of Indigenous language interpreter services.
4. Agencies that use interpreter services should ensure there is a dedicated contact person or area within their agency for interpreter services contact (i.e. a centralised contact point for bookings, timesheets, handling questions, managing relationships and supporting interpreter services).
5. Agencies should be mindful that not all plain English words and phrases will be readily interpreted because many concepts do not have equivalents in Indigenous languages or may have different meanings.
6. Agencies should provide briefings to interpreters in advance to enable them to become more familiar with the subject area and enable collaboration on terms and concepts which may need to be considered further.
7. Agencies should develop simple plain English materials, in consultation with interpreter services, for the purposes of briefing interpreters in advance and where possible, for translation into language products. Where possible, subject matter dictionaries should be developed in consultation with Indigenous language interpreter services.
8. Agencies should be mindful of the need to build in breaks and other measures to reduce interpreter burnout and fatigue.
9. Agencies should ensure that individuals have access to Indigenous language interpreters for the purposes of communicating with their agency and arrangements should be in place to ensure the costs of Indigenous language interpreters are not borne by the non-English speaker.
10. Agencies should monitor and review their accessibility to, and use of, Indigenous language interpreters on a regular basis.
11. The use of Indigenous language interpreters should be considered and incorporated into the consultation, design and implementation stages of new programs to remote areas. While higher usage may be expected early in the roll out of new programs, programs should be monitored to ensure ongoing access and use beyond the roll out stage.

12. Agencies should not assume interpreters will be available when needed and should consider implications for timeframes, contract compliance and the need for flexibility and contingency planning.
13. For agencies whose use of Indigenous language interpreters may be contingent upon addressing broader barriers, the availability of Indigenous language interpreters should be incorporated into planning and messaging in any measures designed to address those broader barriers.
14. Where possible, agencies should recruit bilingual workers, pay community languages allowances, encourage and support further training and accreditation and provide flexible work practices to ensure interpreters can be freed from their duties to undertake interpreting work.
15. Training and policy guidance on situations where it is more appropriate to use accredited interpreters than bilingual workers should be provided to staff in agencies where bilingual staff are employed.
16. Agencies should ensure they collect data and actively monitor use (and non-use) of Indigenous language interpreters, including under service provider contracts.
17. Agencies that provide services to remote communities through contracted service providers should:
 - a. ensure use of Indigenous language interpreters is specifically required in service contracts;
 - b. collect data and actively monitor use (and non-use) of Indigenous language interpreters under service provider contracts;
 - c. where possible, provide block funding to Indigenous language interpreter services to ensure staff and service providers have administratively easy access to interpreters, minimise financial disincentives to use interpreters and ensure free and regular access to 'working with interpreters' training;
 - d. if block funding is not possible, take steps to remove financial and administrative disincentives to using interpreters, preferably by dedicated funding or at the very least, simple reimbursement procedures.

As set out in the Commonwealth Ombudsman's 2016 report.

CHAPTER 1 - INTRODUCTION

1. The NTG *Language Services Policy* defines language services as follows:

The term Language Services ... refers to the following mediums for communicating with people who do not speak English as a first language and for people whose first language is Auslan:

- *Provision of accredited interpreters and/or translators.*
 - *Presentation of information in first languages through the production of translated material.*
 - *Employment of bi-lingual staff who have the ability to communicate in the client's language.*
 - *Training of staff to provide services to clients who speak a language other than English.*
2. While translation will be referred to in this report, its primary focus is on interpreting services.
 3. Interpreting has been defined as “*the oral rendering of the meaning of the spoken or signed word from one language to another language.*”³
 4. Using an interpreter is essential in circumstances where a person is not able to communicate in English or when the person ‘*may be able to converse in English but require an interpreter to understand complex information of a technical or legal nature, or they may require an interpreter during stressful or emotional situations when their command of English decreases temporarily.*’⁴
 5. Professional interpreters are highly skilled in English and one or more other languages. They adhere to the AUSIT Code of Ethics, which requires them to act professionally and impartially, and maintain confidentiality, privacy and accuracy.
 6. When used properly, professional interpreters can facilitate effective communication, resulting in a higher quality of service delivery and engagement. This means a reduction in the risk of mistakes and adverse outcomes, complaints and litigation.

Aboriginal language services in the NT

7. Aboriginal Territorians comprise about 30% of the NT population, compared to a national average of 3%.⁵ The proportion of Territorians living in Greater Darwin reflects patterns of urbanisation across Australia.⁶ However, the vast majority of Aboriginal Territorians live in remote and very remote areas (80%), representing ‘*a population distribution pattern distinctly different from that of all other Australian jurisdictions.*’⁷ Over 34,000 Territorians speak an Aboriginal language at home.⁸

³ Definition by the National Accreditation Authority for Translators and Interpreters.

⁴ Commonwealth Ombudsman Use of Interpreters 2009 Report page 2 (para 1.5).

⁵ 2017-2018 Budget Paper - Northern Territory Economy, page 55, sourced from 2011 Census statistics.

⁶ 2017-2018 Budget Paper - Northern Territory Economy, page 52, sourced from 2011 Census statistics.

⁷ 2017-2018 Budget Paper - Northern Territory Economy, page 55, sourced from 2011 Census statistics. The national average of Aboriginal people living in remote and very remote areas is 21.3%. Western Australia has the next highest proportion after the NT at 40.1%.

⁸ Australian Bureau of Statistics, Census of Population and Housing 2011.

8. This report does not detract from or diminish the need to provide language services to all Territorians who require them, including Auslan services. A number of the recommendations will apply equally or in a similar way to other languages and services. It does, however, recognise that the demographic makeup of the Territory requires special attention to the needs of Aboriginal Territorians.
9. Responsibility within NTG for Aboriginal affairs policy and co-ordination rests with the Department of the Chief Minister. Interpreter service provision for Aboriginal Territorians is centralised, with services provided by the Aboriginal Interpreter Service (AIS) within the Department of Housing and Community Development (Housing).
10. The Housing Annual Report 2016/17 provides the following snapshot of AIS operations during the year:
 - 370 staff;
 - 98% of them Aboriginal;
 - 335 registered interpreters;
 - 48 full time equivalent staff at 'Aboriginal Interpreter' level;
 - delivered 30,787 interpreting hours in 35 different Aboriginal languages;
 - 202 *Communicating Across Language* training sessions provided to 829 participants.

Scope of investigation

11. In this report we consider:
 - national and Territory frameworks for the use of Aboriginal interpreters;
 - NTG Agency Aboriginal Language protocols and practices;
 - the guidance and training given to NTG Agency workers regarding Aboriginal interpreters;
 - success stories and perceived barriers to the use of Aboriginal interpreters;
 - opportunities to improve the provision and accessibility of Aboriginal interpreter services.

Methodology

12. Ombudsman NT took the following steps in preparation for this report:
 - survey of a selection of NTG agencies (Corrections, Education, Health, Housing, Police, PWC and Families) and analysis of information provided;
 - analysis of Commonwealth Ombudsman reports: *Use of Interpreters* (2009), *Talking in Language: Indigenous language interpreters and government communication* (2011) and *Accessibility of Indigenous Language Interpreters* (2016);
 - analysis of complaints received by Ombudsman NT over time;
 - cross-jurisdictional research and analysis of government language services policies, guidelines and tools; and
 - consideration of submissions from key Aboriginal organisations and discussions held at a joint Commonwealth Ombudsman and Ombudsman NT forum.

Organisations

13. A brief description of surveyed agencies and other stakeholders is set out below.

Aboriginal Interpreter Service (AIS)	AIS is the sole Aboriginal interpreter service in the Northern Territory. It employs about 50 full-time equivalent interpreter staff with 335 registered interpreters covering a multitude of Aboriginal languages and dialects, and seven trainers from backgrounds such as linguistics, health, adult education and law.
Aboriginal Medical Services Alliance Northern Territory (AMSANT)	AMSANT is the peak body for Aboriginal community-controlled health services in the NT and has played a pivotal role in advocating for and supporting the development of community-controlled health. AMSANT members provide health services right across the NT from Darwin to the most remote areas.
Australian Institute of Interpreters and Translators Inc. (AUSIT)	AUSIT is the national association for the translating and interpreting profession. Members of AUSIT adhere to a strict Code of Ethics and take part in continuous professional development.
Central Australian Aboriginal Congress (Congress)	Congress is the largest Aboriginal community-controlled health service in the NT, providing comprehensive, culturally-appropriate primary health care services to Aboriginal people living in and nearby Alice Springs as well as to six remote communities in Central Australia. Over half of clients who use Congress services speak an Aboriginal language as their main language.
Department of Education (Education)	The Department of Education provides or facilitates education to young Territorians from early years to adulthood. Education provides education services to over 32 000 school-aged children across the NT's 151 government schools. In the NT, 73% of government schools are located in remote and very remote areas. Indigenous students make up 44.4% of the student population, and approximately 48.8% of NT students have a language background other than English.
Department of Health (Health)	The key focus of the Department of Health is to achieve the best health and wellbeing for all Territorians through the development, management and performance of the public health system. Health operates 5 public hospitals and 52 remote primary health care centres. Another 33 remote primary health care centres are operated by Aboriginal Community Controlled Health Organisations.
Department of Housing and Community Development (Housing)⁹	Housing brings together many of the key functions that provide services in affordable and accessible housing, local government and community development across the Northern Territory. The key areas of the department are housing (including supported accommodation, remote, Indigenous, seniors, affordable housing and home ownership), local government, interpreting and translating services, homelands and remote infrastructure and services.

⁹ Formerly the Department of Housing and the Department of Local Government and Community Services.

North Australian Aboriginal Justice Agency (NAAJA)	NAAJA delivers Aboriginal legal services in the NT. NAAJA’s mission is to deliver a range of innovative, high quality, culturally proficient legal services to Aboriginal people and the community and seek true justice, dignity and respect for Aboriginal people.
Northern Territory Correctional Services (Corrections)	Corrections is responsible for the custody of prisoners in correctional centres and the supervision of offenders on Community Corrections orders. It operates two adult correctional centres, two adult prisoner work camps and 10 Community Corrections offices that service over 70 regional and remote communities across the NT. It is now part of the Department of the Attorney-General and Justice.
Northern Territory Police, Fire & Emergency Services (Police)	Police provides policing, fire, rescue and emergency services within the NT. Key strategic issues for Police are keeping the community safe (including through frontline policing, crime reduction initiatives, preventing and reducing reoffending, targeting alcohol-related crime and public order issues and enhancing public safety, demonstrating strong integrity and accountability, road safety and enforcement. Police has 58 police stations (including two multijurisdictional facilities), 6 police posts, 11 fire stations, 16 volunteer fire stations and 33 emergency volunteer units.
Power and Water Corporation (PWC)	PWC is responsible for electricity transmission and distribution and provides water and sewerage services across the NT. PWC supplies electricity generation and retail services to 72 remote communities through its not-for-profit subsidiary, Indigenous Essential Services Pty Ltd.
Interpreting and Translating Service NT (ITNT)	ITNT is a Northern Territory Government service providing translating and interpreting services in foreign languages.
Territory Families (Families)	Families was established in September 2016. It was formerly known as the Department of Children and Families. The agency is responsible for youth (including youth justice and youth affairs), seniors (including senior and pensioner concessions), the domestic violence directorate, women’s and men’s policy, and multicultural affairs.

Consultation

14. A draft of this report was provided to a range of agencies for comment. A number of responses were received and incorporated into or addressed in the final report as considered appropriate. Some responses are discussed below.
15. Housing stated:

It is important to note that the [NTG] has provided \$1M in the 2017/18 financial year to continue to boost capacity of the AIS.

I would also like to highlight the work currently underway on refreshing the Language Services Policy (the Language Policy) by this Department. The Language Policy is being developed collaboratively with Aboriginal interpreters, NT and Australian Government agencies, and other key stakeholders, particularly including Aboriginal language authorities.

The Language Policy will address many of the issues highlighted in the NT Ombudsman's Report and responds directly to the Ombudsman's Report's second key recommendation being that NTG agencies develop an Agency Language Services Policy that aligns with the NT Language Services Policy 2012.

This Department remains committed to ensuring all Aboriginal Territorians engage with government through their first languages and we are steadfast in our efforts to maximise employment opportunities for bilingual Aboriginal Territorians who may consider interpreting as a career pathway.

16. Families noted that there are more than 100 Aboriginal languages and dialects spoken in the Northern Territory and when dealing with clients and families, an interpreter may be required to help bridge the language barriers faced by non-English speakers. It stated it has produced a Guideline for engaging interpreters, along with bilingual workers in Remote Family Support Services and Aboriginal communities.
17. It advised that it supports the recommendations outlined in the Report and that it is committed to improving its practice regarding the use of interpreters. It also indicated it is implementing the Recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory and the Royal Commission into Institutional Responses to Child Sexual Abuse, as outlined in the recently released NT Government Implementation Plan, *Thriving and Connected: Generational Change for Children and Families*.
18. Corrections made a number of comments, the majority of which have been referred to or incorporated in the body of the Report.
19. Health advised that it will work closely with other NT Government agencies, especially the Department of the Chief Minister and Housing in their key leadership roles, to improve on policies, protocols and processes to ensure they align to the best practice principles outlined in the report.
20. Education provided additional information on its current programs and employment levels of Aboriginal staff. This has been incorporated into the report. It acknowledged that the draft report raises many issues that are pertinent to it and acknowledges the need for a departmental language services policy and protocols. It accepted the need for improved integration of, and access to, interpreter services in all relevant service areas, which should include embedding interpreter use across programs and training for staff to identify the need for a qualified interpreter when delivering a service or undertaking community engagement.
21. Some concern was expressed regarding the impact of adopting best practice principles for remote teachers/schools due to the strong focus on ensuring that suitably qualified persons will be available to talk about a child's educational needs or problems they are facing. It suggested a need for clarification as to when use of accredited interpreting services are deemed more appropriate than departmental bilingual workers. As discussed in the course of the report, the use of bilingual staff is a very positive step. However, there will be circumstances where particular sensitivities or potential conflicts of interest weigh in favour of engagement of an external accredited interpreter.

CHAPTER 2 –CURRENT STATE OF PLAY

22. A fundamental intention of this investigation was to provide a benchmark for existing use of Aboriginal interpreters against which future efforts of NTG agencies can be assessed.
23. Statistical and anecdotal information was sought from a range of agencies and stakeholders to provide an overview of interpreter use and issues that arise relating to use and failure to use interpreters.
24. This chapter provides a snapshot of that information along with a review of issues raised in previous complaints and recent investigations. It also looks at examples of current practices adopted by agencies.

Ombudsman NT complaints and stakeholder feedback

25. This Office has previously made a number of references in Ombudsman NT reports to the need for increased Aboriginal interpreter use, including:
 - A need to plan for greater interpreter use in correctional settings: *‘Women in Prison II’ – Alice Springs Women’s Correctional Facility (2017)*.
 - A recommendation that PWC consultations be undertaken utilising the services of Indigenous interpreters where necessary: *‘Bills, Bills, Bills’ Essential Services – Power and Water billing and debt management practices in an urban Indigenous community (2016)*.
 - Noting community concerns raised about the need for increased use of Indigenous interpreters in the course of community engagement sessions in regional and remote communities: *2016/17 Ombudsman Annual Report*.
 - A recommendation that Housing improve communication and provide timely updates to tenants and interested stakeholders regarding changes to policies and procedures, the process of repairing damaged meters and associated property, as well as associated timeframes, and that in doing so, it should utilise Indigenous interpreters to ensure its messages are clearly understood: *‘Let there be light’ – Response by Department of Housing and Power and Water to widespread incidents of damage to electricity meters in a remote community (2015)*.
 - Comments regarding Remote Housing - “Providing information about maintenance, refurbishments and allocations can be challenging to an audience for whom English can be, at best, a second language. There is a risk in these circumstances that messages will be misunderstood. It is important to ensure that messages are not only delivered but are understood and that steps are undertaken to assist in gaining a mutual understanding of the situation. Use of interpreters is important in this regard as is reference to legal advisers who work regularly with remote tenants”: *2013/14 Ombudsman Annual Report*.
26. Set out below are a number of examples and comments from Ombudsman complaints and stakeholders aimed at providing an appreciation of the types of issues that may be faced by Aboriginal clients of NTG agencies.
27. In recording these issues, it is acknowledged that NTG agencies are operating in a difficult environment, with pressure to provide services in a timely and cost effective way. Services must be delivered over a vast geographical area. Workers can become fatigued by challenging interactions, and may face practical barriers to the use of Aboriginal interpreters (see Chapter 5).

28. However, it is also important to acknowledge that Aboriginal communities face significant disadvantage and intergenerational trauma. The failure to engage Aboriginal interpreters to the extent needed can increase the risk of a broad range of adverse outcomes in these vulnerable communities.
29. These examples and comments are provided to encourage discussion about the way forward rather than to single out any past shortcomings. These observations should be taken as reflecting the perspective of the commentator rather than as a record of considered findings.

HEALTH

An Indigenous Elder submitted a complaint to Ombudsman NT alleging that he did not understand complex medical terminology or procedures associated with upcoming heart surgery. He also had difficulties explaining cultural issues to medical professionals.

Ombudsman NT was informed that an interpreter was not provided because medical staff were of the view that the client's English was reasonably good and the client appeared to understand the information provided.

We identified a number of questions around the complainant's understanding of various procedural and medical aspects of his treatment.

After the Ombudsman's involvement, Health ensured an interpreter was provided, which assisted the client to understand the procedure, including risks and benefits, and provide informed consent.

JUSTICE

"NAAJA is concerned that there is no interpreter involvement in Police diversion, service of Domestic Violence Orders and at the time of granting Police bail and in the explanation of conditions."

"In a staff survey, an employee observed that 'very, very rarely (no sighted cases) has an interpreter been used by the court staff in explaining bonds/warrants of imprisonment to persons in custody in Katherine."

Case Study – Police fail to use interpreter when investigating sexual assault of disabled woman

"NAAJA assisted a client who was a victim of sexual assault. The client lives in a remote Aboriginal community. The client suffers from paralysis to one side of the body and a disability known as aphasia, which means that she can understand what is said to her in her language (and otherwise her intellect is not effected by her condition), she cannot verbally communicate. The NT Police did not use an interpreter when communicating with the client.

The NT Police's Sexual Assault Unit went to the client's community after they received the report of sexual assault and interviewed the client. They did not use an interpreter to communicate with that client, and they also would not allow a family member to be with the client during the interview.

At the end of the interview the SARC officers stated that our client had informed them that the assault was consensual. When the term "consensual" was explained, the client indicated that this was not the case, and appeared quite distressed when the client was told that this is what the Police concluded."

COURTS

... one of the challenges we face in our legal/court practice is the availability of interpreters, particularly taking into account the correct language, and interpreters who do not have a conflict or cultural issues that need to be considered in a particular matter.

... non - attendance of interpreters at our Family Matters court is a very common issue. It is not uncommon for the court ordered interpreter to not attend at all.

NAAJA and other legal agencies have similar difficulties. While there may have been an interpreter ordered by the court ... there are often issues with the attendance at court of the interpreter.

Further, the court ordered interpreter may have issues with being available to assist a party outside of the court hearing. Strictly speaking they have been requested to assist the court, not to assist parties to get instructions outside of court. (However, in practice I have not personally observed that to be a problem). If mother and father are separately represented and both require an interpreter for the purposes of giving instructions, there is a potential conflict for that interpreter to be available for both parties. To have separate interpreters for each party and for the court, would not be possible with the available resources.

Lawyers for parents will often appear in court and advise they are instructed by a parent when they have not had the benefit of an interpreter, despite possible language difficulties. There are numerous times when criticism is made of Families not using an interpreter, but the non-aboriginal lawyer has not expressed any concern of their own ability to obtain instructions, and will continue to act both in court and at case conferences without the use of an interpreter. Assessing whether an interpreter is necessary can be a difficult task for all.

FAMILIES

DCF¹⁰ caseworkers often meet with parents and carers and discuss significant issues which have long term ramifications, for example the removal of children, protection concerns, care plans, reunification plans and upcoming court proceedings, with parents and carers without interpreters present.

We are concerned that caseworkers can lack the appreciation that a person speaks conversational English, may require an AIS interpreter to understand and adequately respond to DCF workers to complex concepts expressed in English. Examples of such concepts are: DCF's legislative power to remove children, medical information which underlies protection concerns, what the parent is required to do in order to meet the protection concerns and the case plan or reunification plan.

Case Study – Child interviewed without an interpreter

NAAJA assisted a pregnant young girl who had been interviewed without an interpreter. It was reported to the Court that the child had said 'I want to kill the baby'.

In reality the child was asking for her pregnancy to be terminated in the only terms that she knew.

¹⁰ In August 2016, the Department of Children and Families (DCF), was merged into Territory Families.

Case Study - Psychological assessment of parent conducted without interpreter¹¹

NAAJA assisted a woman in child protection proceedings. DCF contracted a psychologist to undertake a psychologist assessment of the mother. She was assessed by a psychologist and interpreter was not used.

The psychologist found that the mother had a cognitive impairment that precluded the possibility of providing adequate care for her child, and that she was unable to parent. DCF relied heavily on the report to justify its continued application to the Local Court for parental responsibility for the child.

NAAJA advocated for the client to be reassessed by a different psychologist with an interpreter present.

The second psychologist conducted his assessment using an interpreter. He found that there was no cognitive impairment that would diminish the mother's capacity to care for her child.

The child was returned to her mother. The report was persuasive in the decision to reunite the mother and child.

Case Study – Refusal to use interpreter¹²

Disconcertingly, caseworkers will continue to communicate with parents or carers without AIS interpreter present even NAAJA informs DCF, that based on the lawyer's assessment of the client, an interpreter is required. When NAAJA raises concerns with DCF regarding this practice, they are often dismissed. Responses such as 'the client said it was ok', or 'they understood me' are common.

For example, a NAAJA lawyer spoke to a lawyer acting for DCF [with] concerns about DCF continuously refusing to use an AIS interpreter in a matter. NAAJA used an interpreter to discuss the matter with the client and had received instructions different to those provided to DCF. The NAAJA lawyer suggested that the reason that the client appeared to be giving different instructions to NAAJA and DCF, was due to the failure by DCF to engage an interpreter. In response, the lawyer acting for DCF said "So you're the only person who can talk to Aboriginal people?"

¹¹ As noted above, these comments should be taken as reflecting the perspective of the commentator rather than a record of considered findings. With regard to this matter a legal adviser to Families noted, "we can't comment fully on this without further detail. However, we recall some details about a case (which may or may not be the one cited) about 4-5 years ago where a psychologist may have travelled to the mother's town/community and assessed her without an interpreter after considering the mother had a sufficient understanding of what was going on; the psychologist had previously lived and worked in that particular community and spoke some of the language; the testing did not require language skills and there was considerable independent evidence. How persuasive the second report was, what other factors were relevant, what changes had occurred in the circumstances of the mother and her support network and what the court's ultimate decision was, are important to ascertain before this example is quoted. The decision by an independent private psychologist to proceed without an interpreter is a matter out of Families hands, and a matter on which the psychologist may need to comment."

¹² As noted above, these comments should be taken as reflecting the perspective of the commentator rather than a record of considered findings. With regard to this matter a legal adviser to Families noted, "we are not aware of any case where Families "continuously refused to use an AIS" interpreter, or where this was raised with a lawyer acting for Families. We do not accept that Families would continuously "refuse" to use an interpreter. We are not aware of any Families lawyer saying to a NAAJA lawyer, "So you're the only person who can talk to Aboriginal people?" I make the comment that if such a comment was made, we need to take into account that often lawyers acting for parents may be new to the jurisdiction and while working in a busy difficult court setting, do not understand or appreciate that Families workers on the ground may have a better knowledge of the client and may have considerably more experience dealing with Aboriginal people.

FAMILIES

Many of the Families staff based in offices that deal with the remote communities, visit the communities frequently and spend considerable time with families, the clinic, the schools and the community members and elders. They are often much more informed about the community than lawyers who visit much less frequently and spend much less time there.

The Families workers obviously have a good feel for when there are communication difficulties and who in the community can assist, who is able to speak on behalf of other people, who may be in a conflicted position and who they can get to assist them with communication if necessary.

They can also assess to some extent the level of understanding of the person with whom they speak. They may have been dealing with that person over some considerable time and have developed a relationship that assists with assessing the level of understanding. Families also have the benefit of their employed Aboriginal Community Workers in their offices and also have Remote workers who live on some communities who are fluent in their languages.

A challenge for everyone is that there are many communities where there are no authorised/registered interpreters and there will often be an emergency situation where no qualified interpreter will be available in person or by telephone.

There will often be circumstances where family members/clinic staff will need to assist with the communication as there is no-one else.

There are also circumstances where a person clearly states they do not wish to use an interpreter. Obviously that person's wishes must be acknowledged, and an interpreter should not be forced on them by well-meaning lawyers or Families staff.

Non-attendance or non-availability of an interpreter at meetings/interviews is also not uncommon.

In child protection work, because we are dealing with inter-familial issues, it can put the potential interpreters in a very difficult, if not, impossible - position. It may be culturally inappropriate for that interpreter to be involved, hear the details, or speak with a person. It may be offensive to the mother, or the father, or the family, or the interpreter themselves. In a small community, with a small cohort of speakers of that language and where there are few available interpreters, this is a particular difficulty.

HOUSING

A significant proportion of NAAJA's casework is with Housing. Our experience is that Housing use interpreters rarely, if at all, in both its urban and remote service delivery.

Case Study – Tenant moves into a tent after relinquishing public housing tenancy without the assistance of an interpreter

NAAJA assisted a client who English as her second language. She was living in Housing premises in Darwin with her grand-daughter and great-grandson. Housing met with her and suggested that to avoid being evicted from public housing on the basis of alleged anti-social behaviour, she should instead relinquish her tenancy. Housing asked her to sign a statutory declaration saying that she would relinquish the tenancy. There was no interpreter present.

Our client signed the statutory declaration, believing that she was merely accepting notice that her tenancy was being terminated. She did not understand that she had purportedly relinquished her tenancy by consent. The client spent approximately 5 weeks living in a tent next to the railway line

Once NAAJA began to advocate for the client, Housing reinstated her tenancy in a different premises, paid her compensation and waived an outstanding debt.

CORRECTIONS

In the custodial environment, treatment programs are conducted in group and individual settings. We understand treatment programs are designed to enable prisoners to address their offending behaviour through a tailored program suited to their offence and history. Treatment programs include programs for violent and sex offenders and varying types of programs (intensive and moderate). There are also a range of non-treatment programs including the Safe, Sober, Strong program.

Most programs are delivered in the group setting. We understand group settings are arranged for prisoners who speak multiple languages by placing prisoners into smaller clusters or alongside each other in circumstances where they can assist in language and interpretation. Prisoners assist each other in participating in the program. Interpreters are not used. Our concerns are that there is a need to use interpreters across the range of treatment and other programs particularly given the well-known rates of cognitive and mental health challenges presented in the prison population.

In a staff survey, an employee observed that ‘None of the prisoners have reports with the use of interpreters in relation to programs. This has caused real issues for some ... who do the sex offender program but then get released and reoffend. When I asked those clients if they understood any of it, they both said no. Both clients relied heavily on an interpreter throughout my dealings with them’.

Recent commentary and recommendations

30. A number of recent reports have adverted to the use of interpreter services in the Northern Territory.
31. The Community Visitor Program (CVP) has a continuing interest in supporting use of accredited interpreters. The following extracts from its 2016-17 Annual Report highlight a number of relevant issues:¹³

Nearly all of the people in AMT [Alcohol Mandatory Treatment] facilities were Aboriginal Territorians. All of the people in specialist disability residences visited by the CVP are Aboriginal Territorians. Many people in mental health facilities are Aboriginal Territorians.¹⁴

In the CVP’s work this year, the majority of cases were raised by Aboriginal Territorians. The CVP database shows that half of these cases were raised by people needing an interpreter.

...

¹³ See pages 10-11, 16-17 and 40-41.

¹⁴ The CVP noted the percentage of cases raised by Aboriginal Territorians varies between its areas of operation. In AMT, 94% of cases were raised by Aboriginal Territorians; in disability, 81% of cases (being a small number in total); and in mental health, 43% of cases.

Overall, while there are some instances of good practice, the CVP still does not see a culture of consistent commitment to and use of interpreters across the Northern Territory. This needs to change.

...

Mental health

For several years the CVP has had particular concerns about the low use of qualified interpreters in mental health services across the Northern Territory. Qualified interpreters are bound by a code of conduct (including confidentiality) and receive specialist training to interpret. This includes interpreting in challenging contexts when a person is mentally unwell.

Consumers who speak an additional language to English have raised with Community Visitors about being uncertain about things such as their diagnosis, treatment, discharge, physical health needs or procedures. Some consumers talked about not being able to fully express their concerns or ask all the questions they had in mind.

Diagnosis and treatment decisions in mental health care rely largely on effective communication. The responsibility for effective communication rests with the service.

Further to this, Community Visitors have observed that the use of interpreters is not consistent. There remain many misconceptions among staff about the use of interpreters and a person's capacity to fully participate in their treatment in English.

Even if consumers navigate everyday situations in English reasonably well, there still are many obstacles to communication. These include how stressful it can be to be unwell, away from home and family support, and in an unfamiliar hospital environment.

The words used in healthcare settings are different from everyday English words. Some staff may be difficult to understand for a range of reasons.

Many factors might affect how the consumer engages in the discussion. The 'power imbalance' between staff and consumers may be even harder to negotiate across language barriers.

The disadvantage consumers experience when no interpreters are being used is even greater for clients with hearing impairments. Many Deaf people from remote areas do not communicate in standard Auslan (the Australian sign language). Instead they have developed their own communication methods with families and their communities. This can be isolating when the person needs to communicate with others.

A common misunderstanding is that family members might be able to help services to communicate by 'interpreting'. However, professional standards require that families are not used as interpreters. Having to interpret is a demanding task with specific skills. It requires an independent, accredited person who has had training and professional support in the area.

Over recent years, the Aboriginal Interpreter Service has developed more options to increase the availability of interpreters (for example, phone and video link). The CVP knows that at times it can be difficult to get interpreters at the time they are needed.

A close collaboration between the mental health services with the Aboriginal Interpreter Service in particular is needed to resolve service problems together. The CVP is pleased to see that a quality improvement project to achieve this goal has commenced in the Central Australia mental health service.

...

Disability

Being heard and understood

As noted above, in this year, the Community Visitors have seen an increase in the number of issues raised during their discussions with residents. There are challenges in communication that come from the nature of people's disabilities.

For most residents who the CVP visits in specialist disability places, however, these challenges can be reduced. One of the most useful ways of doing so is to communicate in the person's preferred language.

...

Communicating everyday matters in English may work when a resident is very familiar with routine. Communicating about significant matters with people with a disability, such as obtaining information to do an assessment, review or debriefing, is another story. The CVP considers the use of interpreters for such significant conversations as essential and best practice.

...

An internal complaints system, which has a broad definition of a 'complaint' (recognising that the person has a disability), is a central part of any service. It is important as part of its commitment to resident participation and responsiveness, quality assurance and continuous improvement.

32. The Health & Community Services Complaints Commission has also stressed the importance of interpreter use. The following is a case study from its 2016-17 Annual Report:¹⁵

Interpreter not used

A complaint was received from a lawyer acting for Jasmine, a young woman with cognitive impairment and schizophrenia who was interviewed without an interpreter being present. Jasmine, who is largely uncommunicative, heard English for the first time when she was 12 years old. For this reason, an interpreter was present at the conciliation which was also attended by staff from the health service, Jasmine, Jasmine's lawyer and her guardian. Outcomes from the conciliation included agreement that interpreters would be used whenever possible in all future interactions between the health service and Jasmine, the service would make every effort to include the guardian in decision-making. All staff would be required to undertake training in the use of interpreters.

33. The final Report of the Royal Commission into the Protection and Detention of Children in the Northern Territory (2017) pointed to areas of concern relating to Aboriginal interpreter use (although it is important to note that its investigations stretched back over 10 years):¹⁶

Some parents and kinship carers who told the Commission their story said there was no interpreter when their children were taken and in other dealings with Welfare. Others mentioned that difficulty with literacy was an impediment to understanding in their interactions with Welfare.

¹⁵ Page 19.

¹⁶ Volume 1, Chapter 2, p 93.

‘When our kids were put into our cousin-sister care, I had a police officer come up with file and they said you have to get a lawyer. That was it, then they drove off. The police didn’t explain. I don’t read. I couldn’t read that file and understand. I looked at the paper and said this is too much for me. I need to get a lawyer and what would the lawyer even be for? I don’t know how to get a lawyer.’

Parent of children in care

‘Welfare came and they took [my children] away ... They had no interpreter, no counsellor, they didn’t tell us where they were taking them, or for how long ... they just took them kids like that, snap.’

Parent of a child in care

34. The Royal Commission:

- referred to evidence that staff in youth detention centres had failed to explain the rules, rights and responsibilities in a way that could be understood by the children and young people coming into detention, and to use interpreters where required;¹⁷
- found that, in the context of education in youth detention centres, staff members from the Department of Correctional Services and the Department of Education had failed sufficiently to recognise the benefits of using Aboriginal interpreters and interpreting services;¹⁸
- found that there were inadequate, or, at times, no support services attached to the Youth Justice Court that were funded by the government, such as case managers, liaisons, officers, Aboriginal advisers or Aboriginal language interpreters to facilitate the administration of justice by the Court.¹⁹

35. One reported case study involving ‘DJ’ addressed the importance of interpreter use in some detail. In summary, the Royal Commission stated:²⁰

Language barriers can also curtail or prevent Aboriginal families’ participation in decision-making about their children. DJ, a young Aboriginal woman from a remote community who speaks English as a second language, told the Commission that Territory Families’ inconsistent use of interpreters affected her family’s understanding of the department’s involvement with their children. Her mother did not have an interpreter for a cognitive and parenting capacity assessment, which concluded that her mother lacked parenting capacity. ‘I do not think my mum understood why that whole assessment was happening,’ she said.²¹

36. The Royal Commission noted:²²

Evidence the Commission received also indicates that the use of interpreters is not uniform. Territory Families has a number of policies around engaging and using interpreters. However, legal practitioners told the Commission that Territory Families caseworkers may not appreciate that where a parent or other Aboriginal person speaks conversational English, they still may need an interpreter to understand and provide a full response to questions or comments where the subject matter is stressful or based on complex concepts. One practitioner stated:

¹⁷ Volume 2A, Chapter 11, p 117.

¹⁸ Volume 2A, Chapter 16, p 401.

¹⁹ Volume 2B, Chapter 25, p 318.

²⁰ Volume 3A, Chapter 29, pp 88-97.

²¹ Volume 3A, Chapter 33, p 386.

²² In a section titled *Access to Interpreters*, Volume 3A, Chapter 34, pp 501-503. Footnotes omitted.

‘Focusing on the family’s “competence” in English, particularly if assessed on the basis of conversational English, is apt to provide a misleading outcome. The focus of considering whether an interpreter is required needs to be situation-specific – that is, can the family understand and articulate core concepts of the child protection jurisdiction? This is particularly important for intangible concepts that are not easily understood by Aboriginal English speakers, and not easily interpreted into Aboriginal languages.’

Aboriginal Interpreter usage statistics

37. An effort was made to determine the extent that each surveyed agency utilised Aboriginal interpreter services. Statistics were sought from AIS and surveyed agencies.
38. The information made available to my Office is set out in the tables below.

Table 1: AIS Usage Statistics - Total number of booking requests for Indigenous Interpreters by organisation

Year	Corrections	Education	PWC	Housing	Families	Police	Health
2013-14	43	17	30	81	120	409	1,886
2014-15	114	8	32	62	148	343	2,386
2015-16	79	6	29	117	212	359	2,529
TOTAL	236	31	91	260	480	1,111	6,801

Table 2: Surveyed Agency Statistics – Usage of Interpreters

Year	Corrections (\$)	Education	PWC	Housing	Families (hrs) See Note 3	Police	Health
2013-14	1,800	Not supplied	See note 1	See note 2	138.52	See note 4	See note 5
2014-15	11,474	Not supplied			207.81		
2015-16	0	3 bookings			249.43		

Note 1: PWC provided a mix of interpreter hours and expenditure statistics; data was not provided by year.

Note 2: Housing advised that ‘The Department does not record statistics of indigenous Interpreter usage, which is maintained by the Aboriginal Interpreters Service... Usage of interpreters within the Department is recorded on individual client, complaint and appeals files.’

Note 3: Families advised that ‘In the last financial year, 83 requests for service to the AIS did not proceed. This can be due to a range of factors, including that the requested timeframe was unable to be met, an interpreter was not available, or did not attend on the day. On other occasions, the Department cancelled the request.’

Note 4: Police advised that ‘each station uses interpreters as required and the interpreters forward their hours for payment. Police do not pay for interpreter service fee and they do not collate the hours expended.’

Note 5: Health advised that ‘There is inconsistent record keeping across NT Health in regards to recording interpreter usage ... services that have legislative requirements maintain these records and often submit for monitoring purposes.’

39. It is clear that, of the surveyed agencies, Health was by far the most frequent user of AIS interpreters with nearly 7,000 bookings over the three years selected. However, given the 100s if not 1,000s of interactions each agency has with clients on a daily basis, these numbers appear (certainly for other agencies) to be very low.
40. Housing has stated that AIS is the source of truth regarding data for Aboriginal interpreting. It states that without complex agency internal data collection mechanisms it is doubtful that individual agencies will be able to maintain data regarding bookings that would be as comprehensive and accurate as the AIS.
41. It notes that AIS has recently invested in upgrading its database to provide more efficient and accurate data capture and is considering an enhancement that would enable agencies to access their own data and reporting in the future.
42. These developments are welcome.
43. It is clear that improvements in agency record-keeping and monitoring are required (with the assistance of AIS) in order to allow for enhanced quantitative analysis of Aboriginal interpreter usage.

Challenges facing agencies

44. The situation facing agencies operating in the Territory is a complex one. While about 30% of the population are Aboriginal Territorians, there are over 100 Aboriginal languages and dialects. With a population of around 250,000 and corresponding limits on available resources, meeting the linguistic needs of such a diverse Aboriginal population is a task of some enormity.
45. This is exacerbated by the fact that, in a number of cases, the Aboriginal client base of the agency will far exceed the 30% proportion. For example, Aboriginal Territorians are hugely overrepresented in the justice and correctional systems. This overrepresentation in numerous sectors substantially increases the need for interpreters beyond what might be anticipated from the already substantial general population level.
46. When cultural complexities and the sensitive nature of some communications are added, the situation can be even more challenging. For example, Corrections notes:
 - *[A] significant challenge is that some issues can only be discussed male to male, female to female and in some cultural groups certain topics are not to be discussed at all.*
 - *[T]he issues that are discussed in both the community corrections and custodial environment are often disturbing and interpreters may become concerned and may try and disassociate themselves with the offender, particularly if the interpreter is from, or has family in, that community.*
47. In some cases, the situation is exacerbated by the complexity of language in specialist fields, for example, involving legal proceedings or medical treatment.
48. All these factors combine to present an extremely challenging situation for agencies and the AIS.

Specific initiatives

49. A number of examples were provided of initiatives aimed at improving service delivery to speakers of Aboriginal languages or access to Aboriginal interpreters.

Insistence on interpreter use

50. Ombudsman NT has received stakeholder feedback that the Mandatory Alcohol Rehabilitation facility in Katherine was an example of best practice use of Aboriginal interpreters.
51. Health workers took the approach that a person should be entitled to have present an interpreter in their first language unless the person staunchly refused. Workers read the Health Rights Statement to the person with the assistance of an interpreter and emphasised the need for an interpreter to be present in proceedings before the Alcohol Mandatory Treatment Tribunal.

Simplifying language and facilitating interpreter use

52. For speakers of Aboriginal languages, there can be two distinct benefits from simplifying language. This makes it more likely that people with some English fluency will be able to understand what is being said but also makes it easier for Aboriginal interpreters to interpret what is being said into the client's preferred language.
53. Considerable work has been undertaken within the justice system towards simplifying language and facilitating interpreter use, including:
 - *The Plain English Legal Dictionary: A resource for Judicial Officers, Aboriginal Interpreters and Legal Professionals working with speakers of Aboriginal languages;*²³
 - NT Supreme Court and Local Court *Interpreter Protocols*;
 - *Recommended National Standards for Working with Interpreters in Courts and Tribunals.*²⁴
54. In the *Communicate study*, the Royal Darwin Hospital, AIS, Health, Menzies School of Health Research and Charles Darwin University have entered into a partnership with the aim to improve the experience of care and health outcomes for Aboriginal people at Royal Darwin Hospital by improving the quality of communication.
55. In Stage 1, the study explored barriers to achieving effective communication, including interpreter usage, and identified opportunities for improvement. The findings were published in *Low uptake of Aboriginal interpreters in healthcare: exploration of current use in Australia's Northern Territory.*²⁵
56. In Stage 2, Top End Health Services have employed an Aboriginal Interpreter Coordinator, and have created extra Aboriginal Health Practitioner positions within acute medical services. The study is evaluating this role including impact on numbers of interpreter bookings, experience of use of the AIS, and impact on patient experience and outcomes.

²³ Aboriginal Resource and Development Services, North Australian Aboriginal Justice Agency, Aboriginal Interpreter Service (2015).

²⁴ Judicial Council on Cultural Diversity (2017).

²⁵ Anna P Ralph, Anne Lowell, Jean Murphy, Tara Dias, Deborah Butler, Brian Spain, Jaquelyne T Hughes, Lauren Campbell, Barbara Bauert, Claire Salter, Kylie Tune, and Alan Cass, BMC Health Serv Res. 2017; 17: 733. Published online 2017 Nov 15. doi: 10.1186/s12913-017-2689-y.

Materials in language

57. Clearly, translation of materials into various Aboriginal languages and dialects can enhance general understanding of laws, policies and processes and provide important general information.
58. Corrections advises it has completed a large amount of work in translating explanatory information into plain English and also made a significant contribution to the *Plain English Legal Dictionary*. It states Community Corrections have developed resources in Aboriginal language and these are routinely used by staff working with offenders. It states these resources have improved service delivery to offenders where language barriers exist, as has utilising language skills of staff and attempting to recruit more staff with Aboriginal language skills.

Electronic and online resources

59. The majority of surveyed agencies are using digital platforms and other tools to improve accessibility to services by Aboriginal language speakers. iPad and online apps are popular tools, for example:
 - Police – Aboriginal Police caution (includes 18 Aboriginal languages and an interactive language map);²⁶
 - Corrections – parole and court orders (Murrinh Patha, Warlpiri and Yolngu Matha);²⁷
 - Health – Patient Rights and Responsibilities, no smoking, health messaging and assistance for patients and families to understand their condition and information required by medical staff;
 - Housing – guide to the new tenancy agreement (includes 15 Aboriginal languages);
 - PWC – training in water and energy concepts (Yolngu Matha and Kunwingju);
 - Education – the Families as First Teachers program uses Learning Games in Indigenous language;
 - Alcohol Mandatory Treatment - ‘Talking Books’ in a number of Aboriginal languages developed to ensure that rights could be communicated to people being involuntarily detained, regardless of what time of the day the person was detained or if an interpreter was available to assist the person to understand their rights.
60. Corrections has also partnered with Italk Studios to run a program which sees both male and female prisoners at the Alice Springs Correctional Centre creating verbal stories in the areas of food hygiene, behaviour change and aspects of prisoner's lives. These stories have been translated into Central Australian Aboriginal languages such as Walpiri, Eastern and Western Arrente and Luritja. Corrections advises that Italk will be used in the future in areas such as training and education, pending funding.
61. Talking boards are also used:
 - Health - Patient Rights and Responsibilities and non-smoking policies;
 - Families - kinship care (includes modern and traditional Tiwi, Murrinh Patha, Burrara, Ndjebbana, Kunwinjku and Warlpiri);
 - Police - road safety.

²⁶ See <https://dhcd.nt.gov.au/community-development/aboriginal-language-police-cautions-aboriginal-interpreter-service>

²⁷ See <https://nt.gov.au/law/prisons/community-based-supervision-language-videos/>

62. As are radio broadcasts:

- Health – a campaign with four scripts on drinking alcohol, heart attack, sugar and seeking help (Warlpiri, Pitjantjatara, Arrernte, Warramunga and Luritja), mosquito borne disease (eight languages);
- PWC – Use Less campaign;²⁸ and
- Corrections – recruitment of Indigenous Elders to the Elders Visiting Program and sorry business (Yolgnu Matha).

Bilingual NTG Agency workers

63. In addition, bilingual workers or consultants are engaged by NTG agencies:

- Corrections - Elders Visiting Program (engages Elders as consultants),²⁹ Community Probation and Parole Officers (CPPOs), some Probation and Parole Officers, some Prison Officers at Alice Springs Correctional Centre are able to provide basic instructions regarding rules and expectations;
- Housing – Community Housing Officers;
- Families – Remote Family Support Service workers and Aboriginal community workers;
- Police – Aboriginal Community Police Officers;
- Health – Aboriginal and Torres Strait Islander Health Practitioners, Aboriginal Community Workers and ancillary staff, Aboriginal Mental Health Workers, Indigenous Remote Alcohol and Other Drugs Workers.

64. Aboriginal workers employed in the Alice Springs Hospital Aboriginal Support Services Unit (ASSU) are all qualified interpreters. All ASSU staff are supported to complete medical terminology training and are encouraged to undertake a Certificate or Diploma level in interpreting or an Advanced Certificate in Aboriginal Language Work.

65. Education advises that it employs Aboriginal Territorians as Assistant Teachers, Classroom Teachers, Physicals, Home Liaison Officers, School Cultural Advisors, Families as First Teacher Workers and Attendance Officers. It states that remote schools use bilingual officers for interpreting in an informal manner on a daily basis — and that there are many circumstances where a school principal or other school leaders would rely on a bilingual employee to assist in communication with students, with parents in school contexts, at community meetings, etc.

66. Education further states that it:

... as a whole has a sustained focus on the role of Aboriginal languages and culture in teaching and learning. The Indigenous Education Strategy 2015-2024 has a broad focus on the delivery of education services to Aboriginal students, taking into account the needs of students and

²⁸See http://www.powerwater.com.au/sustainability_and_environment/remote_sustainability_initiatives/use_less_water_campaign

²⁹ Corrections states:

Whilst not a direct interpreter service, the Elders Visiting Program (EVP), run by NTCS, provides an important cultural link between Aboriginal prisoners and NTCS staff by advising on cultural and community issues that may impact on a prisoner's behaviour or ability to address their offending behaviour. The EVP now includes 15 communities with over 45 Elders participating in the Program. The Elders are from Yuendumu, Willowra, the Barkly Region, Hermannsburg, Beswick, Ngukurr, Lajamanu, Kalkarindji, Borrooloola, Katherine, Tiwi Islands, Groote Eylandt, Maningrida, Wadeye and Nhulunbuy. EVP Elders are actively engaged in Darwin based Cultural Awareness training delivered to NTCS staff, the provision of support to raise the profile of the EVP, and to build a greater cultural competency within NTCS.

families who speak English as second language. A critical means of achieving this is the employment of Aboriginal staff, including staff with abilities across a range of Aboriginal languages relevant to the community in which they are based. [Education] employs 615 staff that identify as Aboriginal, which represents 13.7% of the workforce (as at 21 March 2018). There were 116 Aboriginal teaching employees (4.5% of the total teaching workforce).

... employs 229 Assistant Teachers, who work in teams with classroom teachers to provide education in local Aboriginal languages. Aboriginal staff, particularly Assistant Teachers, create vital links to families and community, and are a strong source of support for communicating in local languages. They are a trusted part of the school community and are able to respond to communication needs quickly and appropriately. Many schools have multiple Aboriginal staff, which means that community members have a choice in who is most appropriate to communicate with on a cultural and personal level.³⁰

Interpreters - The current position

67. The picture provided by the numbers is far from complete. Certainly, the capture and reporting of detailed usage data relative to total interactions and various demographic factors would allow NTG agencies to conduct more meaningful analysis.
68. However, the low number of recorded uses of interpreters for almost every agency, the anecdotal information provided and the experience of Ombudsman staff, all point to scope for substantially greater utilisation of interpreters by agencies.
69. While many agencies have put considerable effort into improving practices that inform and involve Aboriginal Territorians with limited English proficiency, there is still a long way to go in terms of identifying the real need for Aboriginal interpreters and routine utilisation of interpreters for Aboriginal Territorians who are not fully proficient in English.

³⁰ Education also advises:

In terms of the educational language needs of Aboriginal students, the Keeping Indigenous Languages and Cultures Strong plan identifies the goal, vision and principles for the teaching and learning of Indigenous Languages and Cultures in NT schools. The NT Indigenous Languages and Cultures curriculum comprises language and culture strands that help schools deliver the most appropriate language learning pathway in consideration of how the language is used within their community.

Guidelines for the implementation of Indigenous Languages and Cultures Programs in Schools were developed in 2017 and are provided to schools to guide decision-making collaborations with local communities, elders and language custodians about the language and curriculum pathway to be taught in schools. To date, 21 urban and remote NTG schools have proceeded to the trial phase of the NT Indigenous Languages and Cultures curriculum in 2018. The trial includes the development of sample teaching and assessment programs for specific languages and curriculum pathways. Induction programs and professional learning for two-way, bilingual teaching teams of Aboriginal and non-Aboriginal teachers are under development.

There are nine schools participating in the trial that also support bilingual education, with a total enrolment of 2604 students. Bilingual education uses students' first language to support learning across all areas of the Australian Curriculum. Students learn through their first language, while learning English and how to use English across curriculum areas. Bilingual education programs require specialist support including qualified Aboriginal teachers and senior teachers with experience and expertise in developing curriculum for bilingual contexts. Currently, 27.7 staff are employed through targeted funding.

CHAPTER 3 –FRAMEWORKS FOR ABORIGINAL INTERPRETER USE

International and National initiatives

70. The crucial role played by Aboriginal interpreters has been recognised nationally in a number of reports, including:

- the *Royal Commission into Aboriginal Deaths in Custody* (1991) – see recommendations 99, 100 and 249;
- the *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997);
- the *Recognition, Rights and Reform* Social Justice report (2000);
- *Our Land Our Languages: Language Learning in Indigenous Communities*, Australian House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs (2012), Chapter 6.

71. In 2009, Australia declared its support for the United Nations *Declaration on the Rights of Indigenous Persons*. Under Article 13(2):³¹

States shall ... 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 means.

72. In the Council of Australian Government (COAG) National Indigenous Reform Agreement service delivery principles, the Commonwealth and all States and Territories agreed that programs and services should be physically and culturally accessible to Indigenous people, including through access to interpreting services.³²

73. In January 2009, the Australian Government committed to:

*Introducing a National Framework, working with the States and the Northern Territory, for the effective supply and use of Indigenous language interpreters and translators (both technical and non-technical), including protocols for the use of interpreters and translators.*³³

³¹ The full text of Article 13 reads:

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure this right is protected and also 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 means.

³² National Indigenous Reform Agreement, Schedule D, Service delivery principles for programs and services for Indigenous Australians, D11 Access Principle: “Programs and services should be physically and culturally accessible to Indigenous people recognising the diversity of urban, regional and remote needs. In particular, attention is to be given to: (a) considering appropriate and adequate infrastructure and placement of services (including transport, IT, telecommunications and use of interpreter services)”, pD-68

³³ Clause 19(g) of the Council of Australian Governments National Partnership Agreement on Remote Service Delivery.

74. A draft National Framework was prepared as follows:

[The draft National Framework] proposed a 10 year plan for investment and cooperation between the Commonwealth and State and Territory governments aimed at improving the supply of trained, accredited Indigenous language interpreters and increasing the demand for their services. It set out three stages for implementation towards a long term goal of an integrated national arrangement with a single phone line and cross-border arrangements. The draft National Framework proposed the following broad strategies:

- *Increasing the supply of trained and accredited interpreters*
- *Increasing awareness of the need for, and appropriate use of, interpreters*
- *Improving the sustainability, coverage and reach of the sector.*³⁴

75. The draft National Framework was taken to the Council of Australian Governments, but was not implemented due to a lack of consensus among jurisdictions.³⁵ In September 2016, the Department of the Prime Minister and Cabinet wrote to the Northern Territory and other jurisdictions to reopen discussions to progress the framework.³⁶ As at the date of finalisation of this report, it is unclear what progress has been made.

Commonwealth Ombudsman reports and Best Practice Principles

76. In parallel with these developments, the Commonwealth Ombudsman has completed three reports relevant to use of interpreters.

77. The first, in 2009, dealt with the use of interpreters generally. The other two, in 2011 and 2016, focused specifically on Indigenous interpreter use.

78. The 2009 Commonwealth Ombudsman report established eight Best Practice Principles for interpreter use (as summarised in the 2011 Commonwealth Ombudsman report):

1. *Develop a clear and comprehensive policy on the use of interpreters that covers all programs and services as well as contracted service providers.*
2. *Provide a direct link to interpreter services and other information in languages other than English on websites.*
3. *Endeavour to provide an interpreter wherever necessary.*
4. *Specify who should and should not be used as an interpreter – the use of friends, family members and children should be avoided.*
5. *Agency and contracted service provider staff should receive training on working with interpreters.*
6. *Records of a client's interpreter and language needs should be kept including dialect, any gender or other requirements, as well as details of occasions when an interpreter was used and when an interpreter was declined.*

³⁴ Commonwealth Ombudsman, *Accessibility of Indigenous Interpreters Report 2016*, page 6.

³⁵ Pages 6 and 48.

³⁶ Page 48.

7. *Establish accessible complaint handling mechanisms that allow clients to complain about access to, use of, or quality of an interpreter's services.*
 8. *Encourage the development of interpreters.*
79. Recognising the special circumstances arising in relation to Indigenous interpreters, the 2016 Commonwealth Ombudsman Report built on those general Best Practice Principles (**the BPPs**), recommending the development of Best Practice Principles specifically relating to the Use of Indigenous Interpreters (**the Indigenous BPPs or IBPPs**). The Ombudsman noted that these would operate in addition to the existing eight BPPs. The Ombudsman set out 17 IBPPs for agencies to consider in the development of Indigenous specific principles.
80. The Indigenous BPPs were discussed under six headings:
- Policy & Co-ordination
 - Awareness & Training
 - Increasing demand
 - Recruitment
 - Data & records
 - Contracted Service Providers.
81. In 2017, the Commonwealth Department of the Prime Minister and Cabinet updated its *Protocol on Indigenous Language Interpreting* to recognise those 17 IBPPs as *Operational Principles for the use of Indigenous Interpreters*.³⁷
82. The BPPs and Indigenous BPPs are set out in full at pages 9-11 of this report and referred to where relevant throughout Chapter 4.

Child Protection / Detention Royal Commission

83. The final *Report of the Royal Commission into the Protection and Detention of Children in the Northern Territory* (2017) also made a number of comments or recommendations with regard to interpreter use in the context of youth justice and child protection, including:
- In the context of support persons for youths in the justice system, *“to ensure police provide support people who are not lawyers with information in an easily understood form, including orally, with the use of an interpreter if necessary, or by providing a document or showing a video explaining the support role and outlining what the support person can or cannot do to assist the child during the interview”*;³⁸
 - Amendment of the *Bail Act*, *“to require that at the time bail is granted to a young person, each bail condition and the consequences of breach of that condition be explained to the young person, taking steps to ensure their understanding, using interpreters or modified means of communication if necessary”*;³⁹

³⁷ *Protocol on Indigenous Language Interpreting: For Commonwealth Government Agencies*, Version 4.17, November 2017, Australian Government, Department of the Prime Minister and Cabinet, pp 7, 14-15.

³⁸ Recommendation 25.6.

³⁹ Recommendation 25.19.

- *Territory Families ensure access to Aboriginal interpreters as required;*⁴⁰
- *Territory Families ensure that their data management system formally records the languages spoken by families and their proficiency in English so that incoming and subsequent caseworkers have advance notice as to whether an interpreter is required;*⁴¹
- *The Northern Territory and Commonwealth Governments must also make an immediate investment in growing the pool of available and accessible interpreters for Aboriginal people, supported by improvements in process and policy around the circumstances in which an Aboriginal community worker must be consulted, and the services of an interpreter are called upon.*⁴²

84. In response to the Royal Commission report, the NTG has produced an implementation plan for 2018-2023 to implement reforms to better support children, young people and families experiencing vulnerability. *Safe, Thriving and Connected: Generational Change for Children and Families* includes two initiatives relating to interpreter use:⁴³

The Northern Territory Government will fund Aboriginal organisations to find and support Aboriginal families to safely care for Aboriginal children in out-of-home care. The services will link Aboriginal children in care to a broader Aboriginal community and ensure that where possible they are safely cared for by family. An expanded use of interpreters will help ensure families can engage in planning and reunification in their first language.

...

The Northern Territory Government will expand Restorative Youth Justice Conferencing by 100 conferences per annum to increase its availability, efficacy and suitability across the Northern Territory, including for remote areas where suitable. This expansion will include: • improved coordination of family and community participation; • partnership with Aboriginal controlled organisations; and • increased participation of Aboriginal language interpreters to ensure conferencing is conducted or explained in the first language of the young person and the victim.

85. In that regard, Families advises:

Territory Families is implementing the Recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory and the Royal Commission into Institutional Responses to Child Sexual Abuse, as outlined in the recently released Implementation Plan ...

... This Plan notes that a planned expanded use of interpreters in out-of-home care scenarios will ensure Aboriginal families can engage in planning and reunification in their first language. Additionally, the Plan proposes increased participation of Aboriginal language interpreters in Restorative Youth Justice Conferencing to ensure conferencing is conducted or explained in the first language of the Young person and the victim.

⁴⁰ Recommendation 34.11.

⁴¹ Recommendation 34.12.

⁴² Chapter 39, p 272.

⁴³ Pages 38 and 44.

NTG Whole-of-Government position

86. The NT Government recognised the importance of providing Aboriginal interpreters by its agreement to various COAG initiatives (see paragraph 72).
87. This is reinforced by the whole-of-government NTG *Language Services Policy* (see Appendix A).
88. The Policy applies generally. It is not specific to Aboriginal language services. It relates to both interpreter and translation services.
89. The Policy aims to identify and provide services to ensure all Territorians receive equitable access to NTG programs, services and information, support agencies to develop language appropriate procedures and practices, and promote a unified approach to, and enhance usage of, language services by NTG agencies.⁴⁴
90. It requires agencies to adopt a systematic approach to language services and envisages that NTG agencies will develop agency-wide language services policies.
91. Under the Policy, all agencies are required to:
 - *Ensure that all staff are aware of the Agency's Language Services Policy and recognise that effective communication is integral to the delivery of all Agency services.*
 - *Acknowledge clients' entitlements/rights to the services of an appropriately qualified interpreter or translator and be aware of the situations in which an interpreter should be used.*
 - *Commit to the appropriate use of qualified interpreters and translators in the delivery of all services for people who speak a language other than English.*
 - *Be aware as to when interpreters must be used, taking into account the agency's obligations to their clients, the legislative requirements and risks that could impact clients' health, safety and/or human rights if an interpreter is not utilised.*
 - *Ensure where necessary that Agency documents are translated into languages appropriate to client groups' needs and promote the presence of the national interpreter symbol as well as available language services in all areas accessed by the general public.*
 - *Attempt to recruit more staff with cultural and linguistic skills matching those of their clients and promote the use of the Community Language Allowance to bilingual or multilingual staff.*
 - *Provide staff with guidelines to assist them in determining the appropriate language service for clients, ensuring that all staff are aware of how to access and use interpreters and translators.*
 - *Provide all staff with appropriate training in cross cultural communication, deafness awareness and how to work with interpreters.*
 - *Collect necessary data to guide an agency's language services. Data collection will include languages spoken, ethnicity, country of birth, English proficiency, and need for interpreter. The Agency will ensure that the data collected is readily available to all staff.*

⁴⁴ Northern Territory Government Language Service Policy – Objectives.

- *Acknowledge that the use of language services by staff is a justifiable and necessary expense – each agency has an obligation to plan and budget for interpreting services to ensure that these services will be available when the need arises. Staff and divisions will incorporate language services strategies into their budget, their human resource programs, and organisational planning.*
92. Notwithstanding the requirements of the whole-of-government policy, few agencies have anything approaching an agency-wide language services policy.
93. There are a number of other whole-of-government policies and resources relevant to communicating with Aboriginal audiences, including:
- AIS resources such as:⁴⁵
 - Aboriginal language and plain English guide;
 - Book an Aboriginal interpreter;
 - Indigenous languages in the NT;
 - When to use an Aboriginal interpreter (see Appendix C);
 - resources provided by the Department of the Chief Minister (NTG Intranet):⁴⁶
 - policies for Developing Culturally Appropriate Material and Communicating in Indigenous languages;
 - protocols for use of Indigenous artwork, flags, welcome to country, acknowledgement of country, and protocols for death and sorry business;
 - listings of Northern Territory Aboriginal broadcasters (radio and television), publications, events and festivals.

Ombudsman comments

A national approach

94. Progress (or more accurately, lack of progress) towards a national framework was discussed at paragraphs 73-75 above.
95. While there are many special aspects that characterise Aboriginal interpreter use in the NT, there will be many issues that are shared across Australia and solutions that can be drawn on to meet the Territory's needs.
96. National agreement could also give heightened prominence to the importance of providing an adequate level of Indigenous interpreting services.

⁴⁵ See <https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service>

⁴⁶ For agencies. See NTG Central <http://ntgcentral.nt.gov.au/ntg-tools-services/communications-and-marketing/indigenous-communications>.

97. The prospect of a national framework is therefore well worth pursuing.

RECOMMENDATION

NTG pursue with the Australian Government and other jurisdictions the finalisation and implementation of a National Framework for Indigenous Interpreters.

98. Proposed action in relation to co-ordination between NTG agencies and Commonwealth agencies specifically in relation to the interpreting needs of Aboriginal Territorians (discussed in the Executive Summary and Chapter 5) is related to, but distinct from, this recommendation.

99. A draft National Framework for Indigenous Interpreters has been under discussion for many years. If finalised, it is likely to meet a number of the objectives of the recommended NT-specific plan. However, there is little sign of substantive progress towards finalisation of the National Framework and, even if implemented, there are many Territory-specific factors that would be likely to require consideration in a Territory-specific plan.

NTG Language Services Policy

100. The NTG Language Services Policy is general in nature. Broadly speaking, it has provided a sound basis for NTG and agency action. However, in practice, there appear to be significant gaps in agency compliance with the Policy. It is now almost a decade since the Policy was first produced and it is appropriate to review it taking into consideration the BPPs, the Indigenous BPPs and the views of agencies and other stakeholders.

101. Housing advises that a review is underway. This will provide not only an updated document but a strong basis to promote increased attention to provision of language services across NTG agencies.

102. In reviewing the Policy, consideration should be given to whether an entirely separate policy or a separate part of the policy should be devoted to interpreting and translating for Aboriginal Territorians.

103. Clearly, some aspects of interpreting for Aboriginal Territorians are likely to require recognition of cultural considerations specific to their needs. For example, there may be differences in the way in which an officer attempts to establish the level of English proficiency of an Aboriginal client. There may be cultural sensitivities about what questions can be asked and the way they are asked. And there may be complex cultural issues regarding who may or may not be suitable as an Aboriginal interpreter surrounding social and familial relationships.

104. There are strong arguments for separate consideration of Aboriginal interpreting issues. Whether this is best dealt with by recognition in a general policy or by inclusion in a separate Aboriginal policy is worth consideration in light of the Indigenous BPPs and consultation with relevant stakeholders.

Cabinet templates

105. NTG agencies will generally be required to lodge a Cabinet submission to obtain approval and funding to implement new initiatives or reform existing programs. Agencies must comply with a template formulated by the Cabinet Office. The template effectively acts as a checklist to ensure that relevant factors are considered in development of legislation, whole-of-government policies, frameworks and procedures.

106. The current template Cabinet submission (including the attached Communications Strategy Overview) makes no reference to the NTG *Language Services Policy* or the other resources specified at paragraph 93 above.

107. Some NTG agencies already build the requirements of Aboriginal language speakers into program design. However, there is potential to improve program design templates and communication policies across Government to facilitate a more comprehensive and consistent approach.

108. This approach could be facilitated by inclusion of specific reference to Aboriginal language services in Cabinet templates.

RECOMMENDATION

NTG review its whole-of-government Language Services Policy, Cabinet templates and other whole-of-government documentation, with a particular emphasis on provision of Aboriginal language services.

CHAPTER 4 – NTG AGENCIES

109. The survey of selected agencies pointed to a number of areas where there can be increased focus from individual NTG agencies. These are discussed in turn. BPPs and Indigenous BPPs are set out where relevant.

Aboriginal interpreter policies and protocols for agencies

BPP1. Develop a clear and comprehensive policy on the use of interpreters that covers all programs and services as well as contracted service providers.

IBPP1. Specific reference to Indigenous language interpreters should be incorporated into general interpreter policies, cultural awareness programs, relevant overarching policy frameworks and, where appropriate, Reconciliation Action Plans.

110. The NTG Language Services Policy requires NTG Agencies to:

Adopt a systematic approach to language services when delivering services to clients with a first language other than English.

Ensure that all staff are aware of the Agency's Language Services Policy and recognise that effective communication is integral to the delivery of all Agency services.

Acknowledge clients' entitlements/rights to the services of an appropriately qualified interpreter or translator and be aware of the situations in which an interpreter should be used.

Provide staff with guidelines to assist them in determining the appropriate language service for clients, ensuring that all staff are aware of how to access and use interpreters and translators.

111. Of the surveyed agencies, Health, Police and Families currently have comprehensive overarching Aboriginal interpreter policies.

112. Corrections, Education, PWC and Housing incorporate guidance regarding Aboriginal interpreters into program specific policies, practices and directions to varying degrees. Corrections and Housing provided a number of policies at program level regarding the use of Aboriginal interpreters. Corrections advises it has embedded the use of interpreters in the Offender Management Framework and has recently updated both its *Directive on Interpreter Assistance* (May 2018) and the Standard Operating Procedure regarding Prisoner Support Services. Neither Education nor PWC were able to provide specific policies or guidelines with any significant guidance regarding Aboriginal interpreters.

113. It is important that each agency develops clear policies and protocols that actively promote the use of Aboriginal interpreters. These policies and protocols should be developed bearing in mind the BPPs, the Indigenous BPPs and the matters discussed in this report.

114. Many agencies conduct different functions in different ways. This may require differing approaches with respect to Aboriginal interpreting across the range of functions. In some cases, specific policies or policy elements may need to be developed for different parts of an agency.

115. Without limiting their content, policies and protocols should:

- provide legislative and policy context;
- explain the roles and benefits of using interpreters and translators;
- specify when interpreters should be used, with reference to relevant guidelines setting out in detail steps to identify need, and emphasising that any residual doubt should be decided in favour of interpreter use;
- specify who can be used as an interpreter, noting that:
 - the use of friends, family members and children as interpreters should be avoided;
 - bilingual and multilingual staff members who hold the required accreditation or equivalent qualification can be used as interpreters provided that conflict of interest and cultural considerations are taken into account. If the agency believes it is not appropriate to use staff as interpreters in certain circumstances, this should be clearly specified in the agency's policy;
- provide clear procedures for arranging an interpreter including relevant contact details and cost codes;
- identify who has responsibility for administering various aspects of the policies and protocols;
- identify an accessible complaints mechanism for dissatisfied clients; and
- require that policies and protocols extend to third party service providers where applicable.

RECOMMENDATION

NTG agencies develop or produce revised agency language services policies and protocols aligned with the BPPs, the Indigenous BPPs and NTG whole-of-government policies. The policies should include specific and detailed reference to Aboriginal language services (either included in one policy or in a stand-alone policy).

FURTHER RESOURCES

See AIS resources available at:

<https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service>

Language services policy and *How to work with interpreting and translating services* – Department of Health and Human Services (Victoria) available at:

<https://dhhs.vic.gov.au/publications/language-services-policy-and-guidelines>

Indigenous protocols for lawyers, Law Society Northern Territory, 2nd ed. available at:

http://lawsocietynt.asn.au/images/stories/publications/indigenous_protocols_for_lawyers.pdf

Responsibility and implementation

IBPP9. Agencies should ensure that individuals have access to Indigenous language interpreters for the purposes of communicating with their agency and arrangements should be in place to ensure the costs of Indigenous language interpreters are not borne by the non-English speaker.

IBPP4. Agencies that use interpreter services should ensure there is a dedicated contact person or area within their agency for interpreter services contact (i.e. a centralised contact point for bookings, timesheets, handling questions, managing relationships and supporting interpreter services).

116. There should be clearly assigned responsibility within each agency for provision and co-ordination of language services, including interpreter services. This should include at least:

- overall responsibility by an officer at executive level;
- one or more dedicated operational contact officers responsible for all aspects of interpreter services contact and recording, to act as a trusted information source and recording point for the agency.

117. In addition, Chief Executive Officers of agencies should:

- champion implementation of language services policies and Aboriginal Interpreter protocols;
- facilitate collaboration across agencies and sectors; and
- if necessary, bid for additional funding, or reallocate existing funding, to provide for language services.

118. Executive Directors / Directors responsible for service delivery should:

- ensure adequate provision is made for interpreter services in divisional budgets;
- build language service requirements into program design, rollout and evaluation;
- in conjunction with Human Resources - ensure staff are aware of the Agency's Language Services policies and protocols and facilitate staff training.

119. Executive Directors / Directors responsible for Corporate Communications should:

- promote innovative methods of engaging with diverse communities, including through collaboration with other agencies;
- provide expert advice to divisions responsible for service delivery in relation to the development and translation of materials for diverse communities.

120. Executive Directors / Directors responsible for Corporate Services/Human Resources should:

- oversee the procurement of language services (interpreter services have reported that a single point of contact for agency bookings is preferable);
- be accountable for implementing training in the use of interpreters; and
- ensure that client service systems promote the Agency Language Services Policy and Aboriginal Interpreter protocols.

Promoting interpreter use and identifying need

121. Agencies should actively promote interpreter use both internally and to potential clients.
122. The availability of interpreters at no cost to the client should be clearly spelled out in agency publications and via electronic media.
123. Agencies may wish to display banners and pamphlets in reception areas to promote both client and worker awareness of the right to an interpreter. Agencies should provide a direct link on their website home page to information on interpreter services and other relevant information for non-English speakers, including information translated into other languages. If possible, information in relation to interpreters should be available in audio, in various Aboriginal languages.
124. As noted in the Executive Summary, one of the real challenges for agencies and clients is a tendency towards overestimation and overstatement of English proficiency. There should be a clearly supported 'cautionary' approach to interpreter use:

If in doubt, use an interpreter.

125. Interactions between agencies and clients vary widely in terms of complexity and the gravity of implications for the client. For the most basic of transactions, a relatively low level of English proficiency may suffice. For more serious, involved or technical matters the required level of proficiency will be high.
126. It follows that, for some simpler purposes, a client may have enough English for a basic interaction but not be proficient enough to comfortably approach a situation where there may be a substantial impact on their rights.
127. As many agencies undertake a variety of functions, it will frequently be necessary to make a judgement call based on limited contact with the client. This can be challenging for agency officers.
128. It is essential that officers are well equipped to make those decisions. This task will often require relatively involved first-hand interaction with the client to establish whether they are sufficiently proficient for the circumstances.
129. It is important that agencies provide detailed guidance to officers on how they should assess English proficiency for the various situations in which they may come into contact with clients. One useful model for testing need is set out at Appendix C. Agencies may need to develop specific tools to meet specific circumstances. Use of a particular tool could then be documented on client records to evidence the steps taken to establish English proficiency.
130. However, the clear message should be that officers should decide in favour of interpreter engagement where there is any room for doubt or concern.

Co-operation

IBPP2. Agencies should co-operate, where possible, with other agencies and non-government organisations to share resources and coordinate their use of and support for interpreter services.

131. In his 2016 Report, the Commonwealth Ombudsman noted:

Issues identified by agencies and stakeholders included insufficient coordination between Commonwealth agencies to:

- *support interpreters*
- *share policy, training and awareness resources*
- *coordinate, where appropriate, with Commonwealth, State, Territory and local government agencies and non-government organisations.*

Coordination is important because the limited supply of interpreters means that agencies and non-government organisations compete for the same small pool of highly qualified interpreters. This gives rise to problems such as suitably qualified interpreters not being available, interpreter bookings being cancelled when an interpreter is reassigned to jobs that are considered more urgent ... and interpreter burnout.

During forums and consultations, agencies and non-government stakeholders described situations where two agencies visit a community separately in a week on non-consecutive days, with only one agency managing to secure an interpreter, whereas with better coordination, an interpreter may have been shared. They also described situations where multiple agencies bring interpreters to a community when fewer interpreter/s may have been shared in a coordinated joint outreach.

132. There is substantial scope for co-operation between NTG agencies, non-government organisations and Commonwealth Government agencies in terms of scheduling aligned visits to remote and regional communities.

133. While this extends well beyond efficient utilisation of interpreters, a shared or regular calendar of visits to remote communities in particular has much to recommend it.

134. Engaging an interpreter to fly-in fly-out for one or a handful of interactions can be wasteful. Planning and co-ordination to ensure full utilisation of interpreter services can reap benefits for all concerned.

135. While a single, shared calendar of visits might overwhelm a small community, agencies with shared interests or clientele should investigate, in consultation with stakeholders, the benefits of co-ordination that may add to accessibility for clients and make best use of interpreter services.

136. It makes practical sense for NTG Agencies and others to collaborate on initiatives, and share success stories and lessons learned with regard to Aboriginal engagement and communication.

137. In that regard, it is noted that the Department of the Prime Minister and Cabinet has convened an Inter-Departmental Committee for Indigenous Interpreters (IDC). The IDC was established to work towards a common framework to implement minimum obligations for Indigenous language interpreter use across Commonwealth agencies.

138. NTG Agencies should build on existing relationships, and utilise any opportunities for increasing collaboration with other organisations including the Land Councils, peak Aboriginal bodies, Australian Government departments, and the community sector.

139. It would be beneficial for the NTG (through Housing and the Department of the Chief Minister) to develop a standing forum to encourage information sharing and collaboration on language services.

Planning and budgeting

IBPP11. The use of Indigenous language interpreters should be considered and incorporated into the consultation, design and implementation stages of new programs to remote areas. While higher usage may be expected early in the roll out of new programs, programs should be monitored to ensure ongoing access and use beyond the roll out stage.

IBPP12. Agencies should not assume interpreters will be available when needed and should consider implications for timeframes, contract compliance and the need for flexibility and contingency planning.

IBPP13. For agencies whose use of Indigenous language interpreters may be contingent upon addressing broader barriers, the availability of Indigenous language interpreters should be incorporated into planning and messaging in any measures designed to address those broader barriers.

140. The NTG *Language Services Policy* requires agencies to:

Commit to the appropriate use of qualified interpreters and translators in the delivery of all services for people who speak a language other than English.

... Staff and divisions will incorporate language services strategies into their budget, their human resource programs, and organisational planning.

141. Incorporation of interpreter requirements into planning and budgeting for new programs and existing functions is essential.

142. For new initiatives, there is a clear need to adequately provide for interpreter services.

143. None of the surveyed agencies appeared to have a budget allocation specifically for language services, electing to meet costs from operational budgets. When costs such as this are not specifically identified at agency or program level there is a risk they may fall off the radar and succumb to more conspicuous demands for resource allocation. It is important that these costs be given prominence as essential elements of government programs.

144. When designing and implementing new programs, NTG agencies should build language services requirements into program design, roll out and evaluations. AIS and other stakeholders should be consulted ahead of time to plan for:

- the engagement of interpreters and optimal times for community visits in light of other demands for interpreters;
- interpreter briefings on initiatives prior to deployment; and
- development of translated materials and tools for communicating with diverse communities.

145. Interpreter briefings prior to roll-out should include an overview of the program, including key concepts and terminology. The provision of training ahead of time will allow agencies and interpreters to develop new concepts into language and arrive at a common understanding of terminology. It is best to consider language service requirements early in the program design process. Leaving planning until immediately prior to rollout will reduce the effectiveness of communication and place additional pressures on interpreters.
146. It must also be stressed that it is equally true that planning and budgeting for interpreter services should be made explicit in existing programs, where this is not already done.

FURTHER RESOURCES

Department of the Chief Minister - Aboriginal Communications (NTG intranet)
<http://ntgcentral.nt.gov.au/ntg-tools-services/communications-and-marketing/indigenous-communications>

Communicating with Aboriginal and Torres Strait Islander Audiences, Department of the Prime Minister and Cabinet 2016 available at:
<https://www.pmc.gov.au/resource-centre/indigenous-affairs/communicating-aboriginal-and-torres-strait-islander-audiences>

Supporting interpreters

- IBPP5. Agencies should be mindful that not all plain English words and phrases will be readily interpreted because many concepts do not have equivalents in Indigenous languages or may have different meanings.
- IBPP6. Agencies should provide briefings to interpreters in advance to enable them to become more familiar with the subject area and enable collaboration on terms and concepts which may need to be considered further.
- IBPP7. Agencies should develop simple plain English materials, in consultation with interpreter services, for the purposes of briefing interpreters in advance and where possible, for translation into language products. Where possible, subject matter dictionaries should be developed in consultation with Indigenous language interpreter services.
- IBPP8. Agencies should be mindful of the need to build in breaks and other measures to reduce interpreter burnout and fatigue.
147. It is important that the core role of interpreters is recognised and that they are adequately briefed and equipped to carry out their role.
148. This will become increasingly important the more complex and technical the subject matter of the interaction. In many cases, interpreters will be called on to exchange information in not only everyday English but also specialist or expert terminology from a particular field.
149. This requires not only great skill in interpreting but substantial support from the agency concerned prior to and during assignments.

Training for agency workers

IBPP3. Agencies should ensure that training on the need for, and use of, interpreters is available and mandated for all staff and service providers involved in remote area servicing and such training is developed and delivered with the assistance of Indigenous language interpreter services.

150. The NTG Language Services Policy requires Agencies to:

Ensure that all staff are aware of the Agency's Language Services Policy and recognise that effective communication is integral to the delivery of all Agency services.

Acknowledge clients' entitlements/rights to the services of an appropriately qualified interpreter or translator and be aware of the situations in which an interpreter should be used.

Be aware as to when interpreters must be used, taking into account the agency's obligations to their clients, the legislative requirements and risks that could impact clients' health, safety and/or human rights if an interpreter is not utilised.

Provide all staff with appropriate training in cross cultural communication, deafness awareness and how to work with interpreters.

151. Training for agency staff is essential in terms of promoting availability of interpreters and equipping agency staff to recognise circumstances where engaging an interpreter is appropriate.

152. AIS provided the following training statistics to Ombudsman NT investigators:

AIS Training Sessions by Agency – Working with Interpreters

Year	Corrections	Education	PWC	Housing	Families	Police	Health
13-14	22	10	5	0	17	127	242
14-15	0	0	9	0	15	196	466
15-16	26	0	0	129	22	140	394
TOTAL	46	10	14	129	54	463	1102

153. Health, Families, Police, Corrections and Housing appear to have allocated significant resources to training NTG Agency workers in the use of Aboriginal interpreters.

154. Health and Families have developed a range of strategies including classroom-based, on the job and online learning in order to meet the needs of various work areas. For example, the completion of an online orientation package is mandatory for all remote health care workers. The Centre for Diseases and Hearing Health teams utilise AIS training for workers who provide outreach programs to remote communities. Families utilises AIS training and an online training provided by the Centre for Cultural Competence Australia.

155. Police and Corrections both provide induction training upon entry to the services and as part of promotion and specialist courses. Corrections engages AIS to provide interpreter training which includes education regarding how to change your own language so that Aboriginal people have the best chance of understanding concepts. Corrections states this training has been important in ensuring that, in the event an interpreter isn't available, there are ways its staff can make their message clearer. It says the training has also been vital in understanding which words and concepts don't easily carry across in certain languages.

156. In 2015-16, a total of 142 Housing employees (39% of the Agency) undertook Communicating Across Languages Training as part of cross-cultural awareness training. Further training was scheduled at the time of survey. PWC does not routinely arrange training, however it notes in-house training was arranged for 5 staff participating in the Manymak Energy Efficiency Project.
157. The approach to training workers in the use of Aboriginal interpreters varies significantly among surveyed agencies. While a number of agencies routinely train new recruits, others appear to take an *ad-hoc* approach.
158. Ideally, NTG agencies should engage AIS to conduct *Working with Interpreters* induction and refresher training. Workshops provide an introduction to how different languages work, an overview of Aboriginal languages, an explanation of why context is important in communication, how to communicate in plain English and practical tips for booking and using interpreters.
159. Inductions for relevant staff should include familiarisation with the Agency's Language Services Policy and Aboriginal Interpreter protocols (for example, induction checklists could include provision of the policies and protocols). In particular, staff should be made aware of situations where it is essential to use an interpreter due to legislative requirements and risks that could impact clients' health, safety and/or human rights.
160. At a minimum, any on-the-job training of staff should be provided by an experienced staff member who has attended AIS training. Ideally, such training could be provided by bilingual staff members.
161. Agencies should keep records in relation to training including (but not limited to) date, name(s) of attendees, and provider.

Further Resources

<https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service/book-a-communicating-across-languages-workshop>

Bilingual workers

IBPP14. Where possible, agencies should recruit bilingual workers, pay community languages allowances, encourage and support further training and accreditation and provide flexible work practices to ensure interpreters can be freed from their duties to undertake interpreting work.

IBPP15. Training and policy guidance on situations where it is more appropriate to use accredited interpreters than bilingual workers should be provided to staff in agencies where bilingual staff are employed.

162. The NTG Language Services Policy requires Agencies to:

Attempt to recruit more staff with cultural and linguistic skills matching those of their clients and promote the use of the Community Language Allowance to bilingual and multilingual staff.

163. Recruitment of bilingual / multilingual staff is also in line with Commissioner of Public Employment requirements to recognise diversity as an essential element in selection processes.
164. Current involvement of bilingual and multi-lingual officers is discussed in Chapter 2.
165. Responses from surveyed agencies revealed that the contribution of Aboriginal workers generally extends beyond interpreting to cultural brokerage and mentoring of NTG workers.

166. Some surveyed agencies expressed a need for further training and accreditation of bilingual NTG workers. For example, Education has specified that local Aboriginal staff could be offered training as part of their certificate or diploma courses.
167. Agencies should attempt to recruit staff with cultural and linguistic skills matching the needs of their clients and encourage staff to obtain accreditation. This will increase the skill set of employees and, to some extent, reduce reliance on AIS.⁴⁷
168. It is important to note, however, that there are certain situations in which it will not be appropriate for agency staff to interpret due to conflict of interest considerations. These situations should be clearly specified in the Agency Language Services Policy and Aboriginal Interpreter protocols.
169. A Community Language Allowance is payable to eligible bilingual NTG workers under Determination Number 6 of 2013 under the *Public Sector Employment and Management Act*.⁴⁸ The amount payable under the determination was set at \$876 per annum (to be varied in accordance with general wage decisions). Based on the responses of surveyed agencies, it appears that awareness of the Community Language Allowance is not widespread. For example, one agency respondent suggested the introduction of an allowance along the same lines.

Fostering a culture of continuous improvement

BPP6 Records of a client's interpreter and language needs should be kept including dialect, any gender or other requirements, as well as details of occasions when an interpreter was used and when an interpreter was declined.

IBPP10. Agencies should monitor and review their accessibility to, and use of, Indigenous language interpreters on a regular basis.

IBPP16. Agencies should ensure they collect data and actively monitor use (and non-use) of Indigenous language interpreters, including under service provider contracts.

170. The NTG Language Services Policy requires agencies to:

Collect necessary data to guide an agency's language services. Data collection will include languages spoken, ethnicity, country of birth, English proficiency, and need for interpreter. The agency will ensure that the data collected is readily available to all staff.

171. The discussion in Chapter 2 highlights current limitations on the availability of statistical information regarding use of Aboriginal interpreters.
172. Agencies need to have systems in place that will allow and promote the recording of decisions regarding the use of interpreters.
173. Client service systems should capture, display and report on language services data in a consistent and easily accessible manner.
174. Detail should be included as to the nature of the function being undertaken, the steps taken to establish whether an interpreter was required and the preferred language of the client.

⁴⁷ It also aligns with the NTG Indigenous Employment and Career Development Strategy 2015-2020:

https://ocpe.nt.gov.au/_data/assets/pdf_file/0011/247655/IECD_2015_-_2020.pdf

⁴⁸ See https://ocpe.nt.gov.au/_data/assets/pdf_file/0007/246193/2013_-_6.pdf

175. If a request for an interpreter is not met, the reasons for this should be recorded in client records, and steps taken to address any future needs.
176. If it is decided not to use an interpreter but doubts later arise regarding English proficiency or understanding this should also be recorded and rectified.
177. Recording and ready accessibility of this individual information to relevant agency officers will enable more straightforward and timely assessment of each client's needs, improving the level of service to them and allowing the agency to save resources through avoiding unnecessary duplication of efforts to establish the level of need for interpreter services.
178. This will also provide a basis for higher level analysis of agency performance with regard to interpreter utilisation. These records should be subject to monitoring and regular review and analysis to ensure a consistent and fair approach to utilisation of interpreters. Identified differences in approach between officers or agency units may point to a need for further education or discussion.
179. NTG agencies should regularly report on, and analyse, AIS booking numbers against the number of total interactions (broken down demographically, by division and/or program) in order to make a meaningful assessment of usage rates. It is important to track usage trends over time.

BPP7 Establish accessible complaint handling mechanisms that allow clients to complain about access to, use of, or quality of an interpreter's services.

180. Encouraging, recording and responding to complaints in a timely and effective manner can not only improve agency relationships with clients and stakeholders, but result in systemic improvements to service delivery.
181. Many NTG Agencies already have complaint mechanisms in place.
182. It is important that relevant complaint mechanisms are described in Agency Language Services policies, and workers and stakeholders are made aware of processes. In particular, clients who are unhappy with a decision in relation to the use of interpreters should be referred to the complaints contact by frontline workers.
183. It is noted that Health is trialling a patient experience survey tool which will offer the option for clients to undertake the survey in Aboriginal languages. The tool will allow for the client to hear the questions and response options in their chosen language.
184. NTG agencies are encouraged to implement or revise complaint handling mechanisms to encourage complaints by clients whose first language is not English. If a client or their representative indicates that they are dissatisfied in relation to language services, they should be directed by the NTG agency to the appropriate complaints mechanism.
185. For example, complaints in relation to an agency's decision not to arrange an interpreter should be directed to that agency's complaints handling mechanism. However, complaints in relation to the quality of an interpreter provided by the AIS should be directed to the AIS and the agency may need to arrange another session to communicate with the client and reconsider any actions taken.
186. Particularly in these circumstances, agencies should be sensitive to language and cultural barriers to making a complaint. Complaint mechanisms should be sufficiently accessible and flexible to encourage and facilitate complaints from non-English speakers. If concerns are raised, it may well be necessary to engage an interpreter to assist the client to make their complaint.

187. Agencies should collect and analyse information about complaints and use this data to improve the implementation of policies and protocols.

FURTHER RESOURCES

<http://www.ombudsman.nt.gov.au/agencies/complaints-management-resources>

Contracted service providers

IBPP17. Agencies that provide services to remote communities through contracted service providers should:

- a. ensure use of Indigenous language interpreters is specifically required in service contracts;
- b. collect data and actively monitor use (and non-use) of Indigenous language interpreters under service provider contracts;
- c. where possible, provide block funding to Indigenous language interpreter services to ensure staff and service providers have administratively easy access to interpreters, minimise financial disincentives to use interpreters and ensure free and regular access to 'working with interpreters' training;
- d. if block funding is not possible, take steps to remove financial and administrative disincentives to using interpreters, preferably by dedicated funding or at the very least, simple reimbursement procedures.

188. Government frequently arranges for services to be delivered through the mechanism of third party providers or non-government organisations. It is essential that such organisations are equally committed and legally bound to proceed through appropriately skilled staff or interpreters if the situation warrants it.

189. It is therefore essential that NTG agencies act to ensure that this occurs even in situations where the client is dealing with a third party provider. This can be effected by legally binding arrangements which provide for an appropriate level of information provision by the third party and powers that allow ongoing scrutiny by the agency.

RECOMMENDATION

NTG agencies develop or produce revised agency language services policies and protocols aligned with the BPPs, the Indigenous BPPs, and NTG whole-of-government policies. The policies should include specific and detailed reference to Aboriginal language services (either included in one policy or in a stand-alone policy) and, in that regard, should place emphasis on:

- a. Assigning clear responsibility within the agency for executive oversight and operational functions;
- b. Promotion of Aboriginal interpreter use among staff and clients, with a cautionary approach along the lines, "When in doubt, use an interpreter";
- c. Collaboration and co-operation with other government and non-government stakeholders to maximise the efficiency of interpreter use;

- d. Planning and adequate budgeting for Aboriginal interpreter use for all new programs (including rollout and evaluation) and regular review of existing programs to ensure adequate provision is explicitly made for ongoing needs;
- e. Promotion of adequate preparation and support for Aboriginal interpreters;
- f. Adequate training and guidance for agency staff in identifying the need for interpreter services and other relevant operational matters;
- g. Encouragement for the engagement by the agency of bilingual and multicultural workers;
- h. Record keeping that facilitates access to information about client needs and allows agency monitoring and review regarding the extent and consistency of provision of interpreter services;
- i. Provision of complaint mechanisms that facilitate approaches from Territorians who are not fully proficient in English;
- j. Extension of obligations to contracted service providers, including mechanisms that allow the agency to monitor and ensure compliance.

CHAPTER 5 – ABORIGINAL INTERPRETER SERVICE

Reported issues with interpreter services

190. Surveyed agencies and stakeholders are supportive of the work done by the AIS, and cognisant of the challenges faced. However, a number of potential issues with the use of Aboriginal interpreters were reported.

- **Availability** – The availability of interpreters varies depending on the community and language involved, however generally demand outstrips supply.⁴⁹ Priority is given to courts and tribunals therefore it is more difficult for other agencies to secure a booking.
- **Cost** – The cost of using Aboriginal interpreters can be substantial, particularly where travel is required.
- **Reliability** – There are difficulties with interpreters not attending bookings due to conflicting appointments or demands.
- **Conflicts** – Interpreters are often known to the client, therefore it may be difficult to find an appropriate interpreter, particularly if a matter is sensitive, confidential or challenging.
- **Timeliness** – It is difficult to book an interpreter on short notice (some NTG agencies will have no prior notice of urgent client needs).
- **Language gaps** – There are gaps in languages covered, noting the very large number of Aboriginal languages / dialects in the Territory.
- **Specialist interpretation** – Challenges arising from the need to interpret specialist medical or legal terminology.

191. Surveyed agencies advised that remoteness generally exacerbates the above issues.

Opportunities to enhance the AIS

192. Reflections of surveyed agencies and stakeholders on the potential for enhancements to the AIS generally related to availability/accessibility, training and recruitment, remuneration and support

Availability/accessibility

193. In initial submissions, it was suggested that the establishment or increased utilisation of video conferencing facilities in larger population centres may address the difficulties and cost of arranging interpreters for remote area visits.

194. There were also calls for a broader telephone interpreter service to enhance accessibility and provide timely responses.

⁴⁹ One agency reported an availability rate of 25%. AIS stated that its completion rate for that agency in 2016/17, based on job bookings and job completions, was 63%. AIS suggested that the lower figure may have included unstructured attempts to identify and engage non-AIS interpreters. AIS nevertheless acknowledged that its 63% figure was lower than its planned delivery rate.

195. Since this investigation commenced, the AIS has substantially extended its on-demand services, with expanded telephone and audio-visual interpreting services.
196. It currently publicises on its website the availability of bookings for a video and phone interpreting service operating from its offices in Darwin, Katherine and Alice Springs. General hours of operation are from 8:30 to 4:30, Monday to Friday. Available languages are Yolngu Matha (Djambarrpuyngu), Warlpiri, Pitjantjatjara, Pintupi-Luritja, Western Arrarnda or Central-Eastern Arrernte, Alyawarr or Anmatyerr and Kriol.⁵⁰ If a request is made for another language, AIS makes efforts to identify a suitable interpreter.
197. AIS also has a 24 hour line for urgent matters, chiefly providing services for health and police matters. This service is not office based. It operates through a central contact who endeavours to locate a suitable interpreter as required.
198. Housing reports that there has been a large increase in the use of predominantly the telephone interpreting service during the past 12 months. It reports a 100% increase in 2017/18 over the previous year, with a 36% increase in services for NTG agencies and NGOs and a 250% increase in services for the Commonwealth Department of Human Services (Centrelink), which accounts for more than 50% of all telephone interpreting assignments.
199. The latter increase in services delivered to Centrelink demonstrates that when staff within a government agency are given the encouragement to use interpreters, guaranteed that there is budget available to pay for the services and provided with the tools to assist them (like having the client's language identified in their client record) then large increases in demand are a realistic prospect.

Training and recruitment

200. Most surveyed agencies felt that more comprehensive training for Aboriginal interpreters in operations of agencies would be helpful. For example, Corrections suggested that:
- Aboriginal interpreters would benefit from shadowing Community Corrections workers;
 - basic legal education be recognised as an essential requirement for an interpreter working in criminal justice areas.
201. Corrections also:
- suggested that initiatives are needed, in both an urban and remote setting, particularly in remote schools, to promote being an interpreter as a viable occupation; and
 - raised the possibility of training prisoners to act as Aboriginal interpreters.
202. PWC suggested that Aboriginal interpreters could be cross-trained as adult educators in order to expand career pathways.
203. Families expressed a need for recruitment of more male interpreters in order to improve access.

Remuneration

204. Stakeholder feedback was also received that Aboriginal interpreters provide services of significant value, particularly given their capabilities across two very different and complex cultures. It was suggested that remuneration should be in line with professional streams in recognition of these complexities and the heavy demands of the job.

⁵⁰ Kriol is only available between 8.30am and 11.30am.

Support for Aboriginal interpreters

205. NAAJA made the following submission in relation to the personal pressures faced by Aboriginal interpreters, and the need for adequate self-care arrangements:

Our work in the criminal justice system reveals that we are dealing with significant trauma, relationship breakdowns, mental health issues, disabilities and other aspects that affect our clientele base ...

Interpreters are a conduit between the community and service providers. They are at the forefront of this loss and trauma. They likely experience it in their own families and the personal struggles and challenges and then face it in their work environment; for extended families and other families' stories. There is a high level of resilience for interpreters who are at the centre of this work, and a likely high need for effective and appropriate self care arrangements.

In a staff survey an employee observed:

[That the area of] 'sexual offences has been difficult to get interpreters for in the past, and also the care of interpreters who are dealing with these matters needs to be closely managed – rest and recovery time – mental health'.

...

The main [major community] interpreter burned out, [and has] now started work with Centrelink. Centrelink are being told by AIS to stop poaching their interpreters – but interpreters are approaching other agencies to work for'

There is a need to explore the ways of self-care for interpreters and question whether they are relevant and appropriate to their specific needs. If counselling services are available to them, is this relevant and suited to their specific needs? Is it accessible and appropriate? Are there other self-care initiatives that are actively encouraged and supported?

...

NAAJA recognises the likely impact on the AIS in relation to the pressures faced for a high demand for interpreters and the need to provide a quality service. We appreciate the challenges faced by interpreters are multi-faceted and unique to their specific circumstances. We acknowledge the pressures faced by personal trauma and the loss of agency in cultural authority and the high levels of resilience amongst interpreters in the work they do, and in the demands placed on management to support a quality service.

206. Corrections also raised concerns with a 'burn out' factor for AIS employees, particularly with the high work load and the subject matter that interpreters are exposed to on a daily basis.

207. The need for agencies to support interpreters was discussed in Chapter 4. This is equally true of the need for AIS to support its staff and the interpreters it engages. The potential for loss of interpreters through 'burn out' or simply through attraction to other roles is significant.

RECOMMENDATION

Aboriginal Interpreter Service review its current procedures and practices in light of the issues raised in this report to establish whether there are aspects of its operations that can be improved.

Planning to meet the real level of demand

208. Many of the issues raised regarding AIS flow largely from the size of the pool of available interpreters.
209. Unless a certain scale of activity is reached, interpreting is for many, by its nature, an occasional occupation. A particular interpreter may be utilised a number of times in several different locations in one week and then not be called on at all the next week. The 'casual' nature of the work may make it less attractive if there are other, more sustained or attractive options available.
210. This can influence not only the availability of individual interpreters but also decisions of people who may be contemplating investing the time and effort required to train and become accredited as an interpreter or deciding whether to continue as one.
211. Certainty and consistency of employment is determined in turn by demand for services. Over time, increased demand for services will lead to a greater base of interpreters which will address many of the 'growing pains' identified above.
212. As discussed previously, there is substantial scope for agencies to utilise interpreters to a much greater extent.
213. The solution, and the path to more comprehensive and effective language services, is to grow agency demand to meet real levels of client demand - at the same time as expanding the capacity of the AIS.
214. As demand grows over time (fuelled by agencies recognising greater real need for interpreter services) greater opportunity, certainty and stability will attract and enable increases in the ranks of qualified interpreters.
215. There is always scope for the AIS to consider improvements to address and minimise the impact to the issues raised above. However, the long term solution is to create an environment in which the AIS can confidently move to expand its functions in a way that will attract and retain a greater pool of qualified interpreters to match client and agency expectations as demand increases.

A Master Plan

216. With that in mind, it is important for NTG, in consultation with a broad cross-section of NTG agencies and stakeholders, to enter into long term planning regarding the development of Aboriginal interpreter services in the NT. Ideally, this would result in a Master Plan for development and expansion of Aboriginal language services over the next decade.
217. Establishment of an effective plan will require commitment from the NT Government, major agency stakeholders and non-government stakeholders. Preferably, it would also involve commitment from Commonwealth agencies who utilise Aboriginal interpreter services.
218. Core elements of this long term plan should include:
 - All key agencies to acknowledge the need for extensive expansion of Aboriginal interpreter services over time, with indicative figures for projected use;
 - All key agencies to commit to increasing resources allocated for interpreter services, with indicative figures for projected expenditure;

- All key agencies to commit to greater co-ordination of service provision and activities involving interpreter use, particularly in remote communities;
- Sustained recognition and reward for the work and worth of Aboriginal interpreters;
- Co-operation in providing smoother and more secure pathways for development and ongoing support and retention of Aboriginal interpreters.

219. Advancing this approach may be best achieved by the establishment of a high level standing forum of stakeholders which can address current issues of substance but also provide input into and support for the development and implementation of the Master Plan.

220. Housing and the Department of the Chief Minister must play key leadership roles in these initiatives but there must also be strong commitment from government and non-government agency service users at both the NT and Commonwealth levels.

221. With ongoing support at the highest levels, the Master Plan would facilitate long term progress down a path that leads to the real interpreter service needs of Aboriginal Territorians being recognised and supported by all agencies and efficiently met by the AIS.

RECOMMENDATIONS

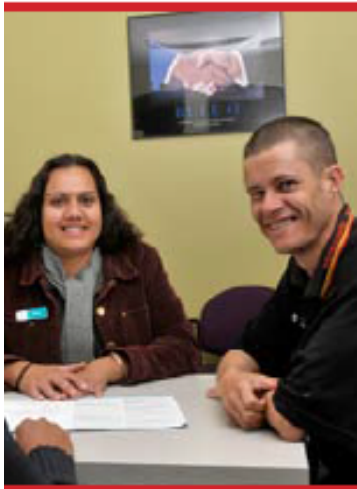
NTG establish a long term Master Plan for the development of Aboriginal language services that recognises unmet need and provides for a substantial increase in interpreter demand over the next decade.

NTG agencies participate in the development of the long term plan and make long term support and financial commitments to raise the level of interpreter use to meet the real needs on Aboriginal Territorians.

NTG pursues with the Australian Government and key Commonwealth agencies the potential to participate in the formulation, implementation and support of the long term plan.

NTG establish and maintain a high level, broad based forum to facilitate development and implementation of the long term plan and facilitate collaboration and increasing efficiencies across NTG Agencies and other stakeholders in relation to communication and engagement with Aboriginal Territorians.

APPENDIX A – NT GOVERNMENT LANGUAGE SERVICES POLICY



The Language Services Policy outlines how and where language services can be accessed, why it is important to use these services and how they should be used.

Policy Statement

The Northern Territory Government (NTG) acknowledges that there are a significant number of people whose level of English acts as a barrier to accessing government services.

The Language Services Policy recognises the importance of providing culturally and linguistically sound services to overcome these obstacles. The development of the Language Services Policy will assist all NTG agencies in developing procedures and practices that ensure all of their clients, irrespective of their language background, are able to access services in a fair and equitable manner.

The Language Services Policy outlines how and where language services can be accessed, why it is important to use these services and how they should be used.

Objectives

The Language Services Policy aims to:

- Identify and provide services that will ensure all Territorians, irrespective of their language background, receive equitable access to NTG programs, services and information.
- Support NTG agencies to develop procedures and practices to ensure that speakers of languages other than English are not disadvantaged when accessing Government services.
- Develop and promote a unified NTG agency approach to language services ensuring all NTG clients have access to fair and equitable services.
- Enhance NTG agency use of interpreter and translation services to maximise service provision.

Policy Implementation

Each agency is to adopt a systematic approach to language services when delivering services to clients with a first language other than English.

All agencies will:

- Ensure that all staff are aware of the agency's Language Services Policy and recognise that effective communication is integral to the delivery of all agency services.
- Acknowledge clients' entitlements/rights to the services of an appropriately qualified interpreter or translator and be aware of the situations in which an interpreter should be used.
- Commit to the appropriate use of qualified interpreters and translators in the delivery of all services for people who speak a language other than English.
- Be aware as to when interpreters must be used, taking into account the agency's obligations to their clients, the legislative requirements and risks that could impact clients' health, safety and/or human rights if an interpreter is not utilised.
- Ensure where necessary that agency documents are translated into languages appropriate to client groups' needs and promote the presence of the national interpreter symbol as well as available language services in all areas accessed by the general public.
- Attempt to recruit more staff with cultural and linguistic skills matching those of their clients and promote the use of the Community Language Allowance to bilingual or multilingual staff.
- Provide staff with guidelines to assist them in determining the appropriate language service for clients, ensuring that all staff are aware of how to access and use interpreters and translators.
- Provide all staff with appropriate training in cross cultural communication, deafness awareness and how to work with interpreters.
- Collect necessary data to guide an agency's language services. Data collection will include languages spoken, ethnicity, country of birth, English proficiency, and need for interpreter. The agency will ensure that the data collected is readily available to all staff.
- Acknowledge that the use of language services by staff is a justifiable and necessary expense – each agency has an obligation to plan and budget for interpreting services to ensure that these services will be available when the need arises. Staff and divisions will incorporate language services strategies into their budget, their human resource programs, and organisational planning.

Each agency is to adopt a systematic approach to language services when delivering services to clients with a first language other than English.

Legislative and Documentary Basis

'The provision of all NTG agency programs and services must comply with relevant and applicable legislation.

This includes, but is not limited to, the *Racial Discrimination Act 1975* (Cth), the *Disability Discrimination Act 1992* (Cth), the *Anti Discrimination Act (NT)* and the *Health and Community Services Complaints Act (NT)*.

These Acts require that:

- All agency programs and funded services provide equitable access to services to people from culturally and linguistically diverse backgrounds, including people with disabilities.
- Agencies must not directly or indirectly discriminate against people on the basis of their language ability.

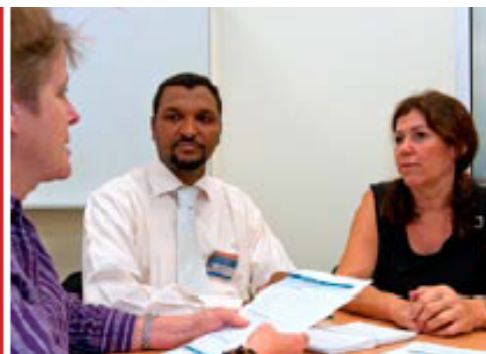
The Language Services Policy recognises the principles and objectives of the government's multicultural policies and other plans and guidelines that help facilitate this.

The following guidelines have also been developed to compliment this plan and it is recommended that NTG language service users refer to these guidelines for more information:

- 'A Guide to Working with Interpreters and Translators', published by the Interpreting and Translating Service NT (ITSNT).
> Visit www.nt.gov.au/itsnt to download.
- 'Working with Interpreters', published by the Aboriginal Interpreter Services (AIS).
> Visit www.nt.gov.au/ais to download.



Definitions



The **Aboriginal Interpreter Service (AIS)** is the main provider of interpreting services in Indigenous languages of the Northern Territory. The AIS is funded by a Northern Territory Government funded service.

The **Australian Institute of Interpreters and Translators (AUSIT)** is the National Association for the translating and interpreting profession.

The term **Auslan** means Australian Sign Language. Auslan is a true linguistic system with grammatical rules.

Community Language Allowance (CLA) - Northern Territory Government employees who use bilingual communication skills under the direction of their Chief Executive are entitled to a CLA. Human Resources units of NTG agencies can provide further information.

Deafness is a medical term described as significant hearing loss.

The word **Indigenous** refers to people of Aboriginal and/or Torres Strait Islander descent.

An **interpreter** is a person who transfers messages verbally from one language to another.

Interpreting and Translating Service NT (ITSNT) is a Northern Territory Government service providing translating and interpreting services in foreign languages.

LOTE stands for language(s) other than English.

National Accreditation Authority for Translators and Interpreters (NAATI) sets and monitors the standards of Translating and Interpreting in Australia by accrediting translators and interpreters at a number of levels of competence. NAATI also provides an online directory of accredited and recognised interpreters and translators.

NABS stands for National Auslan Interpreter Booking and Payment Service, a service provider which provides interpreters anywhere in Australia for deaf people who use sign language.

National Relay Service (NRS) is an Australia wide telephone access service. People who are deaf or hearing impaired can access anyone in the wider telephone network through NRS, and vice versa. Conversations between two parties can be relayed from text to voice, or voice to text.

The **NT Interpreter Card** is issued to people who require the services of an interpreter. The card identifies the specific language the person speaks and provides contact details for ITSNT.

A **qualified interpreter** is a person accredited by NAATI.

Definitions...(continued)

Translating and Interpreting Service (TIS) is a national service provided by the Australian Government for people who do not speak English and for the English speakers who need to communicate with them. TIS National is available 24/7 for any person or organisation in Australia requiring interpreting services.

A **translator** is a person who transfers written material from one language to another.

AIS, ITSNT, NABS, NRS and TIS are Territory, State and Australian government funded language service providers.

The term **language services** used in this document refers to the following mediums for communicating with people who do not speak English as a first language and for people whose first language is Auslan:

- Provision of accredited interpreters and/or translators.
- Presentation of information in first languages through the production of translated material.
- Employment of bi-lingual staff who have the ability to communicate in the client's language.
- Training of staff to provide services to clients who speak a language other than English.

Government Language Services are necessary to cover a broad range of cultural and linguistic communication situations.



For more information or to book language services:

Interpreting and Translating Service NT (ITSNT)

Phone 1800 676 254 or (08) 8999 8506
Fax (08) 8999 8475
E-mail itsnt@nt.gov.au
Address Ground Floor, Pella House,
40 Cavenagh Street
GPO Box 4621, Darwin NT
www.nt.gov.au/itsnt

National Auslan Interpreter Booking and Payment Service (NABS)

Phone: 1800 246 945
Fax: 1800 246 914
TTY: 1800 246 948
Email: bookings@nabs.org.au
SMS: 0427 671 261
Mail: 930 Gympie Road
Chermside QLD 4032
www.nabs.org.au

Aboriginal Interpreter Service (AIS)

Phone (08) 8999 8353
Fax (08) 8999 8855
Email ais@nt.gov.au
Address Ground Floor, Pella House,
40 Cavenagh Street
GPO Box 4450, Darwin NT 0801
www.nt.gov.au/ais

National Relay Service (NRS)

Phone: 1800 555 660
TTY: 1800 555 630
Fax: 1800 555 690
Email: helpdesk@relayservice.com.au
SMS: 0416 001 350
Mail: 21A Elliott Street
Balmain NSW 2041
www.relayservice.com.au

Translating and Interpreting Service (TIS) National

Telephone interpreter service:
Phone 131 450 (24hrs/7days)
On-site interpreter enquiries:
Phone 1300 855 082 (business hours)
On-site interpreter bookings:
Fax 1300 854 151
Email tis@immi.gov.au

Doctor's priority line:
Phone 131 450

Client liaison and promotions:
Phone 1300 855 820
Email tispromo@immi.gov.au

Document Translation Enquiries:
Adult Migrant English Program (AMEP)
Charles Darwin University
Phone 1800 019 119 or (08) 8946 7518

Australian Institute of Interpreters and Translators (AUSIT)

Phone: 1800 284 181 or (03) 9895 4473
Email: admin@ausit.org
Mail: PO Box 193
Surrey Hills VIC 3127
www.ausit.org



APPENDIX B – OMBUDSMAN NT SURVEY QUESTIONS

The questions listed are generally broad, however if the answers for your agency differ in application for service delivery to urban and remote communities, I would appreciate your comments and advice in this regard.

1. Do you have policies in place specifically relating to the provision and use of Indigenous interpreters? Please provide copies.
2. Please provide a copy of any instructions that your Department currently provides to staff about the use of, and access to Indigenous interpreters.
3. Does your Department provide specific training to its staff about how to work with Indigenous interpreters? If so, please provide details including but not limited to:
 - a. the providers of this training (eg. Departmental staff or external service providers such as the Aboriginal Interpreter Service (AIS)).
 - b. the format of training.
 - c. the timing and frequency of staff participation (for example, participation at induction or at regular scheduled intervals).
 - d. record keeping in relation to staff participation.
4. The Aboriginal Interpreter Service (AIS) offers a standard 90 minute training session to service providers covering areas including an overview of Aboriginal languages in the NT, how to work with an interpreter and practical tips for booking and using interpreters. The AIS can also tailor training sessions to address the specific needs or challenges of an organisation.
 - a. Has your Department arranged for staff to take part in either standard or tailored training sessions offered by the AIS during the last 3 financial years (from 2013/14 onwards)? If yes, please provide details as to the number of sessions provided, dates of attendance and the number or percentage of staff who have participated?
5. How does your agency record total Indigenous interpreter usage, for example in hours, activities, cost etc? Please provide details of usage for the last 3 financial years from 2013/14 onwards? If possible, please differentiate between usage in urban and remote communities?

6. Does your Department have a budget allocation for the provision of interpreter and/or translation services? If so, please provide details including whether this is allocated to particular areas of service delivery. If your Department has previously had such a budget allocation, could you please provide details for the last 3 financial years (dating back to 2013/14) including how much of the budget allocation was actually expended for the relevant purpose.
7. Is your Department aware that Indigenous interpreters may require training in government initiatives before they can be deployed as part of the initiative? If so, please advise if your Department has incorporated the need to train interpreters into any initiatives it has delivered or administered in remote communities and how this was undertaken?
8. Does your agency utilise the Indigenous language skills of direct employees? If so, in what manner or context or for what purpose? If in-house staff are used to provide interpreter services, what training are they provided with? Does your agency have any policies in relation to utilising the language skills of direct employees? Please provide copies.
9. Does your agency produce any information in Indigenous languages? Where and how is this made available?
10. Do you have any examples of successful measures your agency has taken to improve service delivery to speakers of Indigenous languages or to improve access to Indigenous interpreters?
11. Are there any particular barriers or difficulties your agency has encountered in accessing and using Indigenous interpreters in general, and specifically in relation to service provision in remote indigenous communities?
12. Do you have any comments or suggestions in relation to actions the Government might take to improve access and use of Indigenous interpreters, in general and specifically in relation to remote Indigenous communities?

APPENDIX C – WHEN TO USE AN ABORIGINAL INTERPRETER

(Provided by the Aboriginal Interpreter Service)

Introduction

This step-by-step guide has information for people who may need to organise an interpreter for another person who can't communicate in English.

You should consider whether the person can understand the full range of the English language - including at speed and technical terms in the relevant situation such as court, police interview and negotiations.

You should also consider whether your client can communicate as well as the average native speaker of English in the relevant situation.

Assessing a person's language skills can be hard and is normally conducted by trained linguists.

Ask if they want an interpreter

Explain the role of an interpreter and ask your client, using an open question - 'What do you think about asking an interpreter to help us?' or 'What do you want to do?'

It is important to raise the topic of working with an interpreter in a sensitive manner.

There may be a number of reasons the person may not want to work with an interpreter including any of the following:

- may not know what an interpreter does
- may have had a negative experience with an interpreter in the past
- may not want other people knowing about their business
- may think they have to pay for an interpreter
- may feel shame or anger because you are indicating their English isn't 'good enough'.

Suggested way to ask if they want an interpreter

You could ask the person by using the below script as a guide.

'Before we start talking, I want to ask you about what language we should use today. Maybe we can talk in English, or maybe it's better if we talk in your language. I don't speak your language, so if we think it's better to talk in your language I will ask an interpreter to help me.'

How to explain the role of an interpreter

You could explain it to the person by using the below script as a guide.

'An interpreter is someone who speaks your language and speaks English and has had training to help them understand the medical words that you will hear today. The interpreter will put everything I say into your language, and everything you say into English. The interpreter must follow rules. They can't take sides. They must keep the message the same - they can't add anything or leave anything out. The interpreter must keep everything we talk about secret.'

Ask open-ended questions

Get your client to speak to you in narrative (story) form by asking open-ended background questions such as:

'tell me about...'

'what do you think will happen if...?'

Avoid yes or no questions or questions that can be answered with one or two words.

Don't use biographical questions as a benchmark

Most Aboriginal Territorians who speak English as a second language will have had repeated experience providing biographical data to service providers - eg: where do you live, what's your date of birth, are you employed.

Don't rely on a person's ability to provide biographical data as the basis for deciding whether to work with an interpreter.

Just because they can adequately answer simple questions about their life does not mean they have sufficient English proficiency to describe symptoms, understand medical procedures, or discuss options for the legal case or medical treatment.

Ask your client/patient 'what language do you speak most at home' rather than 'do you speak English?'

Most people will answer 'yes' because they do speak some English.

Assess their comprehension

Write down two sets of two medium length sentences, using the style and some of the terms that your client will encounter in the interview.

Read each set to your client and ask your client to explain back to you what you just said.

Assess their communication

Use the table below to assess a person's communication skills in English.

If two or more of the points in the 'likely to need an interpreter' column apply to the person, you should organise an interpreter.

Response

Articulating back

Likely to need an interpreter The person has difficulty articulating back what you said to them.

Less likely to need an interpreter The person is able to articulate meaningfully most of what you said to them, using their own words.

Short or long answers

Likely to need an interpreter The person only speaks in short sentences of four to five words. Or they mainly give one-word answers.

Less likely to need an interpreter The person speaks in full sentences of six or seven words or more, and elaborate answers to questions.

Agrees or disagrees

Likely to need an interpreter The person consistently agrees with your questions or propositions you put to them.

Less likely to need an interpreter The person is easily able to disagree and articulate a different point of view.

Inappropriate responses

Likely to need an interpreter The person frequently responds inappropriately to your comments or question, for example, responding with "yes" to what or where questions.

Less likely to need an interpreter The person consistently responds meaningfully and appropriately to questions and comments.

Unsure of meaning

Likely to need an interpreter You are sometimes mystified as to what exactly your client is telling you even when the words and grammar they are using are clear to you.

Less likely to need an interpreter You can process the person's speech clearly and understand what it is they are telling you.

Contradictions

Likely to need an interpreter The person appears to contradict themselves, and is unaware of the apparent contradictions.

Less likely to need an interpreter The person does not contradict themselves, or if they do, they are aware of and can address the contradiction.

Uses new vocabulary

Likely to need an interpreter The person does not add significant amounts of new vocabulary to the conversation. They rely on using the words or phrases that you have previously said to them.

Less likely to need an interpreter The person frequently adds new vocabulary to the conversation.

Good grammar

Likely to need an interpreter The person does not use English grammatically, for example, mixes up pronouns ("he" instead of "she"); uses the past tense incorrectly ("He look at me").

Less likely to need an interpreter The person uses English grammatically.

Repeating and simplifying

Likely to need an interpreter You find yourself frequently needing to restate and simplify your utterances.

Less likely to need an interpreter You can talk easily in a normal manner.
