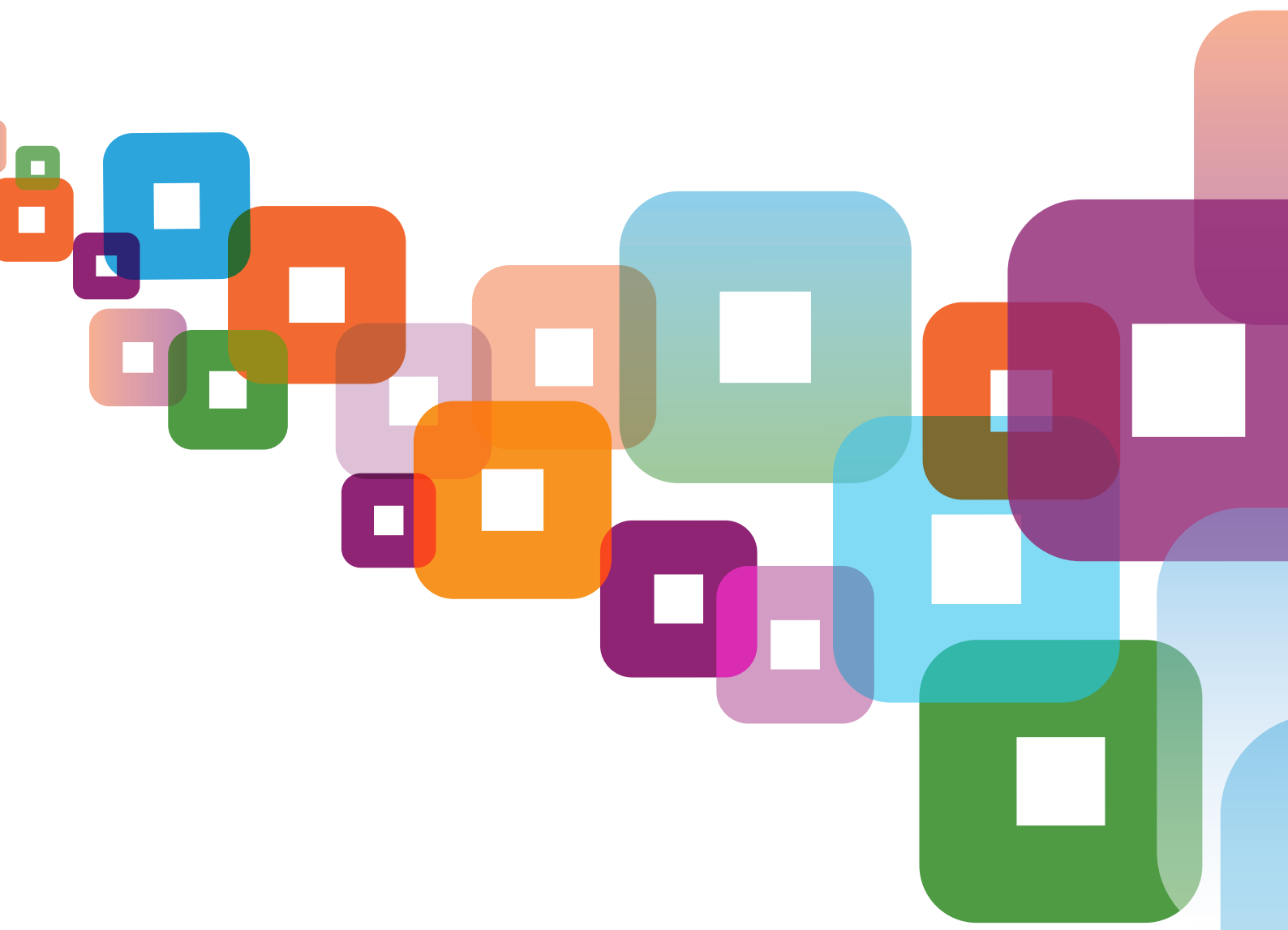




# Review of the Western Australian Language Services Policy 2008

Stage 1 Report



This report details the outcomes of Stage 1 of the review of the Western Australian Language Services Policy 2008. It is part of a two-stage review process.

**November 2011**

# Executive summary

## Background

**The Western Australian Government endorsed the first language services policy in 1992, revising it in 2000 and, most recently, in 2008. The policy is a government commitment to ensure that language is not a barrier to accessing services for people who are unable to communicate in written or spoken English so that they have equal access to State Government services.**

More than 270 languages other than English are spoken by Western Australians. This includes a number of Indigenous languages and Australian Sign Language (Auslan). Linguistic diversity and differing levels of English proficiency present a number of challenges to government in terms of providing services that are accessible and deliver equitable outcomes to all Western Australians.

The revised *Western Australian Language Services Policy (LSP) 2008* was endorsed by Cabinet in June 2008 and by both the current Premier and the Minister for Citizenship and Multicultural Interests in October 2008. The policy applies to migrant and Indigenous languages and Auslan.

One of the key differences between the LSP 2008 and the current policies of other Australian jurisdictions is that it provides a definition of a ‘competent interpreter or translator’ and that this definition gives equal recognition to those people who have obtained a formal qualification from an accredited tertiary institution as well as those who have gained accreditation from the National Accreditation Authority for Translators and Interpreters (NAATI).

Differences between jurisdictions also exist in relation to the resources invested in interpreting and translating. In most cases, statewide policies are in place to guide policy and practice in individual agencies while in New South Wales and the Northern Territory, a government-funded interpreting and translating service is provided.

In 2010–2011, the Office of Multicultural Interests (OMI) surveyed State Government agencies to determine the extent to which they were aware of, and implementing, the policy. The survey report recommended that OMI undertake a review of the implementation of the LSP. The Minister for Citizenship and Multicultural Interests subsequently endorsed a two-stage review process.

This report details the outcomes of Stage 1 of the review which aimed to:

- ▣ investigate issues of concern regarding the policy since its introduction that will contribute to its future directions
- ▣ identify the extent to which the policy has been implemented across the WA public sector including:
  - ▣ challenges to implementing the policy
  - ▣ the ongoing training needs of public sector staff
  - ▣ the main languages for which interpreting and translating services are used and the reasons why any newly arrived community languages are not among those identified.
- ▣ make recommendations regarding:
  - ▣ effective strategies to encourage the promotion and implementation of the policy across the public sector
  - ▣ training for public sector staff



# Executive summary

- the key issues of concern for stakeholders, including interpreters and translators.

Stage 1 of the review included an invitation for written submissions in response to a discussion paper and two consultation forums:

- one forum with public sector agencies and recipients of Department of Immigration and Citizenship (DIAC) Humanitarian Settlement Strategy (HSS) and Settlement Grants Program (SGP) funding
- another forum with interpreting and translating professional associations and commercial enterprises and interpreting and translating practitioners.

This report also incorporates findings of the survey of WA public sector agencies conducted by OMI in 2010–11 and responses to questions asked about the policy in OMI's annual customer satisfaction survey.

Stage 2 of the review will include further consultation, particularly with culturally and linguistically diverse (CaLD) and other community members, and a revision of the policy as required.

## Stage 1 review findings

The review found that there was widespread support for the Western Australian Government to establish and support a language services policy. Strengths of the current policy identified in the review included its focus on the provision of quality interpreting and translating services and recognition of the importance of training of interpreters and translators.

The review also identified a range of mechanisms through which to improve the policy and its implementation across the WA public sector. The main

areas for improvement in relation to the policy were regarding the:

- definition of a 'competent interpreter or translator'
- provision of more detailed guidance to assist implementation of the policy, particularly in relation to quality assurance standards and processes
- need to amend inaccuracies and update some references and resources
- length and structure of the document.

The review found that implementation of the policy across the WA public sector is inconsistent due to:

- varying levels of awareness about the policy in the WA public sector and the community
- varying levels of knowledge among WA public sector staff, particularly regarding:
  - how to assess the need for an interpreter
  - the qualification levels required for different situations
  - how to use an interpreter
  - the potential risks of not using an interpreter
- the limited availability of interpreters and translators in some languages
- limited accountability requirements
- financial and administrative barriers.

Suggestions were made to address each of these issues and these are reflected in a range of recommendations (detailed below).

# Executive summary

## Stage 1 review recommendations

### IMPLEMENTATION

To enhance implementation of the policy across the WA public sector it is recommended that:

<b>Recommendation 1</b>	The Office of Multicultural Interests identifies a process and resources for the development of a comprehensive and multifaceted communication strategy targeting: <ul style="list-style-type: none"><li>• WA public sector agencies and staff</li><li>• relevant non-government organisations</li><li>• members of Western Australia's deaf, Indigenous and culturally and linguistically diverse communities.</li></ul>
<b>Recommendation 2</b>	Induction processes and cultural competency training provided to WA public sector staff include instruction on: <ul style="list-style-type: none"><li>• how to assess the need for an interpreter</li><li>• the qualification levels or credentials required for different situations</li><li>• how to use an interpreter</li><li>• the potential risks of not using an interpreter.</li></ul>
<b>Recommendation 3</b>	The Office of Multicultural Interests, in consultation with the Department of Indigenous Affairs and relevant stakeholders, develops a strategy to increase the number of people holding VET or tertiary qualifications in interpreting or translating, and/or with NAATI accreditation or recognition as interpreters and translators, particularly in Indigenous and new and emerging languages.
<b>Recommendation 4</b>	The Office of Multicultural Interests, in consultation with the Departments of Treasury, Finance and Indigenous Affairs, consider options for addressing the financial and administrative barriers faced by WA public sector agencies in implementing the <i>WA Language Services Policy 2008</i> .
<b>Recommendation 5</b>	The Office of Multicultural Interests develops guidelines and relevant support documents for WA public sector agencies to enhance monitoring of the provision of interpreting and translating services including guidelines for data collection regarding: <ul style="list-style-type: none"><li>• the number of occasions of interpreting and the number of translations conducted</li><li>• expenditure on interpreting and translating</li><li>• the number of complaints received regarding interpreting and translating provided and the nature and outcome of those complaints.</li></ul>
<b>Recommendation 6</b>	The requirement for WA public sector agencies to report on cultural diversity and language service outcomes be re-introduced and that this data includes expenditure on interpreting and translating services, the number of instances, and the languages, for which they were required.
<b>Recommendation 7</b>	The Office of Multicultural Interests provides information to WA public sector agencies regarding new and emerging communities and the languages spoken.



# Executive summary

## THE POLICY

To address issues of concern raised in relation to the policy it is recommended that:

<b>Recommendation 8</b>	<p>The definition of a 'competent interpreter or translator' be removed from the policy and replaced by:</p> <ul style="list-style-type: none"><li>• detailed information explaining the meaning of various NAATI credentials and tertiary qualifications and highlighting the advantages of employing practitioners who have undertaken interpreting and translating training at a VET or tertiary level and those who have received specialised training, particularly in the areas of health and law</li><li>• guidelines to assist officers select the most appropriately accredited or trained interpreter or translator for different situations.</li></ul>
<b>Recommendation 9</b>	<p>The policy and/or guidelines include information to assist agencies to establish and monitor quality assurance and complaints processes.</p>
<b>Recommendation 10</b>	<p>The Office of Multicultural Interests promotes the availability of complaints processes to people from culturally and linguistically diverse backgrounds.</p>
<b>Recommendation 11</b>	<p>The policy be revised and restructured to include:</p> <ul style="list-style-type: none"><li>• a short policy statement</li><li>• a set of implementation guidelines</li><li>• case studies and examples to illustrate good practice in the implementation of the policy</li><li>• updated and accurate information (as identified in this review).</li></ul>
<b>Recommendation 12</b>	<p>The Australian Government be requested to investigate the demand for greater regulation of the interpreting and translating sector, including the options for regulation, potential for NAATI to become the appointed regulator, cost implications for practitioners and any other relevant issues.</p>

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# 1. Introduction

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**The Western Australian Government endorsed the first language services policy in 1992, revising it in 2000 and, most recently, in 2008. The policy is a government commitment to ensure that language is not a barrier to accessing services for people who are unable to communicate in written or spoken English so that they have equal access to State Government services.**

More than 270 languages other than English are spoken by Western Australians. This includes a number of Indigenous languages and Australian Sign Language (Auslan). Linguistic diversity and differing levels of English proficiency present a number of challenges to government in terms of providing services that are accessible and deliver equitable outcomes to all Western Australians.

The revised *Western Australian Language Services Policy (LSP) 2008* was endorsed by Cabinet in June 2008 and by the current Premier and Minister for Citizenship and Multicultural Interests in October 2008.

The policy applies to migrant and Indigenous languages and Auslan. It includes:

- principles underlying the use of interpreting and translating services for use by government agencies
- minimum standards for government agencies providing interpreting and translating services and guidance as to the circumstances for their use
- a broader definition of ‘interpreters and translators’ to increase the numbers of those who fell within the scope of the policy
- implementation guidelines including when and how to assess the need for an interpreter or translator and how to access and use their services.

One of the key differences between the LSP 2008 and the current policies of other Australian jurisdictions is that it provides a definition of a ‘competent interpreter or translator’ and that this definition gives equal recognition to those people who have obtained a formal qualification from an accredited tertiary institution<sup>1</sup>, as well as those who have gained accreditation from the National Accreditation Authority for Translators and Interpreters (NAATI).<sup>2</sup>

Differences between jurisdictions also exist in relation to the resources invested in interpreting and translating. In most cases, statewide policies are in place to guide policy and practice while in New South Wales, a government-funded interpreting and translating service is provided.

In 2010–11, the Office of Multicultural Interests (OMI) surveyed State Government agencies to determine the extent to which they were aware of, and implementing, the policy. The survey report recommended that OMI undertake a review of the policy’s implementation.

The Minister for Citizenship and Multicultural Interests subsequently endorsed a two-stage review process.

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1 A formal tertiary institution includes, for example, TAFE colleges, private registered training organisations and universities.

2 The previous languages services policy produced by the Victorian Office of Multicultural Affairs in 2003, and on which the *Western Australian Language Services Policy 2008* was based, referred to the Children and Young Persons Act 1989 which defines the standard required for an interpreter as being ‘competent’ or having NAATI accreditation.



# 1. Introduction

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This report details the outcomes of Stage 1 of the review which aimed to:

- ▣ investigate issues of concern regarding the policy since its introduction that will contribute to its future directions
- ▣ identify the extent to which the policy has been implemented across the WA public sector including:
  - ▣ challenges to implementing the policy
  - ▣ the ongoing training needs of public sector staff
  - ▣ the main languages for which interpreting and translating services are used and the reasons why any newly arrived community languages are not among those identified.
- ▣ make recommendations regarding:
  - ▣ effective strategies to encourage the promotion and implementation of the policy across the public sector
  - ▣ training for public sector staff
  - ▣ the key issues of concern for stakeholders, including interpreters and translators.

Stage 2 of the review will include further consultation, particularly with culturally and linguistically diverse (CaLD) and other community members, and a revision of the policy as required.



## 2. Methodology

**Stage 1 of the review included an invitation for written submissions in response to a discussion paper and two consultation forums:**

- one forum with public sector agencies and recipients of Department of Immigration and Citizenship (DIAC) Humanitarian Settlement Strategy (HSS) and Settlement Grants Program (SGP) funding
- another forum with interpreting and translating professional associations and commercial enterprises and interpreting and translating practitioners.

In addition to information received at the consultation forums and from written submissions, this report incorporates findings of the survey of WA public sector agencies conducted by OMI in 2010–11, responses to questions asked about the policy in OMI’s annual customer satisfaction survey and other relevant reports.

### **SURVEY OF WA PUBLIC SECTOR AGENCIES**

During 2010–11, OMI surveyed 187 public sector agencies regarding their awareness and implementation of the *WA Language Services Policy 2008*. A response rate of 49 per cent was achieved, with 99 agencies responding.

### **CONSULTATIONS**

The two consultation forums were held at the All Seasons Hotel, 15 Robinson Avenue, Northbridge.

Thirty people attended a forum with public sector agencies and recipients of Department of Immigration and Citizenship’s Humanitarian Settlement Strategy (HSS) and Settlement Grants Program (SGP) funding which was held on Tuesday 5 July 2011.

Twenty-eight people attended a forum held with representatives of interpreting and translating professional associations, commercial enterprises and practitioners held on Thursday 7 July 2011 (see Appendix 2 for a list of attendees at each consultation forum).

### **WRITTEN SUBMISSIONS**

Twenty written submissions were received from practising interpreters and translators, interpreting and translating professional associations and organisations, and WA public sector agencies (see Appendix 1 for a list of written submissions received).

### **CUSTOMER SATISFACTION SURVEY**

Each year, OMI commissions an external agency to undertake a customer satisfaction survey. Two customer groups are included:

1. CaLD community groups (community groups, associations and local government authorities).
2. Public sector agencies (Western Australian and Australian Government agencies).

Telephone responses were gathered in May and June 2011. Surveys were completed for 122 community and 109 public sector representatives, with a response rate of 76 per cent and 81 per cent, respectively.

Questions were asked regarding respondents’ awareness of the policy and the extent to which they believed it was implemented by State Government agencies.

# 3. Policy implementation

**A key aim of the review was to identify the extent to which the policy has been implemented across the WA public sector including:**

- ▣ challenges to implementing the policy
- ▣ the ongoing training needs of public sector staff
- ▣ the main languages for which interpreting and translating services are used and the reasons why any newly arrived community languages are not among those identified.

Other issues identified for response in the discussion paper and at consultations were in relation to:

- ▣ how the policy might be promoted more effectively across the WA public sector
- ▣ whose role it might be to promote the policy and to train staff in the use of language services, especially working with interpreters
- ▣ how the monitoring of quality and standards of interpreting and translating services in the WA public sector might be improved
- ▣ what financial and administrative issues limit the application of the policy and how these barriers might be overcome.

These issues, and suggested solutions, are detailed below.

## 3.1 Challenges to implementation

### 3.1.1 AWARENESS

The review found that the greatest impediment to successful implementation was the lack of awareness of WA public sector staff about the policy. Lack of awareness among the non-government and community sector was also identified as an issue of concern.

A key finding is inconsistent awareness of the policy both across and within State public sector agencies. This was evident in responses to the survey conducted in 2010–11, responses to OMI's customer satisfaction survey and at the consultations held in July 2011.

Of the 99 agencies that responded to the language services survey, 45 respondents (41%) were previously unaware of the policy. Of the 54 who were aware, 16 agencies (18%) had developed their own policy.

Of the 109 public sector respondents to OMI's customer satisfaction survey, 73 (67%) were aware of the policy.<sup>3</sup>

Similar feedback was gathered from discussions at the consultation forum held with public sector agencies on 5 July 2011:

*There are those directly involved who are aware of the policy and personnel in other divisions who would not be aware of the policy.*

*There is no consistency of staff awareness within departments.*

These views were also reflected by participants at the consultation with interpreting and translating sector representatives on 7 July 2011. As one participant commented:

*[There is a] huge need in the Kimberley for Aboriginal language services. Service [providers] in the Kimberley think that 1) the policy is optional, 2) that everyone can understand you if you just slow down, lean forward and shout.*

It was suggested that in agencies where issues and service use could have legal implications, such as WA

<sup>3</sup> Advantage Communications (2011) *OMI Customer Satisfaction Survey 2011* p.72



## 3. Policy implementation

Police, levels of awareness are relatively high, but that there was still significant need for improvement. This was highlighted in the Equal Opportunity Commission report *Indigenous Interpreting Service—Is there a need?* which noted:

*The Operating and Procedures Manual of the Western Australian Police directs police conducting interviews with Aboriginal and Torres Strait Islander people to comply with the principles established in Anunga. For a number of reasons, not least the availability and accessibility of suitably qualified interpreters, particularly at short notice, police personnel confirmed compliance is ad hoc at best.*<sup>4</sup>

In its submission to the review, the Australian Institute of Interpreters and Translators (AUSIT) stated that:

*The degree of awareness of the LSP among WA government staff will determine the degree to which the LSP is effectively implemented. Therefore staff must be trained to the extent that they can effectively meet the goal of the LSP i.e. to provide equal access for all WA citizens to all government services.*<sup>5</sup>

The Kimberley Interpreting Service submission expressed concern in relation to government agencies' awareness and recognition of the need to use Indigenous interpreting services:

*The most pressing issue facing appropriate service delivery is the reluctance of government agencies and others to accept the need for*

*indigenous language interpreters. If this policy binds all elements of the WA Government then its implementation is falling well short of serving the needs of our community. If it does not bind all elements of government then it should.*

*Bookings from WA government agencies for interpreters are rare. It is imperative that all officers representing government are held to account, if they determine that effective communication does not require interpreter assistance then they should provide some tangible demonstration. This applies equally in courts, in hospitals and when consultations are carried out by Ministers, their staff or departmental officials.*<sup>6</sup>

The consultation forums identified a number of challenges to implementation that participants felt would be addressed by increasing the level of awareness of the policy across the WA public sector. The challenges identified were:

- lack of understanding of the legal implications of not using interpreters and translators in some circumstances
- organisational cultures that do not encourage empathy or understanding regarding the need for interpreters
- lack of leadership and direction from management
- a lack of priority placed on the provision of language services.

4 Equal Opportunity Commission (2010) *Indigenous Interpreting Service—Is there a need?* p.5 The quote refers to a landmark Northern Territory case, R vs Anunga which gave judicial recognition to the need for interpreters in the context of police interviews. The principles established in the case have been recognised by Western Australian courts as a measure of fair interrogation.

5 AUSIT WA Submission on LSP Review 2011 p.13

6 Kimberley Interpreting Service (August 2011) *Submission to the Review of the Western Australian Language Services Policy 2008* p.3

# 3. Policy implementation

Training and awareness raising for WA public sector staff was identified as the highest priority at both consultations. Twenty-four (80%) of the 30 participants at the consultation with public sector and community organisations and 20 (74%) of the 27 participants at the consultation with interpreting and translating sector representatives, rated this as one of their top two priorities. Additionally, eight (30%) participants at the consultation with interpreting and translating sector representatives nominated an integrated and coordinated approach to awareness raising as one of their top two priorities.

Nineteen (18%) public sector respondents to the OMI customer satisfaction survey identified the need for information and awareness raising regarding the policy.

The review identified a need for a statewide communication strategy and that OMI was the most appropriate agency to coordinate such a strategy, in consultation with agencies such as the Department of Indigenous Affairs, Public Sector Commission and Equal Opportunity Commission. It was noted that individual agencies needed to be responsible for internal awareness raising and the training of their own staff.

It was suggested that a communication or awareness strategy would also enable WA public sector agencies to identify why particular communities were not accessing their services, assist in identifying ways in which available language services could be promoted to communities and increase the use of language services by these communities.

Several suggestions were made regarding ways to promote the policy both within agencies and across the WA public sector. Comments were also made regarding the importance of promoting the policy in the non-government and community sector.

## Promotion within agencies

Some agencies indicated that they currently promote the policy through the intranet and that this was an effective mechanism for raising staff awareness.

A common suggestion, made at both consultation forums, was to include information and training about the policy in WA public sector staff inductions and in-service cultural competency training. However, it was noted that awareness raising needed to be ongoing.

Another suggestion was to include information about the policy in internal agency publications.

## Promotion across the WA public sector

A number of suggestions were made through consultations, written submissions and the OMI Customer Satisfaction Survey for promoting the policy across the WA public sector. They were:

- increased promotion of the policy on the OMI website
- identifying a point of contact for information and advice within OMI and promoting the availability of this support
- introducing a requirement for information about the policy to be included in all staff inductions
- including language services as part of agencies' annual reporting requirements
- workshops with WA public sector agencies and funded organisations
- media releases highlighting examples of how the policy is being implemented and/or working to assist the community

## 3. Policy implementation

- ▣ articles in public sector publications highlighting good news stories and positive outcomes arising from the use of translators and/or interpreters
- ▣ networking between agencies to share information about their experiences implementing the policy
- ▣ posters distributed to WA public sector agencies
- ▣ identifying and developing ‘champions’ of the policy within agencies
- ▣ production and distribution of a ‘how to know if an interpreter is needed’ checklist for staff with a web-link to the policy.

It was also noted that the ‘I need an interpreter’ card produced by OMI needed to be promoted and that this could help generate greater awareness of the policy not only across government but also in the community and the non-government sector.

It was suggested that awareness raising should be supported by materials to enable staff to explain the role of an interpreter to clients to avoid any misunderstanding of the interpreter’s role.

### Promotion within communities

The review also identified a need for increased promotion of the policy in the broader community. Awareness of the policy among representatives of non-government organisations (NGOs) at the consultation with WA public sector and NGO representatives was low, despite the fact that these organisations used interpreters and translators a great deal. Of the 122 community representatives who took part in the OMI Customer Satisfaction Survey 2011, 72 (59%) were aware of the policy.

Participants at both consultation forums highlighted the benefit of increased promotion of the policy in the wider community, suggesting that increased awareness of their rights among Deaf, Indigenous and CaLD communities would potentially increase both the demand for language services and agencies’ responsiveness.

Increased promotion of the WA Interpreter Card and posters distributed to NGOs and community groups were identified as two ways to increase awareness among communities of their right to request interpreting and translating services from WA public sector agencies.

### Recommendation 1

**That the Office of Multicultural Interests identify a process and resources for the development of a comprehensive and multifaceted communication strategy targeting:**

- ▣ WA public sector agencies and staff
- ▣ relevant non-government organisations
- ▣ members of Western Australia’s Deaf, Indigenous and culturally and linguistically diverse communities.

# 3. Policy implementation

## 3.1.2 TRAINING

The review found widespread agreement that there is a need for all WA public sector staff to be provided with training regarding the policy and that this training should be tailored to staff members' roles.

In OMI's customer satisfaction survey, 51 (69.9%) of the 73 respondents who responded to the question 'To what extent does your agency act in accordance with the State Language Services Policy?' were very satisfied or extremely satisfied. Six (8.2%) respondents indicated that they were not satisfied that their agency was acting in accordance with the policy. Responses are detailed in the table on page 13.

Comments provided as part of the survey<sup>7</sup> included:

*State Public Sector does not apply it to the extent it should.*

*Some staff are not aware they need to engage in language services and need to do more.*

Table 1: Extent to which respondents believe their agency is acting in accordance with the Western Australian Language Services Policy 2008<sup>8</sup>

Rating	Frequency	Percentage
1 – Not satisfied at all	2	2.7
2	4	5.5
3	12	16.4
4	31	42.5
5 – Extremely satisfied	20	27.4
Don't know/not answered	4	5.5
Total	73	100

The importance of training for staff in legal contexts was specifically highlighted in a recent report by

<sup>7</sup> *ibid.* pp. 75, 76

<sup>8</sup> *ibid.* p.73

Professor Sandra Hale: *Interpreter Policies, Practices and Protocols in Australian Courts and Tribunals—A National Survey*. The relevance of this report to the current review process was noted in submissions from both the Australian Institute of Interpreters and Translators (AUSIT) and NAATI. The report notes that previous reports have recommended training on working with interpreters for legal professionals and that the recent investigations had reinforced that need. The report recommended not only that law degrees include a module on working with interpreters, taught by interpreting experts, but also that:

- all judicial officers and tribunal members undergo basic training in the form of at least a one- to two-hour workshop
- other court personnel who have dealings with interpreters (such as registrars, prosecutors, clerks and police) also avail themselves of such training.<sup>9</sup>

The consultation forum with public sector and NGO representatives generated a number of suggestions in relation to training. It was suggested that:

- training for managers should focus on:
  - the rights of the client
  - the responsibilities of service providers
  - the requirements of the policy
  - related human rights legislation
  - how to implement the policy and support staff in doing so

<sup>9</sup> Hale, S (2011) *Interpreter Policies, Practices and Protocols in Australian Courts and Tribunals—A National Survey* Australasian Institute of Judicial Administration Incorporated pp. 22, 23



## 3. Policy implementation

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- how to budget for interpreting and translating services, monitor quality in the delivery of services, and address any other related funding and reporting issues and requirements
  - training for front-line staff and supervisors should include not only information about rights and responsibilities and the policy but also specific training about:
    - communication difficulties experienced by people from CaLD backgrounds and Indigenous people
    - how to identify when an interpreter is needed
    - how to identify the level of accreditation or training required for different circumstances
    - the difference between an interpreter and a bilingual worker and the situations in which each should be used
    - the potential impact of failing to use an interpreter in some cases including the liability of service providers and cost implications
    - options if an interpreter is not available
    - how to work with interpreters, including:
      - the difference in interpreting styles, such as consecutive and simultaneous interpreting, and the circumstances in which these are most appropriately used
      - how to avoid conflicts of interest between interpreters and clients
      - cultural issues encountered in the delivery of interpreting and translating services; for example, ways to assess whether someone needs an interpreter, where they exhibit a reluctance due to cultural norms/pride
  - linguistic issues such as when abstract concepts are presented for interpretation or where there are cultural reasons for not speaking about an issue, when some words do not translate from one language to another and gaps in technical terminology which can make it difficult to adhere to interpreting practices
  - the importance of briefings, background materials and working conditions
  - the systems of NAATI credentialing and interpreting including all levels and their meanings; including, for example, ‘Conference Interpreter’ and ‘Conference Interpreter, Senior’
  - the difference between NAATI credentials and vocational education and training (VET) and tertiary qualifications
  - the meaning of quality assurance in the context of language services.
- There was general agreement that OMI should have an advisory role in the development of such training but that it should be the responsibility of individual agencies to organise and pay for this training. It was also suggested that one or two staff members should be nominated by each agency as contacts to receive and provide information about the policy and to identify training needs.
- AUSIT stated in its submission that it may be in a position to play an active role in the provision of training, specifically on how to engage with interpreters. The Kimberley Interpreting Service also noted that it

## 3. Policy implementation

is available to assist in training officers in relation to their cross-cultural engagement and in working with Indigenous interpreters.

One submission proposed that, in the case of Indigenous languages, a unit should be created to coordinate and develop materials to promote the use of Indigenous interpreters in conjunction with the coordinating and professional interpreting bodies, in line with a recommendation of the Equal Opportunity Commission report *Indigenous Interpreting Service—Is there a need?*

This submission supported the role of established Indigenous providers such as the Kimberley Interpreting Service, to provide training in regional locations and that the funding of resources and appropriate materials be supported by OMI.<sup>10</sup>

### Recommendation 2

**Induction processes and cultural competency training provided to WA public sector staff include instruction on:**

- how to assess the need for an interpreter
- the qualification levels or credentials required for different situations
- how to use an interpreter
- the potential risks of not using an interpreter.

### 3.1.3 AVAILABILITY OF INTERPRETERS

Written submissions and consultations identified the lack of interpreters in some languages, particularly in the languages of some new and emerging and Indigenous communities.

This issue was of significant concern among participants at the consultation with public sector agencies and NGOs. As one participant commented:

*The justice system needs to use more Aboriginal Interpreters, but these aren't always available (or the need is not always recognised). Newly arrived groups from refugee source countries (e.g. Sudan) are also needed in the justice system.*

The Kimberley Interpreting Service particularly stressed this issue in its submission:

*Reluctance toward engagement of interpreters is always a significant issue. When these engagements are made at the level required to meet community needs there will be a supply problem. Urgent action is now required to ensure that interpreter training and mentoring strategies are implemented ahead of this increase in demand for services.*

*KIS is the only specialist Aboriginal language interpreter service in WA. We need to recruit and train more interpreters and these services will be required in other locations. Significant investment is required in developing the service delivery capacity of our service.*

*It is appropriate that this policy requires government recognition and funding of interpreter training and support.*

<sup>10</sup> Confidential submission to the Office of Multicultural Interest's Review of the *Western Australian Language Services Policy 2008*

### 3. Policy implementation

Suggestions to address this supply issue made at the consultation with public sector agencies and NGOs were:

- increased investment in interpreting services, including the development of Aboriginal languages centres to be able to provide services similar to the Kimberley Interpreting Service (KIS)
- increased training of interpreters, particularly for the languages of new and emerging and Indigenous communities.

Statistics obtained from NAATI indicate that there are currently 55 people who have NAATI accreditation or recognition as interpreters in Indigenous languages in WA. The majority of these (82%) are accredited interpreters at the paraprofessional level. None are accredited at a professional level. Four, two each in the Gajerrong and Miriwung languages, have received only NAATI recognition. Only one is accredited as a translator at a paraprofessional level.

Table 2: Number of people with NAATI accreditation or recognition in Indigenous languages

<b>Gajerrong</b>	NAATI Recognition (2)
<b>Kija</b>	Paraprofessional Interpreter (1)
<b>Kriol</b>	Paraprofessional Interpreter (25) NAATI Recognition (2)
<b>Kukatja</b>	Paraprofessional Interpreter (1)
<b>Martu Wangka</b>	Paraprofessional Interpreter (2)
<b>Miriwung</b>	NAATI Recognition (2)
<b>Ngaanyatjarra</b>	Paraprofessional Interpreter (2)
<b>Nyangumarta</b>	Paraprofessional Interpreter (2)
<b>Walmajarri</b>	Paraprofessional Interpreter (4) Paraprofessional Translator (1)
<b>Wangkatha</b>	Paraprofessional Interpreter (6)
<b>Yindjibarndi</b>	Paraprofessional Interpreter (5)

The Equal Opportunity Commission report, *Indigenous Interpreting Service—Is there a need?* identified a need for interpreting in at least the following core groups of languages:

- Kimberley: Kriol, Kukatja, Walmajarri, Kija and Jaru
- Pilbara: Majiljarra, Kartujarra, Warman, Nyangumarta, Yindjibarndi and Karriyarra
- Goldfields: Wangkatha, Ngaanyatjarra, Pitjanjatjarra, Cundelee.

When compared with the list in Table 2, it is evident, therefore, that there is a discrepancy between the Indigenous languages in which interpreters are needed and available.

11 Equal Opportunity Commission (2010) *Indigenous Interpreting Service—Is there a need?* pp. 5, 21

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Table 3: Number of people with NAATI accreditation or recognition in languages of new and emerging communities

<b>Amharic</b>	Paraprofessional Interpreter (2) Professional Translator into English (2) Professional Translator into LOTE (2) NAATI Recognition (1)
<b>Chin</b>	NAATI Recognition (1)
<b>Chin (Haka)</b>	NAATI Recognition (4)
<b>Dari</b>	Paraprofessional Interpreter (29) Professional Interpreter (3) Professional Translator into English (3) Professional Translator into LOTE (1)
<b>Dinka</b>	Paraprofessional Translator (1) NAATI Recognition (2)
<b>Gujarati</b>	NAATI Recognition (1)
<b>Hazaragi</b>	Paraprofessional Interpreter (13) NAATI Recognition (8)
<b>Karen</b>	NAATI Recognition (2)
<b>Kinyarwanda</b>	NAATI Recognition (1)
<b>Kirundi</b>	NAATI Recognition (6)
<b>Krio</b>	NAATI Recognition (1)
<b>Lingala</b>	NAATI Recognition (1)
<b>Oromo</b>	Paraprofessional Interpreter (2)
<b>Pashtu</b>	Paraprofessional Interpreter (1) Paraprofessional Translator (1) NAATI Recognition (6)
<b>Somali</b>	Paraprofessional Interpreter (13) Professional Interpreter (1)
<b>Swahili</b>	NAATI Recognition (9)
<b>Tamil</b>	NAATI Recognition (3)
<b>Tigrinya</b>	NAATI Recognition (1)
<b>Urdu</b>	Paraprofessional Translator (1) NAATI Recognition (2)

In 2008, the Department of Immigration and Citizenship (DIAC) began funding NAATI to administer a 'New Interpreters Project' to increase the pool of interpreters holding NAATI accreditation or recognition in interpreting in new and emerging languages. The project includes subsidies for a workshop program, application fees, English language proficiency test (if applicable), NAATI recognition and/or accreditation test fee and test preparation materials.<sup>12</sup>

The project is delivered through NAATI's regional (State-based) offices. According to the NAATI Annual Report 2009–10, a total of 43 accreditations and 49 recognitions had been issued nationally since commencement of the project in July 2008. As at 13 January 2011, seven people had received NAATI accreditation in Western Australia (six for Hazaragi and one for Swahili) and six people had received NAATI recognition (one each in Hazaragi, Bari, Kirundi and Chin [Haka] and two in Karen).

The Central Institute of Technology in Western Australia is currently the only registered training organisation providing interpreting and translating training. This year, courses will be provided for Arabic and Dari.

Of interest is the recent Victorian Government initiative which provided scholarships for 18 students studying Haka and 14 studying Pushtu. The scholarships are part of the Victorian Government's commitment to increasing the training of interpreters and translators in

<sup>12</sup> National Accreditation Authority for Interpreters and Translators (undated) *Application for New Interpreters Project Information Booklet* available at: [http://www.naati.com.au/PDF/Booklets/NAATI\\_Recognition\\_booklet.pdf](http://www.naati.com.au/PDF/Booklets/NAATI_Recognition_booklet.pdf)



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both established and new and emerging communities.<sup>13</sup> The Queensland Multicultural Action Plan 2011–2014 includes a similar strategy.<sup>14</sup>

### Recommendation 3

**The Office of Multicultural Interests, in consultation with the Department of Indigenous Affairs and relevant stakeholders, develops a strategy to increase the number of people holding VET or tertiary qualifications in interpreting or translating, and/or with NAATI accreditation or recognition as interpreters and translators, particularly in Indigenous and new and emerging languages.**

13 Multicultural Affairs and Citizenship Victoria (April 27 2011) 'New and Emerging Communities Benefit from Boost in Interpreter Numbers'. Accessed 26 August 2011: at <http://vic.liberal.org.au/News/MediaReleases/tabid/159/articleType/ArticleView/articleId/3006/New-and-emerging-communities-benefit-from-boost-in-interpreter-numbers.aspx>

14 The *Queensland Multicultural Action Plan 2011–14* is accessible at: <http://www.communities.qld.gov.au/resources/multicultural/media/queensland-multicultural-action-plan-2011-14.pdf>

### 3.1.4 FINANCE AND ADMINISTRATION

The review identified funding, administrative and accountability issues affecting the implementation of the policy.

#### Funding

The review identified, in general terms, financial barriers for individual agencies and the WA public sector to implementing the policy. This was evident in written submissions, consultation forums and responses to OMI's customer satisfaction survey.

Specific issues raised were:

- the high cost of interpreting and translating services which some agencies consider prohibitive
- lack of specific budgets for language services
- difficulty in predicting the need for languages services and budgeting accordingly.

The broader issue of funding for implementation of the policy across the WA public sector was also highlighted. The Western Australian Institute of Translators and Interpreters (WAITI) submission, for example, stated that:

*... a policy is of no use if its implementation is not funded ...*<sup>15</sup>

Written submissions and consultations indicated that funding for implementation of the policy was a matter of particular concern for the interpreting and translating sector. Four (15%) participants at the consultation with sector representatives identified funding for

15 WAITI (4 August 2011) *Response to OMI Discussion Paper* p. 2

# 3. Policy implementation

implementation as one of their top two priorities. They noted that funding is required for:

- awareness raising and training of WA public sector staff and community members
- training of interpreting and translating practitioners, particularly for those from Indigenous and new and emerging communities
- a specific funding allocation for WA public sector agencies interpreting and translating services either through the establishment of a common pool of funding, a State-based interpreting and translating service, or for specific agencies.

The matter of cost as a justification for failure to use interpreting and translating services was addressed in the submission from the Kimberley Interpreting Service which noted:

*The review refers to cost as an issue relating to the appointment of interpreters. KIS believes that a more significant cost is borne and not recognised through funds wasted on ineffective consultation and poor service delivery. The cost of travel and officer time will, most often, well exceed the cost of interpreting services. Court appointed interpreters have significantly decreased to almost nil since the new East Kimberley Magistrate was appointed, and West Kimberley continues to be ridiculously minimal. What will be the cost to community of an accused person not understanding the charge or a witness not being properly understood by the court?<sup>16</sup>*

<sup>16</sup> Kimberley Interpreting Service (August 2011) *Submission to the Review of the Western Australian Language Services Policy 2008* p. 3

Participants at the consultation forum with public sector agencies and NGOs also suggested the establishment of a central ‘pool’ of funding for interpreters/translators as a potential solution. In the course of the review, attention was also drawn to the Equal Opportunity Commission’s 2007 report, *Indigenous Interpreting Service—Is there a need?* which outlined other options. They were:

- a centralised fund for interpreting services for priority areas such as police, justice and health (a model applied in the Northern Territory)
- a centralised fund to cover a percentage of the interpreting services utilised by public sector agencies, after which services can be charged directly to agencies
- direct fee-for-service for all agencies managed by a central allocation.<sup>17</sup>

## Administration

The review found that administrative processes involved in contracting interpreters and translators may be a barrier to implementation of the policy. While this was a matter affecting the WA public sector in general, it was noted that workforce and planning issues experienced by agencies in regional and remote locations were issues that required specific attention.

It was suggested that these issues could be addressed through development of a plan for implementation of the policy either across the public sector or within individual organisations and that establishment of a Common Use

<sup>17</sup> Equal Opportunity Commission (2010) *Indigenous Interpreting Service—Is there a need?* p. 26



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Agreement (CUA)<sup>18</sup> could increase the ease with which agencies accessed interpreters and translators.<sup>19</sup>

It was also suggested that consideration could be given to:

- ▣ establishing a register of interpreting services and the languages for which they are able to supply interpreters and translators to remove some of the administrative issues involved in sourcing practitioners
- ▣ investigating the potential to re-instate the allowance for bilingual public sector staff for providing language services that might offset some of the costs and administrative issues involved.

The review sought specific feedback regarding the proposal for a CUA. It found that WA public sector agencies were supportive of the proposal with 11 (37%) of the participants at the consultation forum nominating this as one of their top two priorities. Advantages identified were:

- ▣ reductions in the time, cost and administrative processes involved in procuring translators and interpreters, particularly in those instances where tenders are currently required
- ▣ clarity for front-line staff who may have to arrange a booking
- ▣ increased assurance of service standards.

18 CUAs are instituted by the Department of Finance and allow agencies to make purchases direct from approved suppliers, thereby streamlining the purchasing process, and removing the need to obtain multiple quotes where prices have already been established.

19 At the time of writing, the Department of Finance was investigating the feasibility of establishing a CUA in consultation with government agencies and other stakeholders.

However, the following disadvantages were also identified:

- ▣ the potential to disadvantage independent translating and interpreting personnel if, for any reason, they do not tender to become part of the CUA
- ▣ a small pool of providers may not cover all the languages required, particularly in regional areas where access to stipulated providers may be limited
- ▣ reduced opportunity to build relationships with providers because procurement staff, rather than those officers directly involved in the management of the service area, would have greater contact with the contracted supplier
- ▣ less control over the cost of services delivered—it was noted that individual tendering processes enable agencies to establish a budget and thereby control the cost of service delivery, unlike a CUA which would set costs independent of agencies
- ▣ the potential for CUAs to create more competitive relationships between suppliers.

It was also suggested that a CUA could further limit an industry that requires growth in a number of areas. A CUA that required the sector to work with accredited interpreters could severely disadvantage some communities if there were none available in a particular language.

The Western Australian Institute of Translators and Interpreters (WAITI) submission expressed strong opposition to a CUA stating that:

*... all suppliers of language services to government in WA draw on the same pool of interpreters and translators [and]...government procurement practices encourage exploitation of practitioners and the entrenchment of monopolies ...*

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*In migrant languages, service providers typically compete on price, with no differentiation according to practitioner competence or quality control.<sup>20</sup>*

In support of this argument, the submission cited the 2004 *OMI Analysis of the Need for Interpreting and Translating Services within the Western Australian Government Sector, Final Report*<sup>21</sup> which found that language services providers such as the Translating and Interpreting Service, On Call and Translators International, drew on the same pool of interpreters and translators and therefore cost and availability, rather than quality, became the dominant selection criteria.

The submission noted that there is little or no remuneration differential for more highly qualified practitioners compared with those less qualified.<sup>22</sup>

WAITI argued that more effective and economical best practice benchmarks and models for language service provision are available. The submission particularly highlighted the need for a State Language Service, citing Recommendation 10 of the 2004 needs analysis:

*Following the review of the Language Services Policy, the Office of Multicultural Interests should reassess the requirements for the establishment of a State-based interpreting and translating service and take into account of [sic] the outcomes of the study into the statewide Indigenous Interpreting Service.<sup>23</sup>*

The New South Wales Government, through its Community Relations Commission, currently funds a comprehensive interpreting and translating service which is available to all NSW government agencies as well as private and commercial organisations, community groups and individuals.<sup>24</sup> A similar service is provided by the Northern Territory Government through its Department of Housing, Local Government and Regional Services.<sup>25</sup>

### Recommendation 4

**The Office of Multicultural Interests, in consultation with the Departments of Treasury, Finance and Indigenous Affairs, consider options for addressing the financial and administrative barriers faced by WA public sector agencies in implementing the WA Language Services Policy 2008.**

20 WAITI (4 August 2011) *Response to OMI Discussion Paper*

21 Prime Focus (May 2004) *OMI Analysis of the Need for Interpreting and Translating Services within the Western Australian Government Sector, Final Report* p. 3

22 The WAITI submission cited \$5 on a minimum 60 minute call out; thereafter no differential.

23 Prime Focus (May 2004) *OMI Analysis of the Need for Interpreting and Translating Services within the Western Australian Government Sector, Final Report* p. 3

24 Information accessed at: [http://www.crc.nsw.gov.au/services/language\\_services](http://www.crc.nsw.gov.au/services/language_services)

25 The Queensland Multicultural Action Plan 2011-2014 includes an action to establish a whole-of-government taskforce to investigate options for a Queensland Government interpreter service or strategy.

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## 3.1.5 ACCOUNTABILITY

The review found that a lack of accountability was also a limiting factor in the implementation of the policy and that this could be addressed by increased monitoring and by re-introducing reporting requirements for WA public sector agencies.<sup>26</sup>

### Monitoring

The review found there was a need for increased monitoring of the implementation of the policy across the WA public sector and that OMI could provide support for agencies improving their monitoring of the policy's implementation. It was suggested that monitoring should take into account both quantitative and qualitative measures such as:

- the extent to which language services are used by agencies
- the level of funding allocated to, and expended on, language services by agencies
- service gaps, such as a lack of interpreters and translators in certain languages
- feedback from officers about problems accessing interpreters and translators (formed either through their own experiences or feedback from community members).

The Victorian Government provides comprehensive guidelines on a range of data collection requirements including expenditure, services provided by language

services providers and complaints in the *Victorian Government Standards for Data Collection on Interpreting and Translating Services*.<sup>27</sup>

It was suggested that a set of guidelines illustrating key components for monitoring language services be developed including how the information may be used by agencies to enhance their service provision.

## Recommendation 5

**The Office of Multicultural Interests develops guidelines and relevant support documents for WA public sector agencies to enhance monitoring of the provision of interpreting and translating services including guidelines for data collection regarding:**

- the number of occasions of interpreting and the number of translations conducted
- expenditure on interpreting and translating
- the number of complaints received regarding interpreting and translating provided and the nature and outcome of those complaints.

<sup>26</sup> The requirement for agencies to report on cultural diversity and language services outcomes in their annual reports was removed in 2007.

<sup>27</sup> Document accessible at: <http://www.multicultural.vic.gov.au/images/stories/pdf/victorian-government-standards-for-data-collection.pdf>

# 3. Policy implementation

## Reporting

The review found strong support for the re-introduction of annual reporting on cultural diversity and language services outcomes for WA public sector agencies. Until a review of annual reporting requirements in 2007, WA public sector agencies were required to report on ‘Cultural Diversity and Language Service Outcomes—interpretation and translation services for clients accessing Government services’.

Six (20%) participants at the consultation with public sector agencies and NGOs, and six (22%) participants at the consultation with interpreting and translating sector representatives, identified introduction of reporting requirements as one of their two top priorities for action in relation to improving the implementation of the policy.

Other Australian jurisdictions, such as Queensland and Victoria, also require a level of reporting regarding language services.

## Recommendation 6

**The requirement for WA public sector agencies to report on cultural diversity and language service outcomes be re-introduced and that this data includes expenditure on interpreting and translating services, the number of instances, and the languages, for which they were required.**

## 3.2 Range of languages used

The review sought to identify the main languages for which interpreting and translating services are used by WA public sector agencies and the reasons why any newly arrived community languages were not among those identified in OMI’s 2010–11 survey. The six languages that appeared most frequently in agency surveys were (in numerical order): Vietnamese (21), Mandarin (18), Arabic (13), Chinese unspecified (7), Cantonese (11) and Indonesian (9).

Participants at both consultations were asked to complete a pre-consultation survey that included this list and were asked to rate the degree to which this reflected the languages required most by their agency, and to identify other languages most needed.

Only two (6.5%) of the 30 public sector agency and NGO participants indicated that the list reflected the languages most used by their agency. Eighteen (60%) participants indicated that the list somewhat reflected the languages most used by their agencies. Four (13.5%) participants responded that the languages listed did not reflect those of their agency and six (20%) did not provide a response.

Languages other than those identified in the survey’s top five were Swahili (5), Aboriginal languages (3), Kirundi (3), Dari (3), Dinka (3), Karen (2), Italian (2), African languages (unspecified - 2), Sudanese Arabic (1), Amharic (1), Farsi (1), Burmese (unspecified —1), Auslan (1), Japanese (1), Hazaragi (1), Polish (1), Greek (1) and Indian (unspecified —1).

Languages of newly arrived communities were predominantly specified by NGOs, the Department for Child Protection (DCP) and Department of



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Education (DoE). Languages of more established CaLD communities were specified by the Commonwealth Department of Health and Ageing.

Three (12.5%) of the 24 participants who responded to the survey conducted at the consultation with representatives of the interpreting and translating sector indicated that the list reflected the languages most used by their agency. Ten (41.5%) participants indicated that the list somewhat reflected the languages most used by their agencies. Six (25%) participants responded that the languages listed did not reflect those of their agency and five (21%) did not provide a response.

Languages other than those identified in the survey's top five used were Italian (2), Croatian (2) Serbian (2), Auslan (2), Dari (2), Karen (1), Bosnian (1), Spanish (1), Portuguese (1), Walmajarri (1), Kriol (1), Miriwung (1), Aboriginal English (1), Farsi (1), Burmese unspecified (1), Japanese (1), African languages unspecified (1), Russian (1).<sup>28</sup>

Indigenous languages were only reported by the Kimberley Interpreting Service (KIS) and the languages of more established communities by Sir Charles Gairdner, Fremantle and Royal Perth Hospitals.

Of the five WA public sector agencies which provided submissions to the review, three provided feedback in relation to the languages for which interpreters and translators were used. Two of these agencies stated that the main languages identified in OMI's 2010–11 survey reflected those most used by their agency. Other languages for which interpreters and translators were used were Somali, Dinka, Karen, Burmese, Italian, Farsi, Thai, Spanish, Macedonian and Hazaragi.

<sup>28</sup> One respondent recorded a request for translation into 'plain English'.

The third agency cited Cantonese and Mandarin as two of the most common languages for which interpreters and translators were used, in addition to Kirundi, Tamil, Tagalog and Polish.

These findings suggest that the main languages identified in the 2010–11 OMI survey are generally reflective of those languages most used by WA public sector agencies. It is notable that these languages are also among the top eight languages spoken at home by Western Australians according to the Australian Bureau of Statistics 2006 Census.<sup>29</sup>

The absence of the languages of new and emerging communities on the list may be explained by the relative low representation of people from these language groups in the Western Australian community compared with those of more established communities. It may also reflect that the organisations with which members of these communities are most likely to be in contact with in the first few years of settlement, are Australian Government agencies such as Centrelink and NGOs funded through DIAC to provide settlement services.

The review found, however, that there was interest among WA public sector agencies for information regarding new and emerging communities. Agencies identified the following benefits of receiving this information:

- ability to compare and analyse patterns in relation to other agency data
- contribute to planning for information and consultation processes

<sup>29</sup> Department of Immigration and Citizenship and Office of Multicultural Interests (2009) *The People of Western Australia—Statistics from the 2006 Census—Volume one—Metropolitan Local Government Areas* pp. 85–88

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- ▣ assist front-line staff in determining the appropriate language when providing an interpreter or translator
- ▣ assist agencies to determine languages for the translation of information
- ▣ assist in forward planning for the delivery of services.

## Recommendation 7

The Office of Multicultural Interests provides information to WA public sector agencies regarding new and emerging communities and the languages spoken.



## 4. The policy

The review sought to identify issues regarding the policy that would contribute to its future direction. The consultation forums and written submissions invited feedback in relation to the strengths and weaknesses of the current policy and recommendations for improvement. Feedback was also invited on specific issues including:

- ▣ how the policy defines a ‘competent interpreter/ translator’
- ▣ how the policy might be amended to:
  - ▣ support the maintenance of quality and standards in the interpreting and translating industry
  - ▣ ensure practitioners are committed to ethical conduct.
- ▣ whether or not the policy should:
  - ▣ provide more guidance in relation to the monitoring of quality and standards of interpreting and translating provision, including quality assurance protocols, complaints processes and managing government contracts with external agencies
  - ▣ alter the definition of a ‘competent interpreter or translator’ to require NAATI accreditation and/or include membership of a professional association to ensure adherence to a professional code of ethics.

Findings of the review in relation to these issues are detailed below.

### 4.1 Strengths of the current policy

The review identified the following strengths of the current policy:

#### 4.1.1 STATEMENT OF COMMITMENT

There was agreement that the existence of a policy is, in itself, a strength as it provides:

- ▣ a mechanism to ensure people are not disadvantaged in accessing government services as a result of language barriers, including those in the Indigenous and Deaf communities
- ▣ a level of accountability for government agencies
- ▣ a reference point for government, the community and practitioners
- ▣ a tool to raise the awareness of government and non-government agencies of the need to provide language services
- ▣ a framework for continuous improvement in agency practice and policy development related to the use of interpreting and translating services.

As participants at the interpreting and translating sector consultation forum commented:

*The policy says to the training organisations and government agencies ‘I have a responsibility’. The policy says to the client ‘I have a right’.*

*It is a benefit to have a policy because the public sector has to follow it. The Royal Perth Hospital has been implementing the policy and the document gives support to its work.*

*[It has] raised the profile within government agencies for the profession.*

## 4. The policy

It was noted that the policy complements the *Equal Opportunity Act 1984* and related access and equity policies such as the *Policy Framework on Substantive Equality*.

### 4.1.2 INFORMATION

Specific content within the policy was highlighted as useful including:

- ▣ information provided under ‘Implementing the Policy’—this section includes guidance on when interpreters and translating services ‘must’, ‘should’ or ‘may’ be used; how to determine the need for an interpreter; and how to access and use interpreting and translating services
- ▣ information contained in the appendices, particularly the list of languages and countries in which they are spoken and the ‘decision making’ tree.

### 4.1.3 A BROADER DEFINITION OF A ‘COMPETENT INTERPRETER OR TRANSLATOR’

There was disagreement regarding the equal recognition that the policy’s definition of a ‘competent interpreter or translator’ gives to practitioners who hold NAATI accreditation and those who have obtained a formal qualification in interpreting and translating from an accredited tertiary institution. However, those in support of the definition identified the following benefits:

- ▣ it provides opportunities for interpreters and translators who are not NAATI accredited to work with WA Government agencies
- ▣ it emphasises the need for training and increases the incentive for prospective interpreters and translators to undertake interpreting and/or translating VET or university level courses

- ▣ it increases the potential for training providers to train in languages that are not accredited by NAATI.

In addition to extending the definition to include practitioners who have a tertiary qualification, it was also asserted that the policy is practical and useful because it also acknowledges that there are some languages for which there is neither training nor accreditation. It was considered that, in this way, the policy addresses the realities of the interpreting and translating sector and enables the use of translators or interpreters for languages required by WA State Government agencies but for which there is no qualification or credential.

### 4.1.4 QUALITY BENCHMARKS

While the review found that this element of the policy should be strengthened, the focus on the provision of quality interpreting and translating services was considered to be an advantage. It was suggested that, in doing so, the policy:

- ▣ sets service quality benchmarks
- ▣ highlights the importance of quality control and risk management and provides a framework through which to address these.

It was also considered appropriate that adherence ‘to a professional Code of Ethics for Practitioners’ is the first criterion mentioned in the definition of a competent interpreter or translator.

## 4.2 Opportunities for improvement

The review found that, while the policy is considered an important foundation for the implementation of interpreting and translating services across the WA public sector, there is significant room for improvement. The areas identified for improvement were in relation to:

## 4. The policy

- ▣ the definition of a competent interpreter and translator
- ▣ quality assurance and complaints processes
- ▣ length and structure
- ▣ accuracy and currency of information
- ▣ the need for additional information and guidance on some issues.

These areas and related suggestions are explained in more detail below.

### 4.2.1 DEFINITION OF A COMPETENT INTERPRETER

The review discussion paper highlighted disparate views regarding the policy's definition of a competent interpreter and translator and these were reflected in consultation forum discussions and written submissions.

The policy defines a competent interpreter or translator as:

*Those who adhere to a professional Code of Ethics for Practitioners incorporating the principles of impartiality and confidentiality, and performance that is accurate and faithful, and who meet at least one of the following criteria:*

1. *Accredited by the National Accreditation Authority for Translators and Interpreters (NAATI), which can be achieved by passing a NAATI test; or by providing evidence of specialised qualifications in translating and/or interpreting obtained from a recognised training institution outside Australia;*
2. *Obtained a formal qualification in interpreting or translating from an accredited tertiary institution.*

*In languages where there is neither training nor NAATI accreditation:*

3. *NAATI recognised, which requires evidence of English proficiency, two referee reports and completion of a short training course;*
4. *Recognised by an approved or contracted service provider – such as the Translator and Interpreter Service (TIS), Deaf Interpreting Services (DIS), Kimberley Interpreting Service (KIS), or other private sector providers; or*
5. *An employee of an organisation, who is a Bilingual Language Aide with additional training in interpreting services, e.g. completed a nationally accredited training module.*

*In interpreting, NAATI accreditation, or a formal qualification from an accredited tertiary institution are available at a number of levels. This policy document refers to the paraprofessional and professional levels.*

*The level of competence of an interpreter or a translator is commensurate with their level of accreditation or training.<sup>30</sup>*

Consultations and written submissions revealed contrasting views on the equal recognition the definition gives to practitioners who hold NAATI accreditation and those who have obtained a formal qualification in interpreting and translating from an accredited tertiary institution.

Debate regarding the definition was not present at the consultation forum with public sector agencies and NGOs but was a marked feature of the consultation forum with interpreting and translating sector representatives.

<sup>30</sup> Government of Western Australia *Western Australian Language Services Policy 2008* p. 5

## 4. The policy

Views were contrasted to the extent that some stated a desire for NAATI credentials to be the primary criterion for determining a ‘competent interpreter or translator’, with training and education qualifications as a secondary criterion, while others were of the opposite opinion or believed that the definition should remain as stated with no preference given to either.

The need to revisit the definition of a ‘competent interpreter or translator’ was evident in participants’ nominations of their two priority actions in respect of the policy. Six (24%) of the 25 participants who participated in this activity<sup>31</sup> nominated the need to revisit the definition of a ‘competent interpreter or translator’ and to redefine minimum standards as one of their top two priorities.

Issues of concern specifically raised at the forum, and in the submission from NAATI, were:

- confusion among consumers, practitioners and service providers arising from a lack of understanding of the differences between NAATI credentialing processes, vocational education and training (VET) and tertiary qualification levels
- the policy’s inconsistency with the policies of other jurisdictions.

These concerns were countered with the following respective arguments in the submission from AUSIT:

- In some other professions, credentials may be obtained through more than one organisation in Australia and this does not appear to create difficulties. It was suggested that any confusion arising could be off-set by awareness raising and training.

- There is no legal requirement that any person who practises interpreting and translating must have either accreditation or a formal qualification. Commercial clients are not compelled to, and do not necessarily, require NAATI accreditation of the interpreters or translators they engage. A practitioner who considers interpreting and/or translating their profession and gains their income solely from such work within Australia is likely to be either already accredited or would acquire accreditation to obtain interstate work where necessary.
- A considerable proportion of translators in Australia work mostly, if not entirely, for overseas clients, who do not require accreditation.

The AUSIT submission further asserted that:

*... the WA model is better than other states’ LSPs because it does acknowledge training as a suitable qualification. This argument in support of training as a suitable qualification has been strengthened by the implementation of the national competency packages. This implementation will produce T&I graduates in the next year or two (NSW). This means that the WA LSP is actually ahead of the other states.*

*The argument to make the WA LSP fall in line with other states is not an argument for a good LSP, but an argument to make NAATI the sole arbiter of T&I credentials, which was originally not the purpose of NAATI’ establishment.<sup>32</sup>*

A common view expressed at the consultation forum and in submissions, however, was that a definition of a ‘competent interpreter or translator’ was, in fact, not necessary. The AUSIT submission noted that the current

<sup>31</sup> A total of 27 participants attended the forum with interpreting and translating sector representatives, however, only 25 participated in this activity.

<sup>32</sup> AUSIT WA Submission on LSP Review 2011 p. 5

## 4. The policy

Victorian language services policy does not try to define competence. The AUSIT submission further stated:

*The attempt to define ‘competent’ T/Is in the WA LSP is not entirely successful. In fact, it may be better to abandon the definition as it creates more uncertainty rather than less. Simplifying this part of the LSP would help government agencies use it more successfully.*<sup>33</sup>

The NAATI submission also noted that:

*The purpose of the definition is to ensure the best available translators and interpreters are engaged by agencies of the WA Government to meet the LOTE needs of clients. That purpose can be achieved without defining competence.*<sup>34</sup>

In place of the definition of a ‘competent interpreter or translator’ it was suggested that the policy instead provide clear guidance on the levels of accreditation or qualification that should be held by language services practitioners—be they interpreters or translators or bilingual staff—to meet the needs of various circumstances.

The AUSIT submission suggested that the policy could include a hierarchy of interpreting and translating qualifications and/or credentials in the Minimum Standards for Using Interpreting and Translating Services.

<sup>33</sup> *ibid* p.6 Other Australian jurisdictions also do not include a definition of a ‘competent interpreter or translator’. For example, the Queensland Language Services Policy—A multicultural future for all of us, refers to ‘professional’ interpreters and translators and the Northern Territory Language Services Policy refers to ‘qualified’ interpreters and translators.

<sup>34</sup> NAATI Submission on WA Language Services Policy (29 July 2011) p. 1

### Recommendation 8

**The definition of a ‘competent interpreter or translator’ be removed from the policy and replaced by:**

- detailed information explaining the meaning of various NAATI credentials and tertiary qualifications and highlighting the advantages of employing practitioners who have undertaken interpreting and translating training at a VET or tertiary level and those who have received specialised training, particularly in the areas of health and law
- guidelines to assist officers select the most appropriately accredited or trained interpreter or translator for different situations.

#### 4.2.2 QUALITY ASSURANCE

A key component of the *Western Australian Language Services Policy 2008* is a commitment to the delivery of quality interpreting and translating services. This is reflected in the policy’s inclusion of a definition of a ‘competent’ interpreter or translator, minimum standards for using interpreting and translating services, and the ‘Government Policy and Commitment’ which states:

*The Western Australian Government is committed to providing accessible and responsive services to all Western Australians.*

## 4. The policy

*Clients not able to communicate through written or spoken English may require access to competent interpreters and translators when accessing and using Government services, depending on the particular service provided.<sup>35</sup>*

With reference to determining appropriate purchasing methods, the policy states that:

*... agencies should ensure that interpreters and translators used:*

- *meet the requirements for professional or competent interpreters or translators as defined in this Policy;*
- *adhere to a professional code of ethics that includes the principles of impartiality, neutrality and confidentiality; and*
- *have quality assurance systems designed to achieve accuracy and faithfulness in interpreting and translating services in place.<sup>36</sup>*

Appendix 3 in the policy details the rights and responsibilities of parties in a 'communicative discourse'.

An investigation into interpreter policies, practices and protocols in Australian courts and tribunals by Professor Sandra Hale identified a number of factors impacting on the delivery of quality services in legal contexts, including:

- the shortage of qualified interpreters in some languages which some judicial officers argued made it impossible for them to demand any minimum qualifications
- the tendency for NAATI accreditation to be used as the only benchmark of quality used by judicial officers, with none taking into account tertiary qualifications

<sup>35</sup> *Government of Western Australia Western Australian Language Services Policy 2008* p. 7

<sup>36</sup> *Ibid.* p. 12

- the variety of pathways through which NAATI accreditation may be achieved which results in lack of uniformity in skill levels among interpreters holding the same NAATI accreditation level
- most interpreters who work in courts and tribunals do not have any formal legal interpreting training
- lack of incentives for interpreters to become trained since pay differentials between those less or more qualified were negligible or non-existent
- poor working conditions provided to interpreters in court situations
- low pay rates which deterred more qualified interpreters from taking on assignments
- lack of training for judicial officers to enable them to assess the qualifications appropriate to a situation.<sup>37</sup>

The importance of quality is highlighted in the Hale report which notes that:

*The question on how often tribunal members and judicial officers felt dissatisfied with the interpreters' services they received revealed that almost 60% (58.8%) felt dissatisfied sometimes, with 11.5% feeling dissatisfied often or very often ... When we consider the consequences of incompetent interpreting on the fairness of bilingual cases, such a figure becomes alarming. An interesting finding was that the courts that give preference to the best qualified interpreters have proportionately less occasions of being dissatisfied than those that do not give preference.<sup>38</sup>*

<sup>37</sup> Hale, S (July 2011) *Interpreter policies, practices and protocols in Australian Courts and Tribunals: A national survey* Australasian Institute of Judicial Administration and the Interpreting & Translating Research Group, University of Western Sydney pp. xii, xiii, 3, 14, 16, 18

<sup>38</sup> *ibid.* p. 19



## 4. The policy

### Quality assurance processes

The review revealed a desire for greater guidance for WA public sector agencies to enable them to monitor the quality of interpreting and translating services.

For example, although the policy states that the level of competence of an interpreter or a translator is commensurate with their level of accreditation or training, it does not provide guidance for public sector agencies in assessing the appropriateness of the various levels of qualification and credentials and the relative levels of risk for each situation.

In its submission, WAITI stated that:

*The WALSP 2008 is silent on what constitutes a quality assurance process in translating ... Quality assurance as it is practised in industry starts with the definition of an adequate product or service, and within the constraints of economic viability doing whatever is necessary to deliver that product or service.*

*There has been very little evidence of what might constitute 'quality' in the provision of interpreting and translating services to government agencies, other than to rely on NAATI credentials. The WALSP 2008 introduced the dimension of qualification, but both qualifications and credentials focus on the individual practitioner, and do not of themselves constitute quality assurance. What 'quality assurance' that has existed in government procured interpreting and translating services has been confined to reacting to complaints ...*

*... competency and quality assurance principles are either not reflected in government procurement, or are reflected in a confused and confusing manner and not enforced...<sup>39</sup>*

<sup>39</sup> WAITI (4 August 2011) *Response to OMI Discussion Paper* p. 3

The submission stated WAITI's view that two elements are central to quality assurance in interpreting and translating services:

- matching practitioner competence to task
- implementing processes that support delivery of a quality product.

WAITI asserted that mechanisms are needed to enforce contractual quality assurance requirements on providers of language services to government. Additionally, it was considered essential that:

- government agencies and NGOs understand the risks associated with untrained interpreters, particularly with 'ad hoc' interpreting by bilingual workers
- government agencies and providers of migrant language services to government understand what constitutes quality assurance in interpreting and translating.

The consultation with public sector agencies and NGOs identified a number of suggestions to achieve greater quality control. They were:

- development of standardised quality assurance and monitoring processes such as:
  - short evaluation forms, for completion by clients, interpreters and/or public sector staff, to be completed post service use
  - a good practice checklist
- state-level monitoring by OMI to monitor different levels of satisfaction
- development by OMI of agency self-assessment tools
- professional development for staff involved in arranging interpreting and translating services (see Section 3.1.2)

## 4. The policy

- ▣ training of interpreters and translators in relation to the work of specific agencies, particularly in specialised areas such as health and justice (see Section 4.3.1).

AUSIT submitted that monitoring of translations could occur by engaging third party qualified and credentialed practitioners, who are preferably members of a professional association, to review documents on a piece basis, for example, by scoring a translation according to the government agencies' brief. Audits such as this could be instituted to give agencies some quantified measure of the accuracy and fidelity of translations.<sup>40</sup>

AUSIT also highlighted the importance of engaging interpreters and translators who have made an express commitment to the professional ethics of interpreting and translating through membership of a professional association.

Some consultation participants suggested that the introduction of a CUA could introduce a level of quality control into the process. For example, if a CUA was introduced, appropriate clauses concerning ethical conduct could be included. However, it was acknowledged that, even if such clauses were included, adherence to standards could not be guaranteed.

This was also reflected in the Hale report which states that formal qualifications should be taken into consideration when hiring interpreters to work in courts and tribunals but found that:

*... most agencies that supply courts and tribunals with interpreters do not include any interpreting formal qualifications on their interpreters' profiles and therefore cannot give preference to the best-qualified interpreters, despite the fact that some*

*policies indicate such a preference should be given. Some of the agencies have a rotating system, where interpreters, regardless of their qualifications, level of skill or positive or negative feedback, are allocated work on a rotational basis.<sup>41</sup>*

The report also notes that both the NAATI and AUSIT directories only state the interpreters' NAATI accreditation level and do not list any formal qualifications.

The report quotes the finding by the Hon Len Roberts-Smith, an ex-Western Australian Supreme Court judge, in reviewing the main cases where language issues led to jurisdictional error. He concluded that the underlying causes were either not hiring an interpreter at all, or hiring one without the high-level skills required to perform the task, even when they were accredited by NAATI at the professional level.<sup>42</sup>

As a means of quality assurance and control, the report recommends that:

- ▣ all courts and tribunals always give preference to the best-qualified interpreters (Recommendation 1)
- ▣ all interpreters be required to state their qualifications at the commencement of proceedings (Recommendation 2)
- ▣ all interpreters who work in courts and tribunals complete formal legal interpreting training (Recommendation 3)
- ▣ a national register of qualified legal interpreters be established (Recommendation 6).

<sup>41</sup> Hale, S (July 2011) *Interpreter policies, practices and protocols in Australian Courts and Tribunals: A national survey*, Australasian Institute of Judicial Administration and the Interpreting & Translating Research Group, University of Western Sydney p. 20

<sup>42</sup> *ibid.* p. 3

<sup>40</sup> AUSIT WA *Submission on LSP Review 2011* p. 14



## 4. The policy

### Complaints processes

The review also found support for more guidance in relation to complaints procedures. OMI's 'Information for Communities' brochure notes that complaints regarding access to interpreters should first be made to the government agency and, if not satisfied, referred to the Western Australian Ombudsman.<sup>43</sup>

In the context of recording data for ongoing monitoring, the policy states:

*Client satisfaction can be gauged through surveys (oral/written) and encouragement for clients to provide feedback at all stages of interaction between client and service provider in ways that suit the client. Complaints from clients should be similarly assessed, recorded and used to implement continuous improvement. Procedures should be in place to deal with complaints or grievances from clients, interpreters and translators.*<sup>44</sup>

AUSIT submitted that this is insufficient and that a section should be inserted into the policy which facilitates reporting of miscommunication. This was considered important for reducing legal risk, ensuring that the minimum standards of service provision are met and addressing as soon as possible any potentially harmful consequences.<sup>45</sup>

AUSIT stressed the importance of bringing situations of miscommunication to the attention of those responsible to ensure that the quality of the service is monitored

and maintained. It was noted that miscommunication may occur regardless of the policy, or any practitioner qualification or credential and that the policy should include advice:

- that government agencies should ensure clients are made aware of their right to complain about poor and/or unethical interpreting and translating service provision
- for government agencies and clients about how to make such complaints.

The submission highlighted that AUSIT's first objective is to 'further professionalism in translating and interpreting in Australia generally and to that end establish and uphold professional and ethical standards in interpreting and translating' and noted that the policy does not mention that complaints about alleged breaches of the AUSIT Code of Ethics and Code of Professional Conduct may be referred to AUSIT. It was noted that, while disciplinary measures enabled by the AUSIT Constitution apply only to members, AUSIT has the expertise to investigate complaints about professional conduct by interpreters and translators and to provide recommendations on whether or not the individuals concerned are members. AUSIT stated that it is in a position to provide advice on individual cases referred to it by government agencies.

The Hale report also highlighted deficiencies in complaints processes in courts and tribunals and made two recommendations:<sup>46</sup>

<sup>43</sup> The brochure is available in English, Arabic, Chinese, Dari, Dinka, Italian, Karen, Polish, Serbian, Swahili and Vietnamese at: [http://www.omi.wa.gov.au/resources/publications/Languages/information\\_for\\_communities.pdf](http://www.omi.wa.gov.au/resources/publications/Languages/information_for_communities.pdf)

<sup>44</sup> Government of Western Australia *Western Australian Language Services Policy 2008* p. 13

<sup>45</sup> AUSIT WA *Submission on LSP Review 2011* p. 10

<sup>46</sup> Hale, S (July 2011) *Interpreter policies, practices and protocols in Australian Courts and Tribunals: A national survey*, Australasian Institute of Judicial Administration and the Interpreting & Translating Research Group, University of Western Sydney pp. 53–55

## 4. The policy

- ▣ Recommendation 14: That better feedback mechanisms be established for judicial officers, tribunal members and interpreters
- ▣ Recommendation 16: That a protocol on working with interpreters in courts and tribunals be established that includes clear, uniform guidelines on providing feedback and dealing with complaints be part of a national protocol to be used by all courts and tribunals.

The consultation with public sector agencies and NGOs identified challenges in implementing complaints procedures. They included clients’:

- ▣ reluctance, and sometimes fear, in relation to making a complaint
- ▣ lack of awareness of their right to complain and/or the mechanisms by which to make a complaint
- ▣ language difficulties which, of themselves, may form a barrier to lodging an official complaint.

It was suggested that the following actions could be taken to improve complaints processes:

- ▣ adapting agency complaints procedures to also log interpreting and translating issues
- ▣ amending complaints mechanisms to ensure they are user friendly for clients of language services.

In its submission to the review, the Disability Services Commission suggested that a central database listing complaints regarding particular providers could be established. The submission noted, however, that the resource implications for establishing such a system would be significant and may outweigh any benefits. It was noted that any monitoring system should not involve onerous reporting requirements for agencies.<sup>47</sup>

<sup>47</sup> Disability Services Commission (July 2011) *Response to the Review of the Western Australian Language Services Policy* 2008 p. 3

### Contracts with external service providers

The review found support for including in guidelines to agencies a recommendation that relevant government contracts with external organisations include provision of interpreting and translating services. For example, the New South Wales Government requires agencies to ensure that contracts with private providers and funding agreements with non-government organisations identify a budget for interpreting and translating, appropriate to the services provided and the needs of the clients of the service, and that appropriate monitoring processes are included in the contracts or funding agreements.

Respondents to this review noted that, while contract costs would be impacted, such a requirement would contribute to increased awareness and implementation of the policy. However, the Disability Services Commission submitted that this may be a matter best left to individual agencies to determine, based on their circumstances.<sup>48</sup>

### Requirement for NAATI accreditation

The review found significant disagreement regarding the benefits of prioritising NAATI accreditation as part of the definition of a ‘competent interpreter’ (see Section 4.1.2).

There was general agreement that:

- ▣ a definition of a ‘competent interpreter or translator’ is not necessary
- ▣ the definition should be replaced by guidance for agencies regarding the levels of accreditation or qualification that should be held by language services practitioners to meet agencies’ needs in various circumstances.

<sup>48</sup> *ibid*



## 4. The policy

The findings of the Hale report reinforce the view that NAATI accreditation does not, in itself, guarantee quality since NAATI accreditation may be obtained via a number of different pathways which results in interpreters with the same NAATI accreditation level having very different levels of skill:

*The pathway to obtaining accreditation is therefore very diverse, with obvious differences across those who hold the same level of accreditation but have obtained it through very different means ... Interpreters accredited at the same NAATI level, therefore, will have different qualifications and skill levels. This explains the comments from the JOs<sup>49</sup> which appear below:*

*Quote 1: "NAATI 3 is the benchmark, and we aim for that, although it guarantees little in terms of quality."*

*Quote 2: "I am concerned that too much weight is placed on NAATI level 3 accreditation. In my experience level 3 NAATI accreditation counts for nothing and most of my preferred interpreters are not level 3 accredited."<sup>50</sup>*

The report does, however, include several references to the concept of competency. For example, it notes that the Australian Capital Territory (ACT) has commissioned an internal discussion paper on the use of interpreters in ACT courts and tribunals and that this discusses the importance of using 'competent' interpreters which defines a 'competent interpreter' as not only 'accredited' but also 'trained'.

49 The abbreviation JO used in the report refers to both Judicial Officers and Tribunal Members.

50 Hale, S (July 2011) *Interpreter policies, practices and protocols in Australian Courts and Tribunals: A national survey*, Australasian Institute of Judicial Administration and the Interpreting & Translating Research Group, University of Western Sydney pp. 13, 14

### Requirement for membership of a professional association

The definition of 'competent' refers to adherence to a professional code of ethics such as the AUSIT Code of Ethics.<sup>51</sup>

However, it has been argued that a person may hold a qualification or received NAATI accreditation but unless they are a member of a professional association, they are not bound to adhere to a code of ethics.<sup>52</sup> A contrary argument is that even membership of a professional association will not guarantee ongoing ethical conduct.<sup>53</sup>

The review found that, while it was acknowledged that membership of a professional association would not guarantee adherence to ethical standards, it was generally agreed that the policy's definition of a 'competent interpreter or translator' should include a requirement for membership of a professional association. This reflects a general view that membership of a professional association indicates at least some level of commitment to ethical practices.

51 The policy does not mention the Australian Sign Language of Australia (ASLIA) Code of Ethics, which covers the Auslan interpreting sector.

52 Ethics are a key feature of units of competence of accredited training courses and are a subject revisited throughout the length of a course. NAATI testing includes written and oral short answer questions on 'Ethics of the Profession' that candidates must answer in order to gain accreditation. The number and way these are answered varies depending on the type of test.

53 It is noted that a person who is proven to have behaved in a consistently unethical manner may have their NAATI accreditation revoked.

## 4. The policy

### Recommendation 9

**The policy and/or guidelines include information to assist agencies to establish and monitor quality assurance and complaints processes.**

### Recommendation 10

**The Office of Multicultural Interests promotes the availability of complaints processes to people from culturally and linguistically diverse backgrounds.**

#### 4.2.3 LENGTH AND STRUCTURE

There was a strong view among public sector and NGO staff that the policy should be split into a short policy statement and a set of implementation guidelines. It was suggested that the policy document currently provides information which, while useful, is too long.

Public sector and NGO participants at the consultation forum were supportive of the development of:

- a short document summarising key elements of the WA Government policy
- a set of guidelines that can be used on a daily basis, particularly by front line staff
- a series of fact sheets based on the policy and associated guidelines.

#### 4.2.4 ACCURACY AND CURRENCY OF INFORMATION

The review identified specific information in the policy which needs to be updated.

*Definitions (p.5)*

- The definition of a competent interpreter or translator cites only three of the ways in which NAATI accreditation may be obtained. Those not mentioned in the policy are: providing evidence of a membership of a recognised international translating and/or interpreting association; and providing evidence of advanced standing in translating or interpreting.<sup>54</sup>
- The definition of a competent interpreter or translator does not clearly specify whether “obtained a formal qualification in interpreting or translating from an accredited tertiary institution” includes overseas tertiary institutions or only Australian NAATI-approved courses.

<sup>54</sup> See: <http://www.naati.com.au/accreditation.html>.

## 4. The policy

- The statement that “The level of competence of an interpreter or a translator is commensurate with their level of accreditation or training” is not correct. For example, a practitioner who has high-level tertiary qualifications obtained overseas may only have NAATI recognition, but be more competent than some other practitioners who are accredited by NAATI at the professional level.
- The policy indicates a direct link between a level of NAATI accreditation and a level of qualification under the Australian Qualification Framework, however, this is not the case.
- The list of NAATI accreditation levels includes only four of a possible 19 credentials awarded in WA: Paraprofessional Interpreter, Paraprofessional Translator, Professional Interpreter and Professional Translator. The current list is as follows:
- The NAATI Professional Translator accreditation has been aligned with the Advanced Diploma of Interpreting. If any link is to be made it should be to the Advanced Diploma of Translating.
- The definition of ASLIA is incorrect. The correct wording is:
 

*The Australian Sign Language Interpreters’ Association (ASLIA) is a non-profit body, and the national peak organisation representing the needs and interests of Auslan/English Interpreters and Deaf (Relay) Interpreters in Australia. The Association comprises a national Executive Committee (ASLIA National), a Representative Council and branches in most states and territories.*

Table 4: NAATI credentials awarded in Western Australia<sup>55</sup>

Paraprofessional Interpreter	Advanced Translator into LOTE
Paraprofessional Translator	Advanced Translator Special Accreditation not involving English
Professional Interpreter	Conference Interpreter (Senior) both directions
Professional Translator into English	Conference Interpreter (Senior) into English
Professional Translator into LOTE	Conference Interpreter (Senior) into LOTE
Conference Interpreter both directions	Conference Interpreter (Senior) Special Accreditation not involving English
Conference Interpreter into English	Advanced Translator (Senior) into English
Conference Interpreter into LOTE	Advanced Translator (Senior) into LOTE
Conference Interpreter Special Accreditation not involving English	Advanced Translator (Senior) Special Accreditation not involving English
Advanced Translator into English	

<sup>55</sup> Information provided by NAATI 18 August 2011.

## 4. The policy

### *Relevant policy documents (p. 8)*

- Reference to the *Equal Opportunity Act 1984* (p. 8 of the policy) is preceded by the words “In addition ...” It was suggested that the preceding words should be deleted because the Act is law. It was also suggested that reference to the Act should be the first item under the heading of ‘Relevant Policy Documents’.
- The Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians is no longer current and should be deleted.

### *Determining appropriate purchasing methods—ad-hoc buying (p. 12)*

- Some guidance should be given in this section in relation to matters of accountability and quality assurance for ad-hoc providers.

### *Appendices (pp 21–32)*

- Update Appendix 1—the ‘Questionnaire for Determining if an Interpreter is Required’ to make it more relevant and contemporary.
- Update Appendix 4—the ‘Countries and Main Languages Used’—and indicate major and minor languages used in countries in which several languages are spoken.
- Review and update Appendix 5—the list of Aboriginal Languages.
- Review and update Appendix 6—Aboriginal Language Centres—taking into account the degree to which the organisations on the list have sufficient capacity to undertake the role of Aboriginal language centres, and make reference to these in the body of the policy.

### *Terminology*

- Use of the word ‘recognised’ in relation to both NAATI recognition and in its broader sense; for example, ‘recognised training institution’, creates confusion. It was suggested that any future revision of the policy should use NAATI’s terminology, for example, ‘Accreditation’, ‘Recognition’, ‘Testing’, and ‘Overseas Qualifications’ to help readers understand the distinctions between NAATI processes and non-NAATI processes.

### **4.2.5 ADDITIONAL INFORMATION AND GUIDANCE**

A number of suggestions were made regarding future improvements to the policy. These are listed below according to the sections of the policy to which they relate.

#### *Definitions (p. 5)*

- Include reference to adherence to a Code of Ethics in the definition of professional interpreters and translators.
- Include a definition of ‘bilingual staff’.

#### *Aboriginal languages (p. 7)*

- Include a reference to Aboriginal English. Reference is made to the possibility that Aboriginal people may not understand ‘complex questions’, however, it is also possible that what they may not understand is Australian English. This issue is noted in the section of the policy which relates to ‘Ability to communicate in English’ but could be highlighted earlier in the document.



## 4. The policy

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### *Minimum Standards (p. 9)*

- Amend the Minimum Standards for Using Interpreting and Translating Services to cover issues such as the use of gender-specific interpreting and translating services, family members and people under the age of 18.
- Amend the term 'Minimum Standards' to read 'required standards'.

### *Recording data for ongoing monitoring (p. 12)*

- Make reference to privacy legislation.
- Identify a process by which data should be collected and how it might be used.
- Make reference to the ABS Standards for Statistics on Cultural and Language Diversity.

### *When interpreters and translators 'must', 'should' or 'may' be used (p. 14)*

- Include case studies and examples to illustrate when interpreters and translators should be used in accordance with the hierarchy of interpreting and translating qualifications and/or credentials.
- Include examples of best practice.
- Highlight the positive benefits for people who receive the services of an interpreter/translator.
- Clarify the terms 'must', 'should' and 'may'.
- Provide greater clarification regarding situations in which there is flexibility for agencies to use bilingual staff.
- Provide information on how to deal with complex cases, such as people with dementia or mental illness, in which a decision about interpreting might need to be made on a person's behalf.

- Include more information regarding the cultural sensitivities involved in using interpreting and translating services including those relating to privacy and confidentiality.
- Provide information about conflicts of interest that may arise, how to avoid such situations and how to deal with them.
- Include more information on the rights of clients to refuse an interpreter and how to deal with the situation.
- Include information on how to deal with people who are reluctant to have an interpreter or people who lack confidence in the person who is interpreting on their behalf.
- Explain more clearly and succinctly the key elements of the communication process.
- Explain some of the cultural nuances that need to be taken into consideration when using Indigenous interpreters.<sup>56</sup>
- Provide greater clarity regarding the use of minors as interpreters or translators.

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<sup>56</sup> The Equal Opportunity Commission report *Indigenous Interpreting Service—Is there a need?* notes that that Indigenous language groups are skin based, with speakers of a particular language usually occupying a specific area within a broader region, and that cultural nuances associated with skin groups vary from region to region. Indigenous interpreters are also required to observe customary law governing the form and style of language to be used as well as restrictions on verbal communications in particular situations. Considerations include ceremonial status, kinship position, age, gender and the subject being discussed. In a court situation, rules of behaviour based on kinship may also affect the willingness or ability of a witness to speak.

## 4. The policy

*How to access and use interpreting and translating services (p. 17)*

- ▣ Include sign language interpreting service providers in the list of language services providers.
- ▣ Clarify how to purchase the services of interpreters and translators.

*Government liability and risk of miscommunication (p. 15)*

- ▣ Clarify the rights and risks for service providers and clients including:
  - ▣ essential information for service providers
  - ▣ clients' rights
  - ▣ risks for both if interpreters and/or translators are not used.

*Appendix 6—Aboriginal Language Centres (p. 32)*

- ▣ Provide an indication of which languages are available through Indigenous language services since people will not always be aware of the differences and geographic locations of language groups.

*Additional information and resources*

- ▣ Include reference to the Australian Sign Language of Australia (ASLIA) Code of Ethics which covers the Auslan interpreting sector.
- ▣ Include an index which guides users to specific areas of the policy such as Auslan.
- ▣ Include a list of CaLD community resources to enable agencies to connect with supports and tap into community needs.
- ▣ Include suggested quality assurance and complaints processes and templates.

- ▣ Highlight how agencies will differ in their use of policy.
- ▣ Provide related resources such as 'welcome' and 'if you need an interpreter' posters.

### Recommendation 11

**The policy be revised and restructured to include:**

- ▣ a short policy statement
- ▣ a set of implementation guidelines
- ▣ case studies and examples to illustrate good practice in the implementation of the policy
- ▣ updated and accurate information (as identified in this review).



## 4. The policy

### 4.3 Industry Standards

In the interests of raising and maintaining standards, the review sought feedback on whether:

- there is a need for interpreters and translators to receive specialised training, for example, in the fields of health and law
- the policy should facilitate development of a university course to raise the standard of interpreting and translating professionals, particularly for industries involving a high level of complexity and specialisation<sup>57</sup>
- the policy should facilitate establishment of a registration board to regulate the industry.<sup>58</sup>

#### 4.3.1 SPECIALISED TRAINING

There was agreement that there is a need for interpreters and translators who work in the fields of health and/or law to have relevant training to equip them for this role and that this training should be available and promoted as part of practitioners' professional development. The AUSIT submission noted that:

*Neither tertiary training nor NAATI accreditation necessarily mean that the translator or interpreter has had formal training in health or law.*

<sup>57</sup> Bachelor, Graduate Diploma, and Masters degree courses are available in New South Wales, Victoria, and Queensland in two Chinese, two sign and 14 other languages. Past attempts to offer interpreting and translating courses in WA have been similarly limited in language options (provided by Edith Cowan University) or have been generic courses delivered in English with a view to encouraging research in the field (provided by Curtin University).

<sup>58</sup> Regulation must be a national initiative negotiated within the Council of Australian Governments (COAG) framework for competition and regulatory reform.

*Yet, these two fields are where miscommunication has the highest chance of resulting in materially damaging consequences such as:*

- a. *incorrect surgical procedures being carried out, or*
- b. *unfair judgements being reached by juries or judicial officers on the basis of faulty information ...*

*... the greatest responsibility of translators and interpreters to medical safety and legal justice is to maintain accuracy and fidelity to avoid miscommunication. Procedures for redressing miscommunications should be established (where they do not already exist) and be upheld. All stakeholders should be educated in those procedures.<sup>59</sup>*

In legal cases, it was suggested that specialised training may be more critical for interpreters than translators since translators have the benefit of time and written resources to comprehend the subject matter.

The NAATI submission also noted that:

*... debate about the need for specialist training for translators and interpreters in the legal and health systems ... reflects the critical importance of effective communication to the successful operation of these systems and the increasing demand for higher standards. The concerns expressed in most recent reports about interpreters in the legal system would apply equally to the health system.<sup>60</sup>*

Both submissions referred to the Hale report which contains three recommendations relating to specialised

<sup>59</sup> AUSIT WA Submission on LSP Review 2011 p. 11

<sup>60</sup> NAATI Submission on WA Language Services Policy (29 July 2011) p. 5

## 4. The policy

training for interpreters in the legal profession:

- ▣ Recommendation 3: That all interpreters who work in courts and tribunals complete formal legal training
- ▣ Recommendation 4: That special legal interpreting scholarships be established
- ▣ Recommendation 5: That NAATI introduce specialist legal accreditation.

The report cited the following skills required of interpreters in courts and tribunal settings as listed in the Queensland Supreme Court's 2005 *Equal Treatment Bench book*:

- ▣ comprehensive knowledge about the Australian legal system
- ▣ thorough understanding of the roles of lawyers and judicial officers
- ▣ sensitivity to legal culture
- ▣ command of legal terminology
- ▣ understanding of the structure of the legal systems in Australia and the country where the target language is spoken
- ▣ tertiary-level education or equivalent life experience
- ▣ ability to interpret consecutively and simultaneously
- ▣ commitment to ethical principles in legal settings
- ▣ understanding of lawyers' expectations and how to work professionally with them.<sup>61</sup>

<sup>61</sup> Hale, S (July 2011) *Interpreter policies, practices and protocols in Australian Courts and Tribunals: A national survey*, Australasian Institute of Judicial Administration and the Interpreting & Translating Research Group, University of Western Sydney pp. 12, 13

In its submission, NAATI notes that it has invited expressions of interest from experts for its 'Improvements to NAATI Testing' project in April 2011 and that this confirms its interest in the matter of specialised training as recommended in the report. The submission urged the Western Australian Government to seek consistent policy with other jurisdictions if it wishes to support specialist accreditation.

Participants at the consultation forum with interpreting and translating sector representatives also supported specialised training in the areas of health and law. It was suggested that membership of a professional body was important in this context as this is often a source of professional development opportunities.

The review identified only one mechanism through which the policy might facilitate this; that is, by stipulating the need for a practitioner to have received specialised training as part of their professional development if they are to undertake interpreting or translating in the areas of health or law for a WA public sector agency.

It was noted, however, that basic generalist interpreting and translating skills development needed to be a prerequisite for specialist training.

### 4.3.2 DEVELOPMENT OF A UNIVERSITY COURSE

There was general agreement that a university level course for interpreters and translators should be made available but that the policy should not stipulate the need for university qualifications as a minimum standard for employment as an interpreter or translator for a government agency.

The Independent Practicing Interpreters Association (IPIA) submitted that:

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*The reviewed LSP should be promoting and not hindering the creation of a university course, thus improving the service provided to the non-English speaking recipients of the service, raise the status of the profession to levels of overseas countries and open career paths to other professions, something that doesn't exist today, and increase the potential income of interpreters.<sup>62</sup>*

Other submissions also supported tertiary qualifications for interpreters and translators. NAATI submitted that:

*NAATI's preference is that translators and interpreters should ideally become accredited on the basis of successful completion of a tertiary qualification ... However NAATI's encouragement of tertiary qualifications does not prescribe, limit or direct how practitioners may acquire qualifications ... This policy reflects both the realities of the current education services offerings in Australia and also that different people will seek to enter the profession from different education starting points.<sup>63</sup>*

The AUSIT submission also acknowledged the realities of the profession which can limit the demand for a university level course in interpreting and translating:

*There is no WA University that will run a T&I course unless there is sufficient demand. There will not be sufficient demand unless potential T/Is (mostly from WA), or existing T/Is (again, mostly from WA), see the need for higher education.*

*Generally speaking, the T/I population are somewhat apathetic toward improving their skills formally. They might have limited time and/or financial resources to support that level of study.*

*The general approach of practitioners is to gain the minimum credential or qualification required*

*to get some sort of income from T&I work. So, government agencies ought to give preference to T/Is with higher education qualifications. Without such pressure, the demand for higher education in T&I is unlikely to grow sufficiently to warrant offering higher education courses.<sup>64</sup>*

Participants at the consultation forum with interpreting and translating sector representatives were not unanimous in their views regarding the need for a university level course for their profession. Issues raised were similar to those included in submissions:

- some interpreters may not be in a position to undertake university-level training
- a mandatory requirement for tertiary qualified practitioners would discriminate against some groups, such as Indigenous people, who are less likely to have completed higher level education
- imposing a requirement for tertiary qualifications would severely limit the pool of interpreting and translating practitioners available for use by WA public sector agencies.

There was general agreement that:

- a range of training and qualification options should be available to provide for career progression and skill development
- a university qualification, while useful and desirable, should not be the only education standard required by WA public sector agencies
- the policy should accommodate all available education levels while allowing for future improvements in education and skill levels.

<sup>62</sup> Submission from the Independent Practicing Interpreters Association (IPIA), p. 1

<sup>63</sup> NAATI Submission on WA Language Services Policy (29 July 2011) p. 5

<sup>64</sup> AUSIT WA Submission on LSP Review 2011 p. 11

## 4. The policy

### 4.3.3 ESTABLISHMENT OF A REGISTRATION BOARD

The review identified a need for further research and consultation with other jurisdictions into the need for increased regulation of the interpreting and translating sector and the potential for a registration board to be established.

The most recent research into the need for regulation of interpreting and translating was conducted in 1998. The research was commissioned by the then Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) following consideration by the Standing Committee on Immigration and Multicultural Affairs (SCIMA) of the Council of Australian Governments (COAG) establishment of Principles and Guidelines for National Standard Setting and Regulatory Action. This resulted in preparation of a Regulatory Impact Statement (RIS) and research report regarding the need for regulation of the interpreting and translating profession.<sup>65</sup> The final report concluded that:

*A legislative option is considered unjustified until data is available which indicates significant dissatisfaction with I/T services. When ... any change in the level of complaints (for example) is apparent, the need for a legislative rather than a voluntary approach to regulation should be reviewed.*<sup>66</sup>

The report's proposal for self-regulation, which involved establishment of an Interpreters and Translators Registration Board (ITRB) was considered by SCIMA in November 1998 and a working group was established to discuss a set of options for regulation of the sector.

<sup>65</sup> Peter Day Consulting (1997) *Regulating the Interpreting and Translating Profession—An issues paper for consultation* p. 1

<sup>66</sup> Peter Day Consulting (1998) *Regulating the interpreting and Translating Profession—Final Report* p. 8

The proposed model comprised:

- development of interpreters and translators quality profiles
- a list of interpreting and translating practitioners
- service agreements or employment contracts between interpreting and translating providers and purchasers
- an Ethics Committee to advise on sector-wide matters.<sup>67</sup>

There is no evidence to suggest that this model was endorsed and feedback to the current review of the *Western Australian Language Services Policy 2008* indicates that it is timely to revisit the potential for increased regulation of the sector.

The IPIA submission expressed strong support for increased regulation, stating that:

*The reviewed LSP should facilitate and not hinder the creation of a regulatory board for the profession. The policy should pave the way toward a registration board (RB) by giving to the already existing authority, NAATI, the power to regulate the profession. NAATI is already financed by the states and the federal government, has the database, the premises, and the fees of the members should be sufficient to run the board.*<sup>68</sup>

However, NAATI's submission acknowledged that, while it was timely to consider the matter, there are a

<sup>67</sup> Regulating the Translating and Interpreting Industry—Working Party Report to the Standing Committee on Immigration and Multicultural Affairs (SCIMA) and the Ministerial Council of [sic] Immigration and Multicultural Affairs (April 1999) p. 4

<sup>68</sup> IPIA submission the *Review of the Language Services Policy 2008* p. 1



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number of issues to be considered.<sup>69</sup> The submission referred to the Victorian Government report, *Regulation of the health professions in Victoria; A discussion paper* published in October 2003, noting its relevance to professions such as interpreting and translating.

The paper identifies six models for regulation. At one end of the spectrum is 'self-regulation' which does not involve enabling legislation and relies on practitioners' voluntary membership of professional associations for standards and discipline. At the other end is 'reservation of title and whole of practice' which involves enacting legislation to create registration boards and specifies offences for people who practice unregistered and also prescribes the nature and scope of practice.

Between the two extremes is 'co-regulation', in which regulatory responsibility is shared between government and the profession. In a situation of 'co-regulation' there is no registration board and no legislation passed to create enforcement powers. NAATI suggests that it is this model that currently applies to the interpreting and translating sector in Australia since professional associations are established that set membership requirements and discipline members as necessary, while governments monitor and accredit the associations and NAATI performs the role of 'co-regulation regulator'.

Under this arrangement:

- if a practitioner is a member of a professional association and behaves unethically they are subject to the disciplinary code of that association

- if they are not a member of a professional association but are NAATI accredited, NAATI can withdraw accreditation.

However, the limitations of this arrangement are that, if a practitioner is neither a member of the relevant association nor accredited by NAATI, there is no disciplinary process.

The NAATI submission further noted that a key issue for governments in deciding whether regulation is justified is the perceived risk of harm to the public from the absence of regulation.<sup>70</sup> As indicated by the desire for greater attention to be paid to specialised training for interpreters and translators in the fields of health and law, it could be argued that these risks might be sufficiently critical to warrant greater regulation than currently exists.

For example, the Hale report recommends establishment of a national register of qualified legal

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<sup>70</sup> Regulation must be a national initiative negotiated within the COAG framework for competition and regulatory reform. As an example of what is required for regulation under an Intergovernmental Agreement, in the health sector the following questions must first be satisfied:

1. Which Ministry has responsibility for regulating the occupations?
2. Do the activities of the occupations pose significant risk of harm to the public?
3. Do existing regulatory or other mechanisms fail to address the issues?
4. Is regulation possible to implement for the occupations?
5. Is regulation practical to implement for the occupations?
6. Do the benefits to the public of regulation clearly outweigh the potential negative impact of regulation?

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<sup>69</sup> NAATI Submission WA LSP Discussion Paper July 2011 p. 7

## 4. The policy

interpreters.<sup>71</sup> The report argues that such a register would have the following benefits:

- interpreters would be able to specialise in legal interpreting rather than be generalists
- interpreters in the languages of less demand who do not have enough work to warrant any educational investment, would be able to work in different states, either by travelling to the site or by interpreting via telephone or video conference
- states that do not have a high supply of local interpreters would have access to a national pool of the best-qualified interpreters
- courts and tribunals would benefit from better services from specialised professionals.

The NAATI submission suggests that, in the event that greater regulation is regarded as necessary for interpreters in the health and legal professions, then it would be logical to extend coverage to the whole profession. In such a case, a registration board and appointment of a regulator would be appropriate.

AUSIT's submission expressed support for the national register of qualified legal interpreters, as recommended by the Hale report, and noted the benefits of registration in terms of:

- protecting the public interest
- advancing the profession by insisting on a certain level of qualifications and/or credentials, ongoing

<sup>71</sup> Hale, S (July 2011) *Interpreter policies, practices and protocols in Australian Courts and Tribunals: A national survey*, Australasian Institute of Judicial Administration and the Interpreting & Translating Research Group, University of Western Sydney p. 22

professional development, and periodic review that would provide a strong incentive for practitioners to obtain, maintain, and enhance their skills, particularly if registered practitioners were given preference by government agencies.<sup>72</sup>

Both submissions noted that regulation should be established nationally rather than on a state-by-state basis. The NAATI submission highlights the costs involved in establishing and maintaining a registration board and associated administrative body. In the case of the interpreting and translating sector, it was noted that, since the profession is relatively small, relatively poorly paid and comprises mainly practitioners who work part-time, that there is limited financial capacity for interpreters and translating professionals to contribute to support the kind of model that exists for the health professions. NAATI expressed concerns regarding the potential impact of these costs on the profession:

*NAATI is concerned to increase the numbers of practitioners available and is reluctant to see additional costs levied on translators and interpreters which might discourage new practitioners from entering the profession or might encourage existing practitioners to leave.<sup>73</sup>*

However, the submission suggested that NAATI is well-placed to become the regulator, which would be responsible for managing the registration board, and that this would be a cost-effective option, although enabling legislation and funding would be required. It was suggested that, if WA is to consider regulation

<sup>72</sup> However, it was noted that a registration board would have no effective bearing on the work of interpreters and translators, especially translators, who provide services to clients in overseas locations. *AUSIT WA Submission on LSP Review 2011* p. 12

<sup>73</sup> *NAATI Submission on WA Language Services Policy (29 July 2011)* p. 8



## 4. The policy

through a registration board, consistent national action should be sought in consultation with other jurisdictions.

AUSIT's submission also stressed the need for research to be undertaken into the consequences of establishing a registration board. The need for further research was also reflected in discussions at the consultation forum with interpreting and translating sector representatives at which there were disparate views regarding the advantages and disadvantages of such a step. Issues raised included the need to:

- define what is meant by 'regulation' and 'registration board'
- identify the benefits to clients
- identify the organisation that would take on the regulatory function
- identify the roles of NAATI and AUSIT in the context of greater 'regulation'
- address the financial costs involved in increased regulation
- acknowledge the need to address the issues of disparity in qualifications and training and quality assurance processes, should increased regulation be considered.

There was a strong view, however, that the *Western Australian Language Services Policy 2008* was not the vehicle through which to facilitate the establishment of a registration board and that government should not be the regulator.

### Recommendation 12

**The Australian Government be encouraged to investigate the demand for greater regulation of the interpreting and translating sector, including the options for regulation, potential for NAATI to become the appointed regulator, cost implications for practitioners and any other relevant issues.**



## 5. Conclusion

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The review found that there was widespread support for the Western Australian Government to establish and support a language services policy. Strengths of the current policy identified in the review included its focus on the provision of quality interpreting and translating services and recognition of the importance of training of interpreters and translators.

The review also revealed a range of mechanisms through which to improve the policy and its implementation across the WA public sector. These included the development of a comprehensive communication strategy across the WA public sector and the community, training of public sector staff, better quality assurance processes and greater accountability.

While it was acknowledged that these strategies were likely to have funding and resource implications, such measures were regarded as necessary to ensure that Western Australia's Deaf, Indigenous and CaLD communities are able to equitably access WA public sector programs and services.



## 6. Appendix 1—List of submissions

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### **WA PUBLIC SECTOR AGENCIES**

Department of the Attorney General

Department of Indigenous Affairs

Disability Services Commission

Equal Opportunity Commission

WA Electoral Commission

### **INTERPRETING AND TRANSLATING SECTOR**

Australian Institute of Interpreters and Translators

Independent Practising Interpreters Association

Kimberley Interpreting Service

National Accreditation Authority for Translators and Interpreters

Western Australian Institute of Translators and Interpreters

**A number of written submissions were received from individuals**

## 7. Appendix 2—Consultation attendees

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Consultation with public sector and non-government agencies—Tuesday 5 July 2011

Association for Services to Torture and Trauma Survivors
Australian Asian Association of WA
Central Institute of Technology
Australian Government Department of Health and Ageing
Department for Child Protection
Department of Education
Department of Health
Department of Indigenous Affairs
Department of Local Government
Department of Sport and Recreation
Department of the Attorney General
Department of Training and Workforce Development
Department of Transport
Disability Services Commission
Equal Opportunity Commission
Extra Edge Community Services Incorporated
Mental Health Commission
Public Sector Commission
Public Transport Authority
Water Corporation
Western Australian Police
Western Australian Electoral Commission
Women's Health Care Association Incorporated



## 7. Appendix 2—Consultation attendees

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Consultation with interpreting and translating sector agencies—7 July 2011

Australian Institute of Interpreters and Translators
Central Institute of Technology
Curtin University/National Accreditation Authority for Translators and Interpreters (NAATI) Regional Advisory Committee (RAC)
Department of Training and Workforce Development
Fremantle Hospital
Independent Practising Interpreters Association
Kimberley Interpreting Service
National Accreditation Authority for Translators and Interpreters (WA)
National Accreditation Authority for Translators and Interpreters (National Office)
National Accreditation Authority for Translators and Interpreters (Regional Advisory Committee)
Royal Perth Hospital
Sir Charles Gairdner Hospital
WA Deaf Society
Western Australian Institute of Interpreters and Translators
WA Interpreters

## 8. Appendix 3—Discussion paper questions

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- Q1.** What are the strengths and weaknesses of the current definition of a ‘competent interpreter or translator’?
- Q2.** How could the definition of a ‘competent interpreter or translator’ be improved?
- Q3.** Should the definition of a ‘competent interpreter or translator’ require NAATI accreditation? Please give reasons for your answer.
- Q4.** To what extent does the policy’s definition of a ‘competent interpreter or translator’ impact on the measurement and monitoring of quality and standards in the interpreting and translating industry?
- Q5.** How might the policy be amended to support the maintenance of quality and standards in the interpreting and translating industry?
- Q6.** To what extent is there a need for interpreters and translators to receive specialised training, for example, in the fields of health and law?
- 7.** To what extent is there a need for:
- a university course in interpreting and translating?
  - a registration board to regulate the industry?
- If you believe there is a need for either or both of these, how might the policy support their introduction?
- Q8.** Should the policy’s definition of ‘competent’ require membership of a professional association to ensure practitioner commitment to ethical conduct?
- Q9.** What other mechanisms might be put in place to ensure practitioners are committed to ethical conduct?
- Q10.** How could the policy be promoted more effectively across the WA public sector?
- Q11.** To what extent is there a need to train staff across the WA public sector and what training do you believe is needed?
- Q12.** Whose role is it to promote the policy and train staff in the use of language services, especially working with interpreters?
- Q13.** Does your agency have established policies, protocols and/or standards for deciding when interpreting and translating services ‘must, should or may be used’ based on agency specific requirements, the nature of client engagement and level of risk to clients’ rights, health or safety?
- Q14.** Does your agency request interpreters or translators with a particular qualification or credential for different purposes/situations? If so, what process do you use for making these decisions?
- Q15.** What steps does your agency currently take to purchase from quality-assured providers and to monitor quality and standards of interpreting and translating services delivered to clients?
- Q16.** Should government contracts with external agencies include a requirement that interpreting and translating services are provided as needed?
- Q17.** How might the monitoring of quality and standards of interpreting and translating services delivered in the WA public sector be improved?
- Q18.** To what extent do you believe there is a need for the policy to provide more guidance to agencies to assess and monitor quality and standards of the language services they contract?



## 8. Appendix 3—Discussion paper questions

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- Q19.** Whose role do you think it should be to monitor the quality and standards of interpreting and translating services provided by WA public sector agencies?
- Q20.** To what extent do you believe there is a need for greater guidance in relation to complaints procedures regarding interpreting and translating services in the WA public sector?
- Q21.** What do you believe are the financial and administrative issues that limit the application of the policy?
- Q22.** How could these barriers be overcome?
- Q23.** What do you believe would be the advantages and disadvantages of a Common Use Agreement for interpreting and translating services?
- Q24.** To what extent does the list of six languages identified in the language services survey compare with your agency's experience in relation to the level of use of interpreting and translating among CaLD communities?
- Q25.** In which languages does your agency have the most need for language services?
- Q26.** To what extent would current information about new and emerging communities be of use to you?

