



Western Australian Language Services Policy 2020

Legislation and Policy

A range of legislation and policies underpins the Western Australian Language Services Policy 2020 and Guidelines.

General

Australian Human Rights Commission Act 1986

The *Australian Human Rights Commission Act 1986* established the Australian Human Rights Commission and gives it functions in relation to a number of international instruments including the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of Persons with Disabilities.

The Aboriginal and Torres Strait Islander Social Justice Commissioner has specific functions under this Act and the *Native Title Act 1993* to monitor the human rights of Aboriginal and Torres Strait Islander people.

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status ... (Schedule 2, Section 3; Part II—Article 2)

Public Sector Management Act 1994

Western Australia's *Public Sector Management Act 1994* requires all State Government agencies and employees to observe a code of conduct and follow human resource management guidelines based on fair and equitable principles including:

- 8.1.c *There is to be no unlawful discrimination against employees or persons seeking employment in the Public Sector on a ground referred to in the Equal Opportunity Act 1984 or any other ground ...*

- 9.c *... [exercising] proper courtesy, consideration and sensitivity in their dealings with members of the public and employees.*

Equal Opportunity Act 1984

The *Equal Opportunity Act 1984* (WA) provides a legislative mechanism to:

- eliminate discrimination on the grounds of sex, marital status, pregnancy, breastfeeding, family responsibility or family status, race, religious or political conviction, impairment, age or gender history in the areas of work, accommodation, education, the provision of goods, facilities and services, access to places and vehicles, land and the membership of clubs
- eliminate sexual and racial harassment in the workplace, educational institutions and accommodation
- promote community recognition and acceptance of the equality of men and women, and the equality of people of all races, regardless of their religious or political convictions, their impairments or their age.

An agency could discriminate against a person by imposing an unreasonable requirement or condition that they participate in a process or activity without the assistance of an interpreter or translator.

NB: Western Australia's Equal Opportunity Commission's 2010 report, *Indigenous Interpreting Service. Is there a need?* noted that Aboriginal interpreting services have not had a significant impact on Indigenous people's equitable access to Western Australian State Government services, particularly in the crucial areas of justice and health.

Discrimination

Racial Discrimination Act 1975

The *Racial Discrimination Act 1975* (Cth) gives effect to Australia's obligations under the **1966 International Convention on the Elimination of All Forms of Racial Discrimination**, which Australia ratified on 30 September 1975. It aims to ensure that Australians of all backgrounds are treated equally and have the same opportunities. The Act makes it unlawful to discriminate against a person on the grounds of race, colour, descent, nationality or origin, or immigration status.

Section 9 of the Act states that:

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

Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* (Cth) makes disability discrimination unlawful in many areas of public life, such as employment, education and access to premises, and aims to promote equal rights, opportunity and access for people with disabilities. An agency can discriminate against a person by imposing an unreasonable requirement or condition that they participate in a process without the assistance of an interpreter or translator.

Under the Act and Disability Standards and Guidelines, employers and education providers are required to make reasonable adjustments for employees and students with disabilities, to enable them to participate in training, education and the workplace on the same basis as other people. This includes the provision of interpreters and translators. For example, a person who is hard of hearing may need to be placed in a position where they can clearly see the lips of the people present or be provided with a sign language interpreter.

Western Australian Disability Services Act 1993

The *Disability Services Act 1993* promotes an accessible and socially inclusive community through the Disability Access and Inclusion Plan framework requirements of State and local government authorities. It also enables Western Australia to meet its obligations under the United Nations Convention on the Rights of Persons with Disabilities.

People with disability have the same right as other members of society to access services that will support their choices, assist them to be as independent as possible and enable them to participate in all aspects of life.
(Schedule 1; point 4)

Programmes and services are to be designed and administered so as to be sensitive and responsive to the individual and diverse needs of all people with disability taking into account their age, gender, religion, Aboriginality, cultural or linguistically diverse backgrounds or geographic location. (Schedule 2; point 5)

The Policy Framework for Substantive Equality

The objective of the Policy Framework for Substantive Equality is to achieve substantive equality in the Western Australian public sector by:

- eliminating systemic racial discrimination in the provision of public sector services
- promoting sensitivity to the different needs of client groups.

To achieve this, Western Australian public sector agencies are responsible for ensuring the policy framework is integral to service delivery and to:

- monitor the implementation of policies and programs and ensure they meet the diverse needs of the people of Western Australia
- ensure that staff are equipped with the knowledge and skills to address issues of systemic racism.

An agency could discriminate against a person by imposing an unreasonable requirement or condition that they participate in a process or activity without the assistance of an interpreter or translator.



Multicultural

Australian Multicultural Policy

Australia's latest multicultural statement, **Multicultural Australia—United, Strong, Successful** was released in March 2017. It states:

English is and will remain our national language and is a critical tool for migrant integration. At the same time, our multilingual workforce is broadening business horizons and boosting Australia's competitive edge in an increasingly globalised economy.

Multicultural Access and Equity Policy 2018

The Multicultural Access and Equity Policy is about ensuring that Australian Government programs and services meet the needs of all Australians, regardless of their cultural and linguistic backgrounds.

Barriers of culture and language should not impede the delivery of Australian Government programs and services to those who are entitled to receive them.

The policy contains six commitments essential to the effective delivery of government programs and services in a multicultural society: leadership, engagement, performance, capability, responsiveness and openness.

The Multicultural Access and Equity Policy Guide (PDF)

Multicultural Language Services Guidelines for Australian Government agencies

The WA Charter of Multiculturalism 2004

The purpose of the Charter is to explicitly recognise the people of Western Australia are of different linguistic, religious, racial and ethnic backgrounds, and to promote their participation in democratic governance within an inclusive society.

Multicultural Policy Framework 2020

The Government of Western Australia's vision is for an inclusive and harmonious society where everyone has a strong sense of belonging, can participate and contribute fully in all aspects of life and can achieve their goals.

The Framework is outcome-focused, providing a structure for agencies to direct their efforts in achieving the government's vision for multiculturalism in Western Australia—through effective leadership, planning, service provision and engagement with communities.

Indigenous

National Indigenous Reform Agreement 2019

Through the National Indigenous Reform Agreement all parties commit to working together with Aboriginal and Torres Islander people to 'Close the Gap' in Indigenous disadvantage.

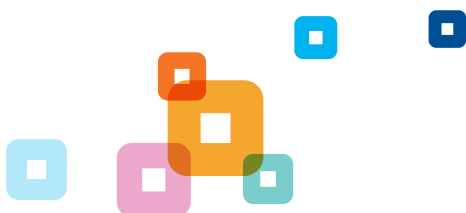
In December 2018, the Council of Australian Governments (COAG) announced the shared ownership and responsibility between governments and Aboriginal and Torres Strait Islander people in the design and implementation of the next phase of Closing the Gap. The refreshed Closing the Gap agenda recognises and builds on the strength and resilience of Aboriginal and Torres Strait Islander peoples and communities.

The Agreement aims to improve cultural, social and wellbeing by supporting the preservation of languages and provision of language education.

Indigenous Advancement Strategy 2013

The Australian Government is committed to achieving better results for Aboriginal and Torres Strait Islander Australians in three priority areas: getting children to school, adults into work and building safe communities.

The Indigenous Advancement Strategy consolidates the many different Indigenous policies and programs that were delivered by government into five overarching programs, making it easier for organisations to deliver local



services. The program streams are: Jobs, Land and Economy; Children and Schooling; Safety and Wellbeing; Culture and Capability; and Remote Australia Strategies.

The Culture and Capability program of the Indigenous Advancement Strategy, the National Indigenous Australians Agency (NIAA), established on 1 July 2019, provides funding to support “the maintenance and strengthening of Indigenous cultural expression and conservation”.

The National Accreditation Authority for Translators and Interpreters (NAATI) receives funding for the Indigenous Interpreting Project (IIP) under this strategy. The project aims to increase the number of certified Indigenous interpreters in Australia.

UN Declaration on the Rights of Indigenous Peoples 2007

The Declaration on the Rights of Indigenous Peoples affirms the minimum standards for the survival, dignity, security and wellbeing of Indigenous peoples worldwide and enshrines Indigenous peoples’ right to be different.

The declaration was adopted by the General Assembly of the United Nations in September 2007. The Australian Government announced its support for the declaration in 2009.

Article 13.2 provides that States and Territories shall ensure that:

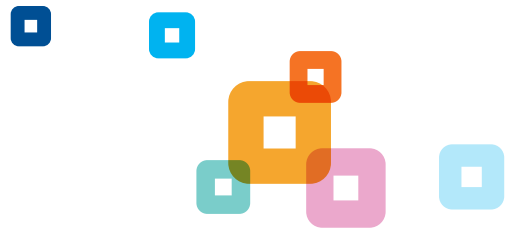
Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate measures.

Western Australian Public Sector Agencies—Language Service Policies and/or guidelines

Public sector agencies may customise the *Western Australian Languages Services Policy 2020* to suit their specific operations.

Examples of agency-specific language services policies based on the *Western Australian Language Services Policy 2014*:

- **Department of Health**
- **Department of Training and Workforce Development**



National Language Services Guidelines

- **Australian Government**

State and Territory Language Services Policies and/or guidelines

- **ACT Language Services Policy**
- **Victorian Government Guidelines on Policy and Procedures for Interpreting**
- **Multicultural NSW Language Services Guidelines**
- **Queensland Language Services Policy and Guidelines**
- **South Australian Interpreting and Translating Policy for Migrant and Non-Verbal (Sign) Languages**
- **Multicultural Language Services Guidelines for Tasmanian Government Agencies**
- **Northern Territory Government Language Services Policy**

Further reading

Office of Multicultural Interests

- **Western Australian Language Services Policy 2020 and Guidelines**

