Submission 22
Attachment 1

Talking in Language: Indigenous language interpreters and government communication

ATTORNEY-GENERAL'S DEPARTMENT
CENTRELINK
DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS
DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS
DEPARTMENT OF HEALTH AND AGEING
FORMER DEPARTMENT OF ENVIRONMENT, WATER, HERITAGE AND THE ARTS

March 2011

Report by the Commonwealth Ombudsman,
Allan Asher, under the *Ombudsman Act 1976*

REPORT NO. 05|2011

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EXECUTIVE SUMMARY

In recent years the Australian Government has increased its engagement with Indigenous Australians. This has been most evident in rural and remote Indigenous communities in the Northern Territory (NT), although there has also been increased activity in some regions of Queensland, Western Australia and South Australia.

Effective engagement relies on two way communication and in these communities, often depends on the services of Indigenous language interpreters.

Complaints to the Ombudsman's office – as well as the observations and experience of this office during outreach visits to remote NT communities – indicate that Indigenous language interpreters are not always used when they should be. They can also be difficult to obtain. As a result the Ombudsman commenced an own motion investigation to examine six agencies' awareness of the need to make use of Indigenous language interpreters.

We have concluded that agencies and their third party service providers can do more to better use interpreters when they are available.

This report is in several parts:

- Part 1 sets out the key developments that have intensified the need for better engagement and communication with Indigenous Australians, and as a consequence, the need for more Indigenous language interpreters. An earlier Ombudsman report from 2009 is discussed, outlining eight best practice principles for government agencies as well as some challenges that interpreter services face.
- Part 2 provides information about each of the agencies that were approached in the course of the investigation.
- Part 3 examines awareness of the need to use Indigenous interpreters, the provision of training in how to work with Indigenous language interpreters, engagement with interpreter services, and opportunities to remove the barriers that are contributing to the shortage of interpreters.
- Part 4 sets out the recommendations aimed at improving the use of Indigenous interpreters, including several broad recommendations to all agencies. We have recommended that certain agencies take specific action aimed at improving the availability of training in working with Indigenous language interpreters as well as improving the recruitment and retention of those interpreters.
- The information that agencies provided during the course of the investigation is summarised at Appendix A. The agencies' responses to this report are located at Appendix B.

The Ombudsman asks that each agency provide a status report on the implementation of relevant recommendations three months after publication of this report.

PART 1 – INTRODUCTION

1.1 The Australian public service is obliged to provide services 'fairly, effectively, impartially and courteously to the Australian public and [to be] sensitive to the diversity of the Australian public'.[1] Similarly, the Australian Government Access and Equity Framework promotes the provision of services that are accessible to a culturally and linguistically diverse community.

1.2 The recently released Australian Government Multicultural Policy reinforces these requirements – Principle 2 states that the Australian Government is 'committed to a just, inclusive and socially cohesive society where ... government services are responsive to the needs of Australians from culturally and linguistically diverse backgrounds'.[2]

1.3 While the linguistic needs of the majority of Australia's established migrant communities can be largely met by interpreter services, the same cannot be said for Australia's Aboriginal and Torres Strait Islander population.[3]

1.4 There is often a lack of awareness of the significant barrier that language poses for communication between Indigenous and non-Indigenous Australians. Ignorance of, or failure to address that barrier can lead to gaps in service delivery to Indigenous Australians by all levels of government.

1.5 The situation is particularly acute for those Indigenous Australians who reside in regional or remote communities, where people are less likely to be fluent in English. As at 2006, 21% of the Indigenous population were living in inner regional areas, 22% in outer regional areas, 10% in remote areas and 16% in very remote areas.[4] The *Overcoming Indigenous Disadvantage 2009* report noted that Indigenous people in remote areas are five times more likely than Indigenous people in non-remote areas to have difficulty understanding or being understood by non-Indigenous service providers.[5]

1.6 Our own outreach, complaint taking experiences and observations of agencies show that it is not sufficient to simply ask if an interpreter is required. While one or more people in a group may indicate that they speak English, it does not mean that other members of the group speak English at the same level of fluency, or at all. Further, while one or more members of a group may be willing to act as interpreters if asked to do so, this may not be appropriate for a number of cultural and linguistic reasons.

1.7 There is a tendency for agencies to accept an English speaking member or subset of members of a group as spokespeople for the whole group, instead of using appropriately qualified interpreters. Factors such as 'gratuitous concurrence' –

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[1] Australian Public Service Values, s 10 of the *Australian Public Service Act 1999*.
[2] http://www.immi.gov.au/living-in-australia/a-diverse-australia/multicultural-policy/
[3] Both Aboriginal and Torres Strait Islander people are referred to in this report as 'Indigenous'.
[4] 2006 Census reported in 'Appendix 2 – A statistical overview of Aboriginal and Torres Strait Islander peoples in Australia' in Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2008* (2009), pp 283-312. The Prime Minister's 2011 Closing the Gap Report put the figures at 32% of Indigenous population live in major cities, 43% in regional areas and 25% in remote Australia – http://www.fahcsia.gov.au/sa/indigenous/pubs/closing_the_gap/2011_ctg_pm_report/Pages/default.aspx
[5] Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2009*, July 2009, Remote area fact sheet.

whereby Indigenous Australians indicate agreement during a conversation in English in order to avoid embarrassment for either party – can mask a failure to achieve true understanding and engagement.

1.8 Since 2007, many of the regional and remote communities in the NT have been affected by a broad range of initiatives under the Northern Territory Emergency Response (NTER). Since 2009, remote communities in the NT and other States have also been the focus of the Council of Australian Governments (COAG) through a series of agreements covering early childhood, schooling, health, economic participation, healthy homes and community safety. This focus has increased contact with staff from government agencies and a range of service providers whose staff are often non-Indigenous.[6]

1.9 Complaints to this office point to a shortage of interpreters and a failure to use them even when they are available. This impacts on people's lives as the following case study illustrates.

Case study 1

A member of a remote Indigenous community complained in 2009 that residents had been asked to sign tenancy agreements for their public houses, but the agreements had not been explained to them before they were signed and interpreters had not been used. The community did not understand the purpose and effect of the documents.

Although the Commonwealth has a statutory lease over this community (that puts it in the position of the land owner), tenancy management has been devolved to a NT department, which in turn, funds a shire to deliver tenancy services.

The investigation established that the shire had developed its own tenancy-related documentation which it had explained to the community at group meetings without interpreters. The shire was instructed by the Territory Housing to cease using the documents – and a new process using interpreters was developed.

1.10 Although the case studies in this report originate from the NT, there is no reason to doubt that the issues they highlight are equally applicable to regional and remote Indigenous service delivery in other States.

1.11 For the purposes of this report, 'interpreting' refers to the oral rendering of the meaning of the spoken or signed word from one language into another language.[7] This report does not include the use of translators (a person who converts written text from one language into another) as it is often the case that people who are sufficiently literate to read an Indigenous language are usually also capable of reading English.

Background

1.12 In March 2009 this office released a report, *Use of interpreters*, arising from an investigation into four agencies' use of interpreters. That investigation culminated in eight **best practice principles** for agencies using interpreter services, which also have application to Indigenous language interpreting:

[6] Statistical information in the 2008/09 State of the Service Report indicates that overall number of Indigenous Australians in the public service is decreasing.

[7] Definition by the National Accreditation Authority for Translators and Interpreters at www.naati.com.au/an-faq.html

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

1.13 In that report the Ombudsman recommended that the Department of Immigration and Citizenship (DIAC) promote the use of interpreter services by developing updated *Language Services Guidelines* and *Model for Assessing Translation and Interpreting Requirements* for all government agencies. DIAC is making progress on this and sought the comments of other agencies on a *Language Services Guidelines Issues Paper* in 2010.

1.14 This recommendation was made to DIAC as it operates the Translating and Interpreting Service (TIS) National. While TIS provides an invaluable service to migrant language groups, it does not provide interpreting for Indigenous languages.

1.15 Instead, there are several Indigenous language interpreting services, but these are not available in all States and Territories, and they face significant challenges in recruiting and retaining sufficient numbers of interpreters. [8] Some challenges include:

- poor literacy and numeracy amongst those individuals who have the requisite Indigenous language skills
- the ability to find people who are able to meet the demands of being an interpreter when there can be competing or conflicting cultural obligations
- many people who would be suitable interpreters have other employment
- the irregular nature of interpreting work can make it an unattractive employment option
- the number of Indigenous languages spoken across Australia, coupled with a decreasing number of fluent speakers in some languages[9]
- a lack of accreditation at professional level for Indigenous language interpreters by the National Accreditation Authority for Translators and Interpreters (NAATI).[10]

[8] *Closing the Gap in the Northern Territory Monitoring Report July – December 2009*, Part Two, pp 73

[9] The diversity and number of languages spoken across Australia is best illustrated by the map of Aboriginal language groups available at www.aiatsis.gov.au/asp/map.html

[10] For instance, NTAIS has 3 interpreters accredited at the professional level and 53 at the para-professional level.

1.16 Some of these problems originate in the difficulties facing Indigenous languages across the country. In 2005, the *National Indigenous Languages Survey* (NILS) report found that of the 145 Indigenous languages still spoken in Australia, 110 are at risk of disappearing. That report observed that interpreting services for Indigenous people have been relatively neglected over the years compared with migrant groups. The NILS report made a number of recommendations including increasing translating and interpreting services in regional centres with large numbers of Indigenous people who do not speak English well and a recommendation that NAATI training be made available for Indigenous interpreters.

1.17 With the increase in activities associated with the roll out of the NTER and subsequent programs under COAG agreements and other Commonwealth initiatives, demand for Indigenous language interpreters has increased. This has been noted in various forums over a considerable period. Notably, the 2008 Report of the NTER Review Board recommended that:

- Australian and Northern Territory Government agencies encourage their staff to use interpreter services as a priority, on a fee for service basis.
- A local employment strategy be developed to increase the number of Aboriginal people employed as interpreters.[11]

1.18 That report drew upon the Northern Territory Aboriginal Interpreter Service's (NTAIS) submission that it is under-utilised by all government agencies. It said there is a need for agencies to develop expertise in using interpreters, and to develop stronger understanding of the nuances of Aboriginal language and communication styles.

1.19 Consistent with this, in April 2009 the Australian government decided to formally support the *UN Declaration on the Rights of Indigenous Peoples*. Article 13.2 provides that states shall ensure that:

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

1.20 In August 2009, the Minister for the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Minister for the former Department of the Environment, Water, Heritage and the Arts (DEWHA) announced a National Indigenous Languages Policy.[12] The policy focuses on five key areas, one of which is:

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

1.21 As part of this policy, all Australian governments committed a total of $38.6 million towards interpreting and translating services at 29 remote service delivery sites as part of the COAG National Partnership Agreement on Remote Service Delivery.[13] Under that agreement, clause 19(g) provides that the Commonwealth is responsible for:

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[11] See http://www.nterreview.gov.au/report.htm, page 13

[12] http://www.arts.gov.au/indigenous/languages_policy

[13] The objectives of the National Partnership Agreement on Remote Service Delivery include improving access to suitable and culturally appropriate services, raising the standard of service delivery so that it is generally consistent with those provided to other Australians in communities of similar size and location and providing simpler access to government services.
See http://www.fahcsia.gov.au/sa/indigenous/progserv/families/RSD_NPA/Pages/default.aspx.

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

1.22 FaHCSIA is primarily responsible for developing this *National Framework* and is working with the NT, Queensland, Western Australia and South Australia to do so. FaHCSIA is also engaging with other agencies and individuals on this matter, such as Indigenous interpreting services, academics and linguists.

1.23 Although there have been some developments, the complaints made to this office and our own experience indicates that more needs to be done so that agencies and service providers use interpreters more often and with greater skill.

Scope of Investigation

1.24 The Commonwealth Ombudsman investigates complaints about government programs delivered under the NTER and other Indigenous programs delivered in the NT. We have conducted outreach visits to regional and remote Indigenous communities in the NT and have experienced for ourselves the difficulties in securing the services of Indigenous interpreters. We have also received complaints about other government agencies which indicate that the failure or inability to use interpreters has adversely impacted on the outcomes of government programs for Indigenous Australians.

1.25 In view of these issues, we consulted with the NTAIS and wrote to six Commonwealth agencies with particular responsibilities for Indigenous programs in the NT:

- Attorney-General's Department (AGD)
- Centrelink
- Department of Education, Employment and Workplace Relations (DEEWR)
- FaHCSIA
- Department of Health and Ageing (DoHA)
- the former Department of Environment, Water, Heritage and the Arts.

1.26 The agencies were asked whether staff are provided with instructions about the need for and use of Indigenous language interpreters and whether staff receive specific training. Where applicable, agencies were asked if third party service providers who work with remote Indigenous communities are required to use interpreters and train their staff. Their responses are reflected in the table at Appendix A.

1.27 This report does not seek to provide comprehensive solutions to the difficulties: significant resources have already been invested as part of the development of the *National Framework*. Rather, we have sought to highlight the need to use interpreters, raise awareness of the *National Framework* and encourage agencies to revisit their own practices and procedures until such time as the *National Framework* is implemented. The need to improve the quality of the relationship between governments and Indigenous Australians has long been recognised and improving the use of interpreters is a key element in achieving this.

PART 2 – THE AGENCIES

Attorney-General's Department (AGD)

2.1 AGD provides funds to the Northern Territory Government for the provision of interpreter services to support Indigenous Australians. It administers a Memorandum of Understanding between the Australian and NT governments and provides funds to support free access to interpreters for NT law, justice and health agencies and legal assistance services. AGD also funds interpreter services under the *Closing the Gap in the Northern Territory – law and order* initiative.

2.2 Unlike the other government agencies in this report, AGD does not directly deliver services, but it does contract third party services. AGD funds programs in which third party providers use interpreters – such as the AGD Legal Aid program. AGD also funds the NTAIS to promote the use of interpreters and provides guidance for assessing the need for, and how to work with interpreters.

Centrelink

2.3 Centrelink plays a major role in the Australian Government's Closing the Gap initiative. It delivers a wide range of services and payments to families, carers, students, people looking for work, parents, people with disabilities, eligible retirees and anyone subject to Income Management (IM). Centrelink also links people to services to assist them in finding work.

2.4 In the NT, Centrelink has Remote Servicing Teams (RST) which regularly visit remote communities. RSTs book interpreters for every period of RST service delivery to communities. On occasion this has meant Centrelink has had to transport interpreters to the assignment location. Centrelink also utilises a network of Centrelink Agents who are employed by host organisations, such as Shires, which are contracted by Centrelink to provide access to Centrelink services. Centrelink Agents are usually local community members and often have Indigenous language skills, although they are not engaged as interpreters.

2.5 Centrelink was one of the agencies considered during this office's 2009 *Use of interpreters* report. That report found that Centrelink's policies for the use of interpreting services, particularly those for migrant languages, generally aligned with best practice principles in the use of interpreters.

Department of Education, Employment and Workplace Relations (DEEWR)

2.6 DEEWR is responsible for policies and programs designed to provide education and training opportunities for Australians, increase employment participation and to promote fair and productive workplaces. DEEWR and its contracted providers deliver a broad range of programs and services to the public, including to Indigenous communities in remote areas of Australia.

2.7 DEEWR was included in the *Use of interpreters* report. At that time, DEEWR addressed the needs of its Indigenous clients through the Indigenous Toolbox. The Toolbox was withdrawn in 2009, and DEEWR commenced work on overarching guidelines for its use of interpreters. The development of those guidelines was informed by DIAC's review of the *Commonwealth Language Service Guidelines*.

Department of Environment, Water, Heritage and the Arts (DEWHA)

2.8 At the time that we sought information from DEWHA, it had several divisions that worked with Indigenous communities and organisations, each of which responded to our questions separately:

- Arts and Culture Division provided program delivery of competitively-allocated grant funding through a network of staff located across Australia.
- Corporate Service's Division included an Indigenous Development Coordinator in relation to Uluru-Kata Tjuta, Booderee and Kakadu National Parks (the national parks).
- Land and Coasts Division engaged with Indigenous people in Indigenous communities regarding the progress of Working on Country programs and to discuss environmental or cultural projects.
- Parks Australia Division jointly managed the national parks and the Indigenous Protected Area program.

2.9 In late 2010, Machinery of Government changes transferred responsibility for the Arts and Culture Division to the Office for the Arts in the Department of Prime Minister and Cabinet. At the same time DEWHA became the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC). For simplicity, DEWHA is referred to throughout this report. Both DSEWPAC and the Office for the Arts were given the opportunity to comment on a draft of this report.

Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

2.10 FaHCSIA supports Indigenous Australians through a range of programs and services including Closing the Gap initiatives. FaHCSIA also provides grants and funding to support Indigenous organisations and individuals. FaHCSIA has responsibility for a broad range of matters including managing Commonwealth statutory leases over many Indigenous communities in the NT, Community Development and Employment Program (CDEP), the Strategic Indigenous Housing and Infrastructure Program (SIHIP), community store licensing and social security policy. Many of these programs involve third party providers.

2.11 As discussed in paragraphs 1.20, 1.21 and 1.22, FaHCSIA is also the lead agency for the development of the *National Framework* for the effective supply and use of Indigenous language interpreters.

Department of Health and Ageing (DoHA)

2.12 DoHA has two areas that use Indigenous interpreters. The first is the Ageing and Aged Care Division (AACD). AACD includes the Indigenous Aged Care Service Section, which funds 29 aged care services under the National Aboriginal and Torres Strait Islander Flexible Aged Care Program to provide aged care to Indigenous people close to their homes and communities. Additionally, 54 National Respite and Carelink Centres are funded under the National Respite for Carers Program.

2.13 The second is the Office of Aboriginal and Torres Strait Islander Health (OATSIH). OATSIH was established to give a greater focus to the health needs of Indigenous people in mainstream health programs, and to administer funding to Indigenous community-controlled health and substance abuse services.

PART 3 – KEY ISSUES

Awareness of the need for interpreters

3.1 One of the key COAG agreements for Indigenous programs is the National Indigenous Reform Agreement. Importantly, that agreement sets out Service Delivery Principles for Services for Indigenous Australians, two of which are:

> **Indigenous engagement principle:** Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services.
>
> **Access principle:** Programs and services should be physically and culturally accessible to Indigenous people recognising the diversity of urban, regional and remote needs.

3.2 The starting point for effective communication in the Indigenous setting is awareness that members of the population may require an interpreter to understand, or be understood by, a government agency or service provider. This two-way process often appears to be forgotten – not only must an interpreter be used so that English language information from the government is accurately conveyed and understood, but also so that the Indigenous person is able to convey their information and ask questions.

3.3 NTAIS and the Kimberley Interpreting Service have guidelines on their websites to assist people to determine if an Indigenous language interpreter is required.[14] Both services provide scripts designed to test spoken English language understanding, although it is important to remember that some Indigenous Australians who are able to communicate orally in English, may not be able to read English. In addition, a person's ability to communicate or read in another language often reduces in stressful or emotional situations, or if the subject is unfamiliar or complex.

3.4 The agencies' responses to our questions indicate an overall awareness of the need to use interpreters, although this differed between programs and sections within some agencies. There were varying levels of understanding as to who might be a suitable interpreter and what skills staff require to make the best use of an interpreter.

3.5 AGD advised that it continues to work with NTAIS and FaHCSIA to ensure that government agencies are aware of the importance of using interpreters when delivering services in the NT and to guide them in the appropriate use of interpreters.

3.6 FaHCSIA has a high level of awareness of this issue and not only is it responsible for the *National Framework*, it was involved in the negotiations to fund the NTAIS to establish permanent interpreters and Community Development Liaison Officers (CDLO) in remote NT communities.[15] Recently, the Coordinator-General for Remote Indigenous Services reported on the importance of progressing the National

[14] See http://www.dhlgrs.nt.gov.au/ais and http://www.kimberleyinterpreting.org.au/
[15] Schedule D of the Closing the Gap in the Northern Territory National Partnership Agreement

Framework and the work being done to establish CDLOs in remote communities. The Coordinator-General's observations compliment the messages in this report.[16]

3.7 Centrelink and DEEWR explained the steps they have taken to improve their engagement with interpreters and thus their service delivery to Indigenous customers. Significantly, DEEWR has developed a single agency-wide instruction on the use of interpreters, including Auslan[17] and Indigenous languages.

3.8 Centrelink contracts a number of organisations to provide interpreter services, available daily in some service centres for walk in customers, and as needed for remote servicing teams. Centrelink is the most prolific user of Indigenous interpreters in the NT and usage continues to grow in line with the increased engagement required under the NTER. But interpreters are not always available or used during communication with Centrelink. This has been a source of steady complaints to this office, as illustrated by the following case study.

Case study 2

An Indigenous woman with limited English language skills from a remote community complained that Centrelink had raised a debt against her for reasons she did not understand. It was established that, at the start of the debt period, the woman had told Centrelink she was about to start work. Centrelink had confirmed this with her employer. The complainant started work and subsequently completed several forms (in English) in which she incorrectly reported to Centrelink that she had not worked. Her third form contained inconsistent information which caused Centrelink to contact her to clarify her earnings. A debt was then raised. A Centrelink officer discussed the debt with the woman and determined that she had not understood her obligations. An interpreter had not been used during any of Centrelink's communication.

3.9 Centrelink has advised us that, in order to address the increasing demand for Indigenous language interpreters, it commenced a Pitjantjatjara Indigenous Interpreters trial in April 2010. The trial aims to identify demand for Indigenous language interpreters and to recruit more contract interpreters. The trial will contribute to the Closing the Gap agenda and increase employment opportunities for Indigenous Australians. The outcomes of the trial will be used to increase the panel of interpreters across the country.

3.10 Not all agency responses demonstrated the same level of awareness of the importance of using Indigenous language interpreters. One theme which was evident was the idea that interpreters are not necessary if the information being discussed is simple or at least some people present speak English and are willing to interpret for others. This is not appropriate. Apart from the complexity of the information, other issues to be considered are:

- information that appears simple to an agency or service provider may be difficult for someone who is not familiar with government processes and terms
- irrespective of complexity, an Indigenous person may need to use an interpreter so they can ask questions or provide information

[16] See pages 5,13,44,49,56 and 104 of the Coordinator_General's third six monthly report covering the period September 2010 to March 2011 available at www.cgris.gov.au/userfiles/file/cgris_march_2011_biannual_report.pdf

[17] Australian Sign Language

- communication about apparently straightforward matters can involve Indigenous concepts and cultural information that are not easily translated into English or easily understood by a non-Indigenous person.

3.11 It is now widely acknowledged that relatives or children are not desirable interpreters. Likewise, the voluntary services of community members or meeting attendees are not appropriate unless they have been trained to interpret accurately. An untrained interpreter may not communicate a message accurately or seek clarification about unfamiliar language or obscure terminology. They are also unlikely to be aware of professional interpreting ethics.[18] Furthermore, tensions between some community members or groups within a community, as well as some cultural practices (such as avoidance relationships)[19] may mean that volunteer interpreters do not, or cannot, interpret on behalf of all of the people who need assistance to understand and communicate. Accredited interpreters are trained to deal with these situations and are encouraged to identify and act upon conflicts of interest and other impediments to effective communication.

3.12 We recommend that agencies and service providers first attempt to book an interpreter via an interpreting service so that it can conduct cultural screening and ensure there are no barriers to using that person's services effectively.

3.13 There are many initiatives currently underway in remote communities in the NT, such as IM, the roll out of SIHIP and the signing of new tenancy agreements. Interpreters are needed to ensure that community consultations, individual discussions and the signing of agreements which relate to such initiatives are conducted effectively and with the full understanding of all parties.

Training and instructions to staff and third party providers

3.14 The Ombudsman's 2009 interpreter report recommends that agency and service provider staff have access to comprehensive polices on the use of interpreters, including who should and should not be used as an interpreter, and receive practical training on working with interpreters. The following case study illustrates why this remains an area of concern.

Case study 3

We conducted outreach visits to two remote communities in the NT where residents have varying levels of English language skills. Many require the assistance of an interpreter but despite numerous attempts we were not able to secure an interpreting service.

Our outreach coincided with a regular visit by a Job Services Australia (JSA) provider. The JSA provider, appointed by DEEWR, assists job seekers to find employment. Job seekers with participation requirements must enter into and comply with an Employment Pathway Plan (EPP). The EPP is used as a tool by providers and Centrelink to monitor the participation requirements of job seekers. If a job seeker does not comply with the compulsory elements of their EPP, Centrelink may apply a compliance penalty such as payment suspension.

[18] These ethics are available at www.ausit.org/eng/showpage.php3?id=650 . See also the Kimberley Interpreting Service guidelines to determine whether an Indigenous language interpreter is required.
[19] Avoidance relationships: put at its simplest avoidance relationships are part of cultural practice requiring certain people to avoid others.

Several of the JSA provider's staff were asked how they dealt with the challenge of securing interpreter services. They said that they did not need interpreters for their work because their work was not particularly complicated.

3.15 Although DEEWR's guidelines and Employment Services Deed required JSA providers to use interpreters in addressing a client's language needs in remote communities, it appears that in this case at least, the need for interpreters was not recognised. DEEWR has since introduced its new *Use of Interpreter Guidelines*, which should result in more frequent and better use of Indigenous interpreters by contracted service providers. The guidelines are unique in that they provide a single agency-wide instruction on the use of interpreters of languages other than English, including Auslan and Indigenous languages. Importantly, the guidelines state that they apply to DEEWR and third party service providers.

3.16 The guidelines have several important messages, including:

- people who may not require an interpreter for spoken English may require one for written communication
- DEEWR staff should consider building language requirements into consultation, information and procurement processes so that funding arrangements enable third parties to deliver language appropriate services
- protocols around the use of interpreters, including staff training, should be included in contracts and program guidelines for providers funded or contracted by DEEWR
- staff who have client contact will be trained in working with interpreters and cultural awareness with a focus on Indigenous language interpreters.

3.17 Until the *National Framework* is delivered, DEEWR's new guidelines are a welcome development that provide a solid foundation for more effective communication. But to change behaviours and attitudes, DEEWR will also need to ensure that its guidelines can be enforced and action taken if staff or third party service providers fail to apply them. In response to the draft of this report, DEEWR advised that it is developing a strategy to ensure the guidelines are applied consistently across the Department and its contracted service providers.

3.18 DEEWR also provided this office with supplementary information for the purposes of this investigation arising from an audit of its programs' approach to the use of Indigenous and other language interpreters. It identified a variety of governance mechanisms which could be used to incorporate a better practice approach to the use of Indigenous language interpreters.[20]

3.19 Some agencies included in this report have several sources of guidance, rather than one key agency-wide document concerning the use of interpreter services. This can result in variation between sections or divisions within the one agency or between third party service providers.

[20] Including reviewing its Cultural Capability Awareness Training Program to incorporate reference to the new whole-of-agency Use of Interpreter Guidelines; incorporating use of Indigenous language interpreters messages in DEEWR's Closing the Gap workshops; promoting the new interpreter guidelines at governance forums; audit DEEWR document templates and guides for contracts, deeds, policy proposals and project management tools to acknowledge the need to train Indigenous interpreters at both the development and implementation stages of new government initiatives.

3.20 For example, FaHCSIA has provided training and instructions to key staff who work with remote Indigenous communities such as Government Business Managers and staff who engage with Remote Service Delivery communities. By comparison, FaHCSIA's *Toolkit for Indigenous Service Provision*, released in late 2010 and designed to assist FaHCSIA funded service providers to implement 'best practice' strategies in service design and delivery, does not refer to interpreters at all.[21] In response to the draft of this report, FaHCSIA advised that the Toolkit is being updated to include reference to interpreters.

3.21 One of DoHA's sections explained that the funding agreement for one of its programs which delivers services to Indigenous and non-Indigenous Australian refers to TIS as a potential source of interpreters. However, as TIS does not provide interpreters for Indigenous languages, guidance should also be given on how to access those services. Given that DoHA funds health and aged care providers, ineffective communication in the delivery of those services could have severe consequences for the well being and health of Indigenous clients. It is important that all agencies and service providers have clear instructions on how to access and use Indigenous language interpreters.

3.22 Another concern is the view that there is less need for staff to receive training in working with interpreters if another agency or entity arranges for an interpreter to be present, or leads the engagement at which the interpreter will be used. It is important to work well with an interpreter regardless of who arranges the service. It is the responsibility of agency and service provider staff to ensure that all people present can understand and be heard, and that those who have English language proficiency do not dominate a discussion to the exclusion of those who require an interpreter.

3.23 The Australian Public Service is undergoing change as it implements *Ahead of the Game: Blueprint for Reform of Australian Government Administration*.[22] One of the goals of this reform is to improve staff capabilities and competencies, so training is crucial.

3.24 It is important that staff receive training that is specifically designed for working with Indigenous language interpreters. Experience in working with other interpreters will not automatically equip staff to work with Indigenous language interpreters. For instance, during Indigenous language interpreting it is common for an interpreter to resort to 'concept interpreting' when words and phrases cannot be neatly converted from one language to another. This process may take longer and can involve some discussion with the interpreter, which is different from the usual process with migrant language interpreters.

3.25 Training will also reinforce the benefits of briefing interpreters before each appointment. Similarly, introducing them as a professional interpreter and explaining their role to the client or group is important, as is allowing the interpreter the opportunity to introduce themselves. These steps help avoid confusion about the interpreter's role and enable the interpreter to explain that they are neutral and are not speaking on behalf of any party. This is critical for contentious messages or engagements. A debriefing session afterward will be beneficial in gauging the success of the communication and refining the messages.

[21] http://www.fahcsia.gov.au/about/news/2010/Pages/toolkit_08072010.aspx
[22] http://www.dpmc.gov.au/publications/aga_reform/aga_reform_blueprint/index.cfm

3.26 It is possible for agencies and service providers to arrange for training on an as needed basis. However, Indigenous interpreting services could be funded to provide training at certain times of the year which staff from all agencies and services providers could attend. Although this is a matter for the interpreting services and the entities which fund them, there may be a role for the Australian government, through AGD or FaHCSIA, in coordinating or supporting this.

3.27 Agencies and service providers could also consider sending their own staff who have Indigenous language skills to interpreter training, and paying a language allowance to staff who have demonstrable skills in this area.

3.28 As the agency responses at Appendix A show, there is a need to revisit procurement and contractual documentation so that third parties whose staff are not fluent in the requisite Indigenous language themselves are obliged to use interpreters, train their staff and maintain appropriate records.

Engaging with interpreter services

3.29 The following case study illustrates how the effective use of a trained Indigenous language interpreter can improve service delivery and understanding.

Case study 4

A resident of a remote Indigenous community complained that NT departmental staff and building contractors had not used interpreters when they met with residents to discuss SIHIP plans in that community. Consequently some residents did not understand the nature of the work that was planned, where they would move to while work was being done and whether they would be re-allocated the same house.

We raised this with FaHCSIA because it administers the statutory lease over this community and jointly administers SIHIP. In response FaHCSIA organised a meeting attended by an Indigenous language interpreter, at which the SIHIP program and other housing-related matters were explained to the community. This was followed by a second meeting. The complainant subsequently confirmed that the community felt they now understood how SIHIP would operate in that community.

3.30 When there is a large scale roll out of a new government initiative or a program requiring community level consultation, agencies need to consider that the interpreters and their families may be directly affected by that same initiative or program. Also, if Indigenous language interpreters are likely to be required in order to implement a program or service, it is important to engage with interpreter providers as early as possible and preferably in the design stage. This will allow interpreter services to provide early advice on the messaging and ensure that providers have sufficient time to consider how complex terms and concepts can be appropriately and accurately interpreted. All associated costs and implications for the time required to do this effectively will need to be built into the program from the outset.

3.31 Training in the key concepts and terminology to be interpreted before the interpreting starts is useful for all languages, and particularly so in the Indigenous context. In this way cultural issues can be considered, literacy and numeracy requirements can be addressed and specialist terms are better able to be accurately translated.

3.32 It may be necessary for agencies to work with Indigenous interpreter services to develop appropriate training materials for interpreters so that they understand key

concepts and the broader context which gives meaning to specialist terms. For instance, the term 'tenant' is readily understood by most urban English speakers, including the associated context in which a tenant has rights and responsibilities. However, it is not a word that can be fully explained by simply translating it into each Aboriginal language; it requires a contextual explanation to convey the full implications of the term and differentiate the formal relationship between a tenant and a landlord to that between co-tenants, family members or a tenant and a guest. It is also important to realise that some cultural practices, such as the right of some family members to demand accommodation, do not sit neatly with the western concept of a tenant and their attendant property rights.

3.33 We asked the agencies if they are aware that Indigenous language interpreters may require training in government initiatives before they can be deployed as part of the initiative. The responses varied between agencies, although it is acknowledged that those agencies that do not implement large scale or changing initiatives will have had little need to consider this issue.

3.34 Interestingly, Centrelink emphasised that contracted interpreters are not required to be trained in government initiatives as they are contracted to translate only. This response is supported by the interpreters involved in the Pitjantjatjara Indigenous Interpreters trial who felt it was important for Centrelink to understand that they are only contracted to convert information into another language, not to re-interpret information about initiatives. However, Centrelink does work closely with AIS to provide familiarisation sessions and written material to interpreters with respect to Centrelink terms and concepts.

3.35 While agencies may not expect that an interpreter possess detailed knowledge of government initiatives, interpreters do need to understand key concepts relevant to the initiative. With that understanding they are better able to translate or use 'concept interpreting'. Centrelink's recent work with NTAIS to brief interpreters prior to community consultations and individual interviews on complex changes to IM supported this approach. In our view it would have been unrealistic to expect Indigenous language interpreters to provide accurate translations of terms such as 'matched savings' and 'voluntary Income Management' if they had not first been given some training in the social security context and meaning of those terms.

3.36 FaHCSIA explained that it funds and continues to work with the NTAIS to develop specialist materials for interpreters to assist FaHCSIA and other agencies to communicate new government initiatives. Most recently the CDEP team has provided draft communication materials to NTAIS to develop scripts and training packages to help prepare interpreters.

3.37 Considered engagement, including early and meaningful involvement of appropriately skilled interpreters, not only enables agencies to better inform interpreters about the underlying concepts they are seeking to convey, it enables agencies to clarify any misunderstandings and refine their messages.

Opportunities to remove barriers

3.38 Several agencies provided information about their own programs that may remove some of the barriers to the use and availability of Indigenous language interpreters. Other agencies took the opportunity to reflect on what more they could do to ensure staff and third parties better use interpreter services.

3.39 Centrelink said it is aware that casual interpreter employment can impact upon the social security payments that are made to those interpreters. It advised that as part of the Pitjantjatjara Indigenous Interpreter trial it will consult with interpreters to develop a strategy that may minimise this issue. This is a significant barrier to the recruitment and retention of interpreters as, in some States and Territories, the loss of social security payments can result in the loss of public housing.

3.40 DEEWR advised that it would focus effort on key service delivery programs that could contribute to the retention and availability of Indigenous interpreters, such as its Indigenous Employment Program. This is a tailored assistance package that employers can use to recruit and retain Indigenous employees. However there may be some difficulty about the suitability of this program for Indigenous interpreter services when demand for individual interpreters is irregular.

3.41 FaHCSIA is taking steps to address the challenges in this area by developing the *National Framework*. It also funds other Indigenous interpreting service providers for the broader development and capacity building of the profession.

3.42 Along with the AGD, FaHCSIA is working with the NTAIS to support outcomes under Schedule D of the COAG Closing the Gap in the Northern Territory National Partnership Agreement. The funding provided under this schedule is being used to establish interpreter coordinators in remote communities to further develop the supply of interpreter services in those communities. Funding for NTAIS under this initiative aims to create permanent community-based positions for interpreters and the Community Development Liaison Officers (CDLOs) who support them. As at November 2010 there were eight CDLOs working in regions across the NT and 7.5 fulltime equivalent interpreters. Ultimately, that agreement envisages that, by 2011–12, there will be 26 CDLOs and 52 full time equivalent interpreters.

3.43 This is a significant initiative with great potential. It will need all parties to work creatively to address the challenges inherent in establishing CDLOs and interpreters in geographically remote locations in which there may be limited infrastructure, suitable premises or accommodation for newly recruited staff.

3.44 FaHCSIA was asked whether the CDEP program may be an appropriate mechanism for increasing the number of Indigenous language interpreters in remote communities. FaHCSIA responded that CDEP should not be used for the delivery of interpreter services as it is now a training and community development program. However, it could be used to train local Indigenous interpreters where CDEP participants are in the work readiness stream, subject to certain criteria. It does not appear that CDEP is currently being utilised as a training tool for potential interpreters although it may be a helpful approach.

3.45 DoHA's Ageing and Aged Care Division (AACD) acknowledged the need to ensure interpreters have a good understanding of the services provided by the Flexible Aged Care Program and advised that it is looking at opportunities to improve their awareness of available programs. In the meantime more detailed advice will be included in the Commonwealth Respite and Carelink Centre Procedural Manual to reinforce the requirement for interpreters to have access to information about initiatives.

3.46 It has also come to our attention that in the NT, Indigenous language interpreters are often called to give evidence in court when their interpretation of a

police caution[23] is disputed by the accused. As the NTAIS is not funded to pay for the time that interpreters spend in the court as witnesses explaining their own interpreting work, this can cause financial hardship for interpreters who may lose days or even weeks of employment while in the court. This may lead to some experienced interpreters leaving the profession. An added problem is that while interpreters are giving evidence as witnesses they are not available to provide interpreting services for other programs.

3.47 We understand that the NTAIS would like to improve the training for interpreters who work in courts, as there is no dedicated course at this time. The NTAIS would like to record police cautions in a number of languages so that they are standardised and less likely to be the cause of argument in court. There may also be merit in revisiting the funding model so that interpreters who are required to give evidence as a result of the services they have rendered during their employment as interpreters are reimbursed for their time. It appears to us that the AGD is best placed to assist with these matters.

[23] Police caution: a warning given to a suspected person that anything that person says may be used in evidence against them. It reminds an accused person of their right to silence.

PART 4 – CONCLUSIONS AND RECOMMENDATIONS

4.1 Agencies are responsible for the outcomes of the programs they administer and fund. They need to be mindful of the need for, and interaction with, Indigenous language interpreters – a lack of proper awareness, and agencies run the risk that program design and implementation will be flawed.

4.2 On an individual level, an Indigenous person who is not afforded the services of an interpreter may experience frustration, confusion and a sense of exclusion. They may be deprived of their right to make an informed decision, or denied a myriad other opportunities. They may be subjected to unnecessary penalties. There may be repercussions to their legal rights, their health or safety or to the wellbeing of their children.

4.3 The information provided to this office indicates that most agencies lack a unified and consistent approach to the use of Indigenous language interpreters. A notable exception is DEEWR's new whole-of-agency guidelines, which are a welcome development. However, even with guidelines such as these, without integration into agencies' performance management systems and core training programs, the quality of service delivery and engagement by these agencies will be less than it can be.

4.4 Agency responses to this office reveal that FaHCSIA and Centrelink are most consistent in providing Indigenous language interpreter training to their staff. Ideally, anyone working in this area should be required to undertake training on working with Indigenous language interpreters.

4.5 It is evident from the information provided by agencies that little has been done to ensure that contracts and funding agreements with service providers require those entities to use interpreters. There is a great need for training to keep appropriate records of the use of Indigenous language interpreters – but awareness is patchy. With so many programs being devolved to third party service providers it is critical that service providers are required to meet the same service delivery standards as those expected of agencies.

4.6 This office anticipates that many of the issues identified in this report will be addressed in the *National Framework* for the effective supply and use of Indigenous language interpreters and translators. It is therefore imperative that FaHCSIA prioritise the delivery of this framework.

4.7 For the interim, the Ombudsman makes the following recommendations.

Recommendation 1

Until the *National Framework* is developed, agencies should review their own approach to the use of, and engagement with Indigenous language interpreters, against the Best Practice Principles detailed in the Ombudsman's March 2009 *Use of interpreters* report.

At the same time, agencies should review the key messages detailed in this report, having particular regard for the need:

- to raise awareness of the importance of using Indigenous language interpreters amongst agency and third party service provider staff

- for agency and service provider staff to be specifically trained in working with Indigenous language interpreters
- for agencies to engage with Indigenous language interpreter services early in the design and implementation of a program so that interpreters are able to be trained in the broader context of specialist terms and concepts
- to review contracts and funding arrangements to ensure that third party service providers use interpreters, train staff and keep records on the need for and access to Indigenous language interpreters.

Recommendation 2

As part of the *National Framework*, FaHCSIA should consider establishing an inter-agency committee to focus on improving agencies' work with Indigenous interpreters, recruiting and retaining more Indigenous interpreters and encouraging consistent, whole-of-government strategies.

Recommendation 3

AGD and FaHCSIA should work with Indigenous language interpreter services to assist them to provide training to agency and third party service provider staff. While training could be delivered on an 'as needed' basis, it appears there would be benefit in establishing a training calendar for the periodic delivery of training to agency and third party service provider staff.

Recommendation 4

FaHCSIA should further explore whether the CDEP program could be better utilised as a training tool for potential Indigenous language interpreters.

Recommendation 5

AGD should review the model under which NTAIS interpreters are employed so as to facilitate payment for interpreters who give evidence in court as a result of the services they have rendered in the course of their interpreter work. AGD should also work with the NTAIS and the NT police to improve the quality and efficacy of interpretations of the police caution.

Recommendation 6

The lessons that Centrelink learns from the Pitjatjatjara Indigenous Interpreter trial should be incorporated into FaHCSIA's work on the *National Framework* and shared with other agencies and service providers. Centrelink and FaHCSIA should continue to work on a strategy to minimise the impact that intermittent interpreter work has on social security payments.

Recommendation 7

DEEWR should further explore whether its Indigenous Employment Program could be better used to assist with the recruitment and retention of Indigenous language interpreters.

APPENDIX A – INDIGENOUS LANGUAGE INTERPRETER INFORMATION FROM AGENCIES

Agency	Communication with remote or regional Indigenous Australians	Instructions to staff	Staff training	Instructions to third parties	Third party required to train staff	Awareness of need to engage with interpreter services	Additional information or comment
AGD	Does not deliver services directly. Funds service providers.	No	No	No	No	AGD provides funding to NTAIS to promote the use of interpreters by agencies and provide professional development to interpreters.	AGD funds NTAIS and requires funded legal aid providers to record their use of interpreters.
Centrelink	Engages with individuals and communities across the country.	No national training package or instruction for Indigenous languages. The Pitjantjara trial may result in one. General language services policy states 'customer has a right to an interpreter in the language of their choice if they require one'.	There is general interpreter training. NT staff undertake NTAIS training and cultural awareness training. There are information packages to support NT staff in the field.	Not applicable.	Not applicable.	Centrelink does engage with NTAIS before the roll out of new initiatives although this practice may be informed by lessons emerging from the Pitjantjara trial.	Centrelink endeavours to employ multilingual staff to improve communication. These staff are not encouraged to interpret for other staff but use their language skills during their own interactions with customers.

DEEWR	Direct communication with third party services providers and a small number of staff have direct contact with Indigenous Australians.	Required under newly released guidelines. NT staff have received some instruction.	New guidelines state that staff are to be trained in working with interpreters, with particular focus on Indigenous interpreters.	New guidelines apply. Some fact sheets and Funding Deeds also require the use of interpreters. Some programs include funds specifically for the use of interpreters.	New guidelines state that protocols for the use of interpreters, including third party staff training, should be included in contracts and operational guidelines for funded providers.	State and Territory offices run training for Indigenous interpreters, as needed. New guidelines note that the need for language services should be built into the consultation, information and procurement processes for new policies and programs.	New guidelines were issued in late 2010 in response to the Ombudsman's March 2009 *Use of interpreters* report.
DEWHA	Some staff attend meetings with groups or engage with individuals concerning a range of programs. Third party organisations are funded under certain programs.	No	No	No although some peak bodies and third parties are Indigenous organisations or have their own instructions on the use of interpreters. Some third party funding can be applied to the costs of interpreters.	Varies between divisions. Some third party providers selected on basis of experience in cross cultural communication.	Some divisions were unaware of this requirement and others state that it is not relevant to their usual business.	Variable levels of awareness of the need for, and how to work with, Indigenous language interpreters was evident across the four divisions that initially responded. Some divisions recruit staff with cross cultural liaison experience or utilise network staff who are Indigenous themselves.

FaHCSIA	Some staff engage with individuals and organisations across Australia, with particular emphasis on Remote Service Delivery communities. Some programs are delivered by third parties.	Several instructions and guidelines exist across a number of programs and business areas.	Staff who regularly engage with Indigenous Australians receive training.	Not currently included in standard agreements although it is considered on a case by case basis. The *National Framework* may apply to this.	Not currently, although the *National Framework* may address this.	FaHCSIA has worked with, and funded, training for NTAIS to assist FaHCSIA and other agencies to communicate during the delivery of new government initiatives.	FaHCSIA has observed that the greatest need for interpreters is in Western Australia, South Australia and the NT.
DoHA	Some staff consult directly with individuals and communities, others communicate via funded third party organisations.	Varies between sections. The use of interpreters is discussed in some staff induction.	Varies between sections. Some Western Australian staff have received training from the Kimberley Interpreter Service. Cultural awareness training is also provided to some staff.	No, although one region includes communication in its contract with service providers and procurement processes require culturally appropriate engagement by third party providers.	No. Some funded organisations prefer to provide their own interpreters.	While individual briefings to interpreters are provided as needed, there is no instruction about this. This may not be relevant to some programs.	The approach to these issues varied between sections and across the country.

APPENDIX B – AGENCY RESPONSES

Each agency was given an opportunity to comment on a draft of this report. The agencies' responses have been considered and, where appropriate, incorporated into the report. Their responses to the recommendations are set out below.

The agencies have agreed to provide a status report on the implementation of relevant recommendations three months after publication of this report.

Recommendation 1

Until the *National Framework* is developed, agencies should review their own approach to the use of, and engagement with Indigenous language interpreters, against the Best Practice Principles detailed in the Ombudsman's March 2009 *Use of interpreters* report.

At the same time, agencies should review the key messages detailed in this report, having particular regard for the need:

- to raise awareness of the importance of using Indigenous language interpreters amongst agency and third party service provider staff
- for agency and service provider staff to be specifically trained in working with Indigenous language interpreters
- for agencies to engage with Indigenous language interpreter services early in the design and implementation of a program so that interpreters are able to be trained in the broader context of specialist terms and concepts
- to review contracts and funding arrangements to ensure that third party service providers use interpreters, train staff and keep records on the need for and access to Indigenous language interpreters.

AGD

In its response AGD advised that it agrees to promote the use of Indigenous interpreters as an essential element of equitable and effective service provision and agrees that it is important for the Department's third party service provider staff to be trained in working with Indigenous interpreters. AGD agrees to promote this activity to its service providers as an essential component of their employees' capabilities, and to encourage them to access this training through their employee development programs.

AGD advised that it funds third party service providers to delivery culturally sensitive services and considers an essential element of this to be the appropriate use of interpreters. Service providers should meet this obligation as part of their normal performance under the standard funding agreement and within existing funding allocation.

Centrelink

Centrelink advised that it supports this recommendation.

DEEWR

DEEWR advised that it agrees with this recommendation.

DEWHA

In its response DSEWPaC advised that it envisages committing the Department to this recommendation. It also explained that as the draft report had brought to the fore that DSEWPaC does not currently have a formal policy regarding the use of Indigenous interpreters; it is currently planning a broader project to develop Indigenous engagement guidelines.

PM&C advised that it supports this recommendation.

FaHCSIA

FaHCSIA It advised that it supports this recommendation.

DoHA

In its response DoHA advised that it agrees with this recommendation.

Recommendation 2

As part of the *National Framework*, FaHCSIA should consider establishing an inter-agency committee to focus on improving agencies' work with Indigenous interpreters, recruiting and retaining more Indigenous interpreters and encouraging consistent, whole-of-government strategies.

FaHCSIA advised that it considers that it is already implementing this recommendation through the Executive Coordination Forum on Indigenous Affairs (ECFIA), which is chaired by the Secretary of FaHCSIA. The December 2010 ECFIA meeting considered a Centrelink study on the evidence of the need for, and possible shape of, a national Indigenous interpreter framework. ECFIA will continue to oversight work on the framework.

Although governance arrangements for the implementation of government action in this areas are yet to be determined, it is likely that this would draw on existing bilateral forums at the Commonwealth and State or Territory level and ultimately be overseen by ECFIA. FaHCSIA is of the view that establishing a further committee to take forward this work may be counter-productive, particularly given the already significant number of bodies and groups in place. FaHCSIA noted the advantage of having representatives from the most senior levels of the Australian Public Service involved in this work.

Ombudsman response

While ECFIA is clearly central to the implementation of a range of Indigenous initiatives, it is suggested that a lower level, operational-focussed committee could work on practical hurdles to greater use and recruitment of Indigenous language interpreters and share lessons learned within each agency. This committee could provide a mechanism for testing and refining the *National Framework* during its implementation in each agency. It may be helpful if the committee reported to ECFIA.

Recommendation 3

AGD and FaHCSIA should work with Indigenous language interpreter services to assist them to provide training to agency and third party service provider staff. While training could be delivered on an 'as needed' basis, it appears there would be benefit in establishing a training calendar for the periodic delivery of training to agency and third party service provider staff.

AGD

As detailed under Recommendation 1, AGD agrees to promote training in working with Indigenous language interpreters.

FaHCSIA

FaHCSIA advised that its supports this recommendation.

Recommendation 4

FaHCSIA should further explore whether the CDEP program could be better utilised as a training tool for potential Indigenous language interpreters.

FaHCSIA advised that while CDEP is not an appropriate mechanism for the long term training of Indigenous language interpreters, there is the scope for the initial stages of training to be undertaken through CDEP for suitable candidates and where the provider has the requisite skilled staff to provide the training. However, FaHCSIA noted that while interpreters require a degree of literacy and fluency in English, many CDEP participants have limited English language skills. Thus candidate selection will be important, as will readily accessible advanced training.

Recommendation 5

AGD should review the model under which NTAIS interpreters are employed so as to facilitate payment for interpreters who give evidence in court as a result of the services they have rendered in the course of their interpreter work. AGD should also work with the NTAIS and the NT police to improve the quality and efficacy of interpretations of the police caution.

AGD responded that NTAIS interpreters are employed by the NT Department of Housing, Local Government and Regional Services and so the model under which they are employed is a matter over which the AGD has limited influence. However, the issue underpinning this recommendation (that interpreting work is itself becoming a close focus of legal enquiry) raises some concern for the Department. AGD intends to direct its focus on working with the legal service providers and the NT police to address the reasons interpreters are being called as witnesses as a result of the services they have rendered. AGD will also continue to facilitate the re-introduction of the police caution recordings[24] in the 15 predominant Indigenous languages in the NT.

Recommendation 6

The lessons that Centrelink learns from the Pitjatjatjara Indigenous Interpreter trial should be incorporated into FaHCSIA's work on the *National Framework* and shared with other agencies and service providers. Centrelink and FaHCSIA should continue to work on a strategy to minimise the impact that intermittent interpreter work has on social security payments.

[24] These are recordings of the police caution (see footnote 22 above) in 15 Indigenous languages that the police can play to suspects at the start of an interview. It is hoped that these recordings will bring greater certainty and consistency to this important process.

Centrelink

Centrelink advised that it is already in discussion with FaHCSIA in relation to the lessons from the Pitjantjatjara Indigenous interpreter trial and other matters pertaining to the development of the *National Framework.* In relation to the impact of intermittent earnings upon social security payments, Centrelink said that it assesses earning in accordance with current policy and is of the view that a person will always be better off financially if they engage with employment regardless of whether a social security payment is reduced.

FaHCSIA

FaHCSIA advised that it agrees with this recommendation.

Recommendation 7

DEEWR should further explore whether its Indigenous Employment Program could be better used to assist with the recruitment and retention of Indigenous language interpreters.

DEEWR advised that is agrees with this recommendation. It explained that the Indigenous Employment Program is available to help with work readiness and training for interpreters, but arrangements need to be in place for ongoing and sustainable employment of interpreters under appropriate wages and conditions.

ABBREVIATIONS AND ACRONYMS

AGD	Attorney General's Department
AACD	Ageing and Aged Care Division
CDEP	Community Development and Employment Projects
CDLO	Community Development Liaison Officers
COAG	Council of Australian Governments
DEEWR	Department of Education, Employment and Workplace Relations
DEWHA	Department of the Environment, Water, Heritage and the Arts
DIAC	Department of Immigration and Citizenship
DOHA	Department of Health and Ageing
DSEWPAC	Department of Sustainability, Environment, Water, Population and Communities
ECFIA	Executive Coordination Forum on Indigenous Affairs
EPP	Employment Pathway Plan
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
IM	Income Management
JSA	Job Services Australia
NAATI	National Authority for Translators and Interpreters
NILS	National Indigenous Languages Survey
NT	Northern Territory
NTAIS	Northern Territory Aboriginal Interpreter Service
NTER	Northern Territory Emergency Response
OATSIH	Office of Aboriginal and Torres Strait Islander Health
PM&C	Department of Prime Minister and Cabinet
RST	Remote Servicing Teams
SIHIP	Strategic Indigenous Housing and Infrastructure Program
TIS	Translating and Interpreting Service National