



# **Accessibility of Indigenous Language Interpreters**

TALKING IN LANGUAGE FOLLOW UP INVESTIGATION

December 2016

Report by the Commonwealth Ombudsman,  
Colin Neave AM, under the *Ombudsman Act 1976*

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# CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>PART 1—BACKGROUND .....</b>	<b>2</b>
<b>PART 2 – ANALYSIS .....</b>	<b>5</b>
Policy, coordination and leadership.....	5
<i>Machinery of government changes and the draft National Framework</i> .....	5
<i>Current policy and coordination issues</i> .....	6
<i>Progress since 2011</i> .....	7
Awareness and training.....	8
Interpreter accessibility – service gaps, usage, supply and demand .....	11
<i>Service gaps</i> .....	11
<i>Interpreters for non-English speaking hearing impaired Indigenous people</i> .....	12
<i>Usage data</i> .....	12
<i>Supply</i> .....	14
<i>Demand</i> .....	15
<i>Scope for agencies to increase demand</i> .....	15
<i>Digital service delivery and decentralised decision-making models</i> .....	18
Interpreter recruitment, training, accreditation and retention .....	20
<i>Recruitment</i> .....	20
<i>Training</i> .....	20
<i>Accreditation</i> .....	21
<i>Retention</i> .....	22
<i>Additional comments</i> .....	23
Data and records .....	23
Contracted service providers .....	24
Accessing interpreter services.....	27
<b>CONCLUSION.....</b>	<b>28</b>
<b>BEST PRACTICE PRINCIPLES.....</b>	<b>30</b>
<b>RECOMMENDATIONS .....</b>	<b>32</b>
<b>APPENDIX A – SCOPE AND METHODOLOGY.....</b>	<b>33</b>
Scope .....	33
Methodology .....	33

<b>APPENDIX B – SURVEY QUESTIONS .....</b>	<b>34</b>
<b>APPENDIX C – AGENCIES IN SCOPE OF INVESTIGATION .....</b>	<b>35</b>
<b>APPENDIX D – IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 2011 REPORT .....</b>	<b>37</b>
Implementation of the 2011 Report recommendations.....	37
<i>Department of Prime Minister and Cabinet (PM&amp;C).....</i>	<i>37</i>
<i>Department of Human Services (DHS).....</i>	<i>38</i>
<i>Department of Health (Health) .....</i>	<i>39</i>
<i>Department of Social Services (DSS).....</i>	<i>40</i>
<i>Attorney-General’s Department (AGD) .....</i>	<i>41</i>
<i>Department of Employment (Employment).....</i>	<i>41</i>
<i>Department of Education and Training (DET) .....</i>	<i>42</i>
<i>Department of the Environment and Energy (DoEE).....</i>	<i>42</i>
<i>Department of Communications and the Arts (DoCA) .....</i>	<i>43</i>
Analysis of performance against recommendations.....	45
<b>APPENDIX E – AGENCY RESPONSES TO DRAFT REPORT.....</b>	<b>46</b>

## **EXECUTIVE SUMMARY**

In 2011 the Commonwealth Ombudsman released a report<sup>1</sup> into the accessibility and use of Indigenous Language Interpreters by government agencies. At the time, the government was developing a National Framework for Indigenous Interpreters<sup>2</sup> (draft National Framework), which was not finalised. This follow up investigation focuses on what steps, if any, agencies may have taken to improve access to Indigenous language interpreter services in the absence of a national framework. We also consulted with government agencies and other stakeholders to evaluate what new challenges, opportunities and examples of good practice have emerged.

Indigenous language interpreting services are critical for effective two way engagement between government and non-English speakers. Unfortunately, unique challenges in the Indigenous language interpreter area mean that government agencies and individuals are frequently unable to access interpreters, even where the need for an interpreter is identified. Lack of awareness of the need to use interpreters, the absence of ‘on demand’ telephone interpreting services, insufficient numbers of accredited interpreters to meet demand and reduced interpreter training options emerged as key issues in this investigation. Dedicated Indigenous language interpreter services are found only in the Northern Territory and Western Australia. This sits in contrast with the Department of Immigration and Border Protection funded national Telephone Interpreting Service<sup>3</sup> available for migrant communities.

This report finds that a coordinated whole of government response is still required. While there has been some progress, ongoing barriers to accessing interpreters continue to undermine communication between government and Indigenous language speakers, even for those agencies who have gone to considerable lengths to try to improve accessibility.

Since commencement of this investigation, the Department of Prime Minister and Cabinet has established the Commonwealth Inter-Departmental Committee (IDC) for Indigenous Interpreters, which this office welcomes. This report recommends the Government take steps to ensure finalisation and adoption of the National Framework and suggests actions agencies might take to improve accessibility pending finalisation of the National Framework.

Part 1 of this report sets out the background to the investigation. Part 2 analyses the current situation, five years on from our original report in 2011 and provides analysis on ways to increase Indigenous language interpreter accessibility and use. Part 3 summarises our conclusion and recommendations. The appendices set out in detail the investigation’s scope and methodology, analysis of performance of agencies against the recommendations of the 2011 *Talking in Language* Report, survey questions and agency responses to the draft report.

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<sup>1</sup> Commonwealth Ombudsman ‘*Talking in Language: Indigenous language interpreters and government communication*’ 05/2011

[http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0014/30281/April-2011-Talking-in-Language-Indigenous-language-interpreters-and-government-communication.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0014/30281/April-2011-Talking-in-Language-Indigenous-language-interpreters-and-government-communication.pdf) (the 2011 Report)

<sup>2</sup> Draft National Framework for Indigenous Interpreters July 2013

<sup>3</sup> TIS National

## **PART 1—BACKGROUND**

1.1 In April 2011 the Commonwealth Ombudsman published its report '*Talking in Language: Indigenous language interpreters and government communication*' (the 2011 Report)<sup>4</sup>. The 2011 Report evaluated the performance of six key agencies<sup>5</sup> in their use of Indigenous language interpreters against eight best practice principles, originally developed by the Ombudsman in the 2009 report *Use of Interpreters: AFP, Centrelink, DEEWR, DIAC* (the 2009 Report).<sup>6</sup> It noted examples of agencies with better practice models.

1.2 The 2011 Report found that most agencies lack a unified and consistent approach to the use of Indigenous language interpreters and made seven practical recommendations to improve accessibility and use of Indigenous language interpreters across Government departments and agencies.

1.3 At the time of the 2011 Report it was anticipated that some issues identified in the report would be addressed in a National Framework for Indigenous Interpreters that the then Department of Families, Housing, Community Services and Indigenous Affairs was charged with developing.<sup>7</sup> However, while a draft National Framework was developed, it was never finalised and implemented.

1.4 While there have been some positive developments since 2011, our office continues to receive complaints about the inaccessibility of Indigenous language interpreters. The number of formal complaints to our office is small. However, it is an issue raised repeatedly by stakeholders during our outreach activities.<sup>8</sup> Furthermore, we have observed that lack of access to an Indigenous language interpreter was sometimes a contributing factor in other complaints, although not the original focus or subject of the complaint.

1.5 Various other reports, inquiries and submissions published since the 2011 Report have raised access to Indigenous language interpreters as an ongoing issue. These include publications by the Standing Committee on Aboriginal and Torres Strait Islander Affairs<sup>9</sup>, the Australian Institute of Health and Welfare Closing the Gap Clearinghouse<sup>10</sup>, Australian

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<sup>4</sup> Commonwealth Ombudsman '*Talking in Language: Indigenous language interpreters and government communication*' 05/2011  
[http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0014/30281/April-2011-Talking-in-Language-Indigenous-language-interpreters-and-government-communication.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0014/30281/April-2011-Talking-in-Language-Indigenous-language-interpreters-and-government-communication.pdf)

<sup>5</sup> Attorney-General's Department; Centrelink; Department of Education, Employment and Workplace Relations; Department of Families, Housing, Community Services and Indigenous Affairs; Department of Health; Department of Environment, Water, Heritage and the Arts.

<sup>6</sup> Commonwealth Ombudsman '*Use of Interpreters - AFP, Centrelink, DEEWR, DIAC*' 03/2009  
[http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0013/26221/investigation\\_2009\\_03.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0013/26221/investigation_2009_03.pdf)

<sup>7</sup> See clause 19(g) of the COAG National Partnership Agreement on Remote Service Delivery.

<sup>8</sup> Particularly by peak bodies and legal services.

<sup>9</sup> House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Our Land Our Languages: Language and Learning in Indigenous Communities*, 2012 Commonwealth of Australia

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_representatives\\_Committee\\_s?url=/atsia/languages2/report.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_representatives_Committee_s?url=/atsia/languages2/report.htm) accessed 22 August 2016

<sup>10</sup> Australian Institute of Health and Welfare Closing the Gap Clearinghouse Issues paper No 5, *Engaging with Indigenous Australia – exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities* Janet Hunt, pp 9, 13, 16-17

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

National Audit Office<sup>11</sup>, the Productivity Commission<sup>12</sup>, Law Council of Australia<sup>13</sup> and the Australian Institute of Aboriginal and Torres Strait Islander Studies National Indigenous Languages Survey.<sup>14</sup>

1.6 A key finding of the 2011 Report was the importance of engaging early with Indigenous language interpreter services in the design and implementation of new programs so that interpreters can be trained in the broader context of specialist terms and concepts. Several new Commonwealth programs have commenced or been introduced in remote Indigenous communities since 2011, making a follow up investigation timely. These include the Cashless Debit Card Trial and the delivery of employment services via the Remote Jobs and Communities Program and later the Community Development Program. At the time this investigation commenced, the National Disability Insurance Agency was rolling out its trial in the remote Tennant Creek community. These new programs involve the delivery of services to vulnerable non-English speaking people in remote Indigenous communities.

1.7 In May 2016 we commenced a follow up investigation to assess what steps the six agencies in the original investigation had taken to implement the recommendations of the 2011 Report. This investigation was broadened to include a wide range of government agencies and consultation with stakeholders to enable us to evaluate the current operating environment and draw out examples of progress and good practice. The scope and methodology of the investigation is set out at Appendix A, survey questions are listed at Appendix B and a list of agencies involved in the investigation is at Appendix C. A summary and critique of the original six agencies' performance against the recommendations of the 2011 Report can be found at Appendix D. Agency responses are summarised at Appendix E. The final Department of Prime Minister and Cabinet response is also attached at Appendix E.

1.8 The investigation included a survey of government agencies as well as government and non-government stakeholder forums and meetings. The survey asked agencies to respond to open-ended questions about the accessibility and use of Indigenous language interpreters. The responses relied on self-assessment and interpretation. However, we are confident the quality of the responses is sufficient for the purpose of obtaining a general indication of accessibility and use of Indigenous language interpreters across government agencies.

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<http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2013/ctgc-ip5.pdf>  
accessed 22 August 2016.

<sup>11</sup> Australian National Audit Office Report No. 45, 2013-2014

<https://www.anao.gov.au/work/performance-audit/initiatives-support-delivery-services-indigenous-australians> accessed 22 August 2016.

<sup>12</sup> Productivity Commission, *Report into Access to Justice Arrangements*, September 2014, Commonwealth of Australia, Recommendation 22.3

<http://www.pc.gov.au/inquiries/completed/access-justice/report> accessed 22 August 2016.

<sup>13</sup> Law Council of Australia submission to the *Senate Finance and Public Administration Committee Inquiry into Aboriginal and Torres Strait Islander Experiences of Law Enforcement and Justice Services*, 20 May 2015, pp 6-7 [https://www.lawcouncil.asn.au/lawcouncil/images/2994\\_S\\_-\\_Submission\\_ATSI\\_experience\\_of\\_law\\_enforcement\\_and\\_justice\\_services.pdf](https://www.lawcouncil.asn.au/lawcouncil/images/2994_S_-_Submission_ATSI_experience_of_law_enforcement_and_justice_services.pdf) accessed 22 August 2016.

<sup>14</sup> *Community, identity, wellbeing: the report of the Second National Indigenous Languages Survey*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Recommendation 14  
[http://aiatsis.gov.au/sites/default/files/products/report\\_research\\_outputs/2014-report-of-the-2nd-national-Indigenous-languages-survey.pdf](http://aiatsis.gov.au/sites/default/files/products/report_research_outputs/2014-report-of-the-2nd-national-Indigenous-languages-survey.pdf) accessed 22 August 2016.

**Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

1.9 We consulted government and non-government organisations delivering services in remote communities because of their on the ground experience in communicating with, and advocating for Indigenous non-English speakers. They also have experience in delivering coordinated outreach activities with other services and with other cooperative servicing arrangements. Our objective was to draw out insights, expertise and ideas from these stakeholders, who included Indigenous interpreter services, legal services, educational institutions, accreditation bodies, peak bodies, forum participants and frontline staff from agencies and service providers.

## **PART 2 – ANALYSIS**

2.1 This Part analyses the information obtained from agencies and stakeholders during the investigation. It has been organised according to the broad issues and themes we identified in the course of our investigation.

2.2 Overall, despite some positive progress, most or all of the issues identified in 2011 and 2013, both in our 2011 Report<sup>15</sup> and the draft National Framework respectively, continue to present today. Moreover, new challenges have emerged since 2011, including a reduction in training options for interpreters, the recent or pending roll out of new programs to remote areas<sup>16</sup> and the issue of how Indigenous language interpreting fits with emerging decentralised decision making and digital servicing models.

2.3 While the best practice principles for use of interpreters developed by our office in 2009 apply equally to Indigenous language interpreters, the unique challenges affecting their accessibility and use warrant the development of best practice principles specifically relating to the use of Indigenous language interpreters.

2.4 In our view, the Department of Prime Minister and Cabinet (PM&C) should develop best practice principles in consultation with other government agencies and with Indigenous language interpreter services. We have included suggestions for best practice principles throughout this Part.

### **Policy, coordination and leadership**

#### ***Machinery of government changes and the draft National Framework***

2.5 In 2013 PM&C became responsible for Indigenous Affairs and the implementation of the Indigenous Advancement Strategy, which merged 150 funding streams into five programs. Currently, PM&C's Cultural Policy Section has responsibility for Indigenous language interpreting policy and investment.

2.6 PM&C also took over responsibility for the draft National Framework which the then Department of Families, Housing, Community Services and Indigenous Affairs was drafting at the time the 2011 Report was published. A draft National Framework was prepared and was taken to the Council of Australian Governments, but was not adopted. PM&C advises that the National Framework was part of a government initiative which expired on 30 June 2014 without being finalised.

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

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<sup>15</sup> The 2011 Report, op cit.

<sup>16</sup> For example the National Disability Insurance Scheme

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

- increasing the supply of trained and accredited interpreters
- increasing awareness of the need for, and appropriate use of, interpreters
- improving the sustainability, coverage and reach of the sector.<sup>17</sup>

### ***Current policy and coordination issues***

2.8 The survey revealed only a minority<sup>18</sup> of agencies have specific policies, guidelines or training in place for the use of Indigenous language interpreters and with a small handful of exceptions, overall usage is low.<sup>19</sup>

2.9 In their responses, many agencies referred only to general policies relating to use of interpreters and to their general Culturally and Linguistically Diverse service delivery policies. Only a handful had detailed guidance on the use of Indigenous language interpreters.

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

- support interpreters
- share policy, training and awareness resources
- coordinate, where appropriate, with Commonwealth, State, Territory and local government agencies and non-government organisations.<sup>20</sup>

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

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

2.13 There was also broad consensus in the consultation forum about the need for a whole of government policy framework and a lead agency to champion, coordinate and monitor measures to improve Indigenous language interpreter accessibility and use. Suggestions for improvement offered by agencies in response to the survey included the

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<sup>17</sup> Draft National Framework, op cit, p 14.

<sup>18</sup> Only 14 out of 45 had specific policies or training in place, ie just under one third of agencies.

<sup>19</sup> This is confirmed by data provided by the Aboriginal Interpreter Service and Kimberley Interpreter Service.

<sup>20</sup> Positive examples of coordination included: coordination between the NT Department of Education and the Department of Human Services in the School Enrolment and Attendance Measure (SEAM), and between the Australian Securities and Investments Commission and the North Australian Aboriginal Justice Agency in relation to consumer leases.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

implementation of a National Framework and whole of government resources to facilitate access to interpreters.

### ***Progress since 2011***

2.14 As the lead agency for policy and coordination in Indigenous Affairs, the Department of Prime Minister and Cabinet (PM&C) has made some progress, particularly in the area of accreditation. The following funding was provided to targeted projects to support the recruitment, training, employment and retention of Indigenous language interpreters:

- \$250,000 for TAFE South Australia to deliver high quality courses to train and accredit Indigenous language interpreters
- \$320,000 for a pilot to supply interpreters to the Australian Broadcasting Corporation to create employment opportunities and to build Aboriginal Interpreter Service (AIS) capacity to translate news (in the 2014–2015 and 2015–2016 years)
- \$400,000 (in the 2015–2016 and 2016–2017 financial years) for the National Accreditation Authority for Translators and Interpreters (NAATI) to increase the number of accredited Indigenous language interpreters in South Australia (SA), Western Australia (WA) and Queensland (QLD). In total NAATI has been funded \$1.5 million since 2012.

2.15 We received positive informal feedback from stakeholders about these three programs during the course of this investigation. PM&C has also provided funding to AIS to trial cross-border services into WA and SA.

2.16 In terms of national leadership and coordination, PM&C has, since the commencement of this investigation, reconvened an Inter-departmental Committee for Indigenous Interpreters (IDC). This is a welcome development which we hope will improve agency cooperation. PM&C reports that it is also currently engaging with the SA, Northern Territory (NT), WA and QLD governments to discuss their views on the delivery of a sustainable national Indigenous languages interpreting service.

2.17 PM&C and the Department of Human Services (DHS) are identified as important stakeholders and possible observers of meetings of the ‘National Indigenous Language Interpreting Advisory Committee’ recently established by NAATI to promote coordination and collaboration, facilitate information exchange between practitioners, educators, industry, government and others, identify priority languages for training, testing and accreditation and raise awareness of NAATI accreditation and the value of using accredited interpreters.

2.18 DHS also plays a lead role in relation to inter-agency cooperation. DHS is the largest user of Indigenous language interpreter services and conducts outreach visits to remote communities on a 12 weekly basis. Several Commonwealth and State and Territory agencies report partnering with DHS when doing outreach work, which can involve help sourcing interpreters, sharing interpreters and coordinated joint visits. For example, the National Disability Insurance Agency has sought advice from, and is cooperating with, DHS in the planning for use of Indigenous language interpreters in its roll out to remote Indigenous areas.

2.19 Based on information we received, PM&C, DHS and the Australian Securities and Investments Commission have the most thorough and specific policy guidance. We welcome

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

PM&C's advice that the IDC has provided in principle agreement to review the 2013 draft Protocols. These Protocols are included in the examples of progress and good practice in Part 2 of this report. If adopted, the Protocols will establish a common framework to implement minimum obligations for Indigenous language interpreter use across Commonwealth agencies.

### **Good practice examples – policy guidance**

**PM&C** has developed specific Protocols<sup>21</sup> for the use of Indigenous language interpreters which provide clear guidance on when and how to use interpreters. It provides guidance on what to do if interpreting is refused or not available. It includes a tool in the form of a table that staff can use to assess whether a person needs an interpreter. The Protocols are available on the PM&C Intranet and the regional staff portal.

**DHS** provides guidance to staff in its document *Indigenous Languages and Interpreting* which is distributed via its Indigenous Cultural Awareness Training program. This details its Indigenous interpreting service offer, the benefits of using Indigenous language interpreters, when to use an interpreter and what to do if no interpreter is available.

**ASIC** has a remote travel policy which requires staff to investigate the English language capacity of the communities they will be visiting and consider and prepare communication strategies. It has a dedicated Indigenous Helpline and an Indigenous Outreach Program which facilitates training of outreach workers and leads communication with, and support for, interpreters.

2.20 We suggest the following best practice principle for consideration by agencies:

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

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

### **Awareness and training**

2.21 The awareness and training issues raised in our 2011 Report continue to be a major concern. These issues include limited awareness among agency staff of the need to use interpreters and limited skills for working with interpreters.

2.22 Additionally, a key theme to emerge in this investigation was the importance of ensuring that users of Indigenous language interpreter services support interpreters during their interactions. To this end, improving awareness within agencies (including at planning and operational levels) and mandating 'working with interpreters' training is required.

2.23 Stakeholders who use interpreter services, and the interpreter services themselves, suggested:

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<sup>21</sup> Titled '*Protocols for the Department of Prime Minister and Cabinet for the use of Indigenous Language Interpreters*'.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

- streamlining communication and administration (for example, creating single contact points within agencies<sup>22</sup>)
- having staff complete ‘working with interpreters’ training
- proper and thorough briefings for interpreters in advance of assignments
- building in breaks and other measures to reduce fatigue and burnout
- providing supportive environments
- providing information and education for communities about the availability and use of interpreters.

2.24 Despite our finding that limited awareness and training continue to be accessibility barriers, there has been some progress since 2011. Based on information we collected, the Department of Prime Minister and Cabinet (PM&C) and the Department of Human Services (DHS), in collaboration with the Aboriginal Interpreter Service (AIS) and Kimberley Interpreter Service (KIS), have led the way in their efforts to improve training and awareness. The Australian Securities and Investments Commission has also made significant progress.

### **Good practice examples – training and awareness**

**PM&C** funds the AIS to provide ‘working with interpreters’ training to Commonwealth government staff and their service providers and encourage staff to undertake that training. In February 2016 the AIS visited PM&C offices in Canberra and delivered an awareness raising seminar streamed to all regional offices that was recorded and uploaded to the PM&C intranet. The AIS delivers weekly training in the NT<sup>23</sup>, alternating between general training and legal training. It is also available to non-government service providers. Stakeholders spoke very highly of this training. In 2015–16 the AIS delivered 100 training sessions attended by 1,177 participants. AIS also delivers training in the Ngaanyatjarra Lands in WA and the Anangu Pitjantjatjara Yankunyjatjara (APY) lands in SA.<sup>24</sup> PM&C staff can also access Cross Cultural Communication Training workshops run by the KIS.

**DHS** implemented a number of strategies and actions to raise staff awareness of the importance of using Indigenous language interpreters, including developing a new national e-learning package ‘Working with Indigenous Language Interpreters’ which was rolled out to staff in offices with a rostered interpreter and those involved in remote servicing. DHS also produced a two page handout which was included in its facilitated Indigenous Cultural Awareness program. Facilitated training sessions were delivered to around 190 staff in 2014–2015 and 135 staff completed the e-learning package as at 30 June 2016. DHS’s training was developed in consultation with the AIS. Further AIS and KIS interpreters have generally been present at facilitated training as local subject matter experts. In terms of its overall strategy, the scope of training has been limited because it is targeted only to those staff with practical access to interpreters. DHS intends to require more staff to complete the e-learning package

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<sup>22</sup> Interpreter services report administrative difficulties with agencies that do not have dedicated points of contact within their agencies for liaison with interpreter services.

<sup>23</sup> The development of a training calendar was a recommendation of the 2011 Report. This weekly training is the result of the Attorney-General’s Department and PM&C implementing that recommendation – see Appendix D for more information.

<sup>24</sup> In 2015–2016 the AIS delivered 100 training sessions attended by 1,177 government and service provider participants.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

as its on demand trial<sup>25</sup> gradually increases accessibility of interpreters for staff in call centres and other areas.

**ASIC's Indigenous Outreach Program (IOP)** has design features which aim to improve support for interpreters: '*IOP staff members provide pre-travel briefings to staff members from other ASIC teams travelling to remote Indigenous communities to raise awareness about various cultural issues including the role of Indigenous language interpreters. The IOP's role involves leading interactions with Indigenous language interpreters, including familiarising interpreters with the nature of the work ASIC will be undertaking in the community, and ensuring that interpreters understand any terminology that is likely to be used during discussions. Members of ASIC's IOP are aware of the importance of cultivating strong working relationships with Indigenous language interpreters to ensure that they are comfortable asking questions if they are unsure of how to properly interpret any unfamiliar concepts that may arise during these discussions*'.

2.25 Agencies need to make better use of the training offered by interpreter services, particularly the regular AIS training program now available in the NT. Improved government agency cooperation in the area of awareness and training should be considered by all agencies and the IDC. The resources developed by PM&C and DHS in consultation with interpreter services are a good starting point for developing national training and awareness resources for use (and where necessary, modification) by other Commonwealth agencies.

2.26 We suggest the following best practice principles for consideration by agencies:

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

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

Agencies should be mindful that not all plain English words and phrases will be readily interpreted because many concepts, words and phrases do not have equivalents in Indigenous languages or may have more than one meaning.

Agencies should provide briefings to interpreters in advance to enable them to become more familiar with the subject area and enable collaboration on terms and concepts which may need to be considered further.

Agencies should develop simple plain English materials, in consultation with interpreter services, for the purposes of briefing interpreters in advance and where possible, for translation into language products. Where possible, subject matter dictionaries should be developed in consultation with Indigenous language interpreter services.

Agencies should be mindful of the need to build in breaks and other measures to reduce interpreter burnout and fatigue.

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<sup>25</sup> This trial is discussed in detail on pp 17-18.

## **Interpreter accessibility—service gaps, usage, supply and demand**

### ***Service gaps***

2.27 There are major gaps in Indigenous language interpreter services, particularly in QLD and SA.<sup>26</sup> These gaps were recognised in the draft National Framework.<sup>27</sup> While we acknowledge that some projects have increased the number of accredited interpreters in QLD and established limited cross-border trials in SA and WA, we remain concerned that the capacity of interpreter services varies among the jurisdictions and there are still no interpreter services in some states. An absence of a dedicated Indigenous language interpreter service means both agencies and service providers are often unable to source interpreters, and there is no interpreter service to recruit, train and support new interpreters. For service providers in areas where there is no dedicated interpreter service, access to cross-border interpreter services is limited by the cost associated with a fee-for-service model.

2.28 For example, Queensland Community Legal Centres said:

‘Community Legal Centres in Queensland can’t access any Indigenous language interpreter services. There are just no interpreters. We’ve gone looking and can’t find any. Even if we did, it’s not clear who would pay for it because, unlike TIS,<sup>28</sup> there are no Commonwealth funded Indigenous interpreter services.’<sup>29</sup>

2.29 Aboriginal and Torres Strait Islander Legal Services (ATSILS) QLD agree with the need for a dedicated service in QLD, particularly for Torres Strait Islanders. ATSILS QLD employs bilingual staff but has difficulty affording interpreters from AIS or KIS when needed, for example, for a person who has relocated to QLD from the NT.

2.30 The issue of cost, and who should pay for interpreters, was also raised by other stakeholders. The Aboriginal Medical Services Alliance NT is concerned the expense of using interpreters in a fee-for-service model creates barriers for key service providers with limited resources, including the Aboriginal Community Controlled Health Services.

2.31 The SA Government’s Interpreter and Translating Centre (ITC) and TAFE SA both observe that while SA Aboriginal languages are well represented by the AIS, there is limited AIS office infrastructure across SA and the AIS footprint in that State is limited. The ITC commented in relation to the AIS:

‘It works. It makes a life-changing difference in the lives of hundreds of Aboriginal people every year and has created a new stream of very well-paid employment for bilingual and bicultural Aboriginal people.....The smart money for the Commonwealth would [be to] further bolster the NTAIS to provide ‘outreach’ style operations in every other state that requires Aboriginal languages interpreting services. That way, the investment that has already been made in

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<sup>26</sup> The Aboriginal Interpreter Service, funded by PM&C and the NT Government, services the Northern Territory and, under PM&Cs cross-border trial, provides a limited service into SA and WA. The community controlled Kimberley Interpreter Service also provides services in WA.

<sup>27</sup> Draft National Framework, op cit, p 8.

<sup>28</sup> Telephone Interpreter Service (TIS National)

<sup>29</sup> Teleconference with Queensland Community Legal Centres 25 August 2016.

the model, the staff, the training and resources etc is maximised and capitalised on.<sup>30</sup>

2.32 It is clear that addressing these gaps should be a key priority in any government strategy to improve Indigenous language interpreter accessibility as it was in the draft National Framework. Of concern, the AIS indicated that with its decreasing reserves, it is considering closure of three of its remote offices in Tennant Creek, Groot Island, and Nullumbuy. The Department of Prime Minister and Cabinet (PM&C) and other agencies servicing these communities should consider what support might be provided to AIS to ensure its continued presence in these communities.

***Interpreters for non-English speaking hearing impaired Indigenous people***

2.33 Another key issue to emerge during the investigation was the additional access issues faced by Indigenous non-English speakers who are also hearing impaired. Stakeholders such as the National Community Controlled Health Organisation, First Peoples Disability Network, North Australian Aboriginal Justice Agency (NAAJA), National Accreditation Authority for Translators and Interpreters, Aboriginal Medical Services Alliance of the Northern Territory and others all raise the issue of access to interpreters for Indigenous language speakers who have hearing loss.

2.34 The challenges of relay interpreting to such clients are considerable and are complicated by additional barriers such as intellectual disability or acquired brain injury, and difficulty finding Auslan interpreters.<sup>31</sup> Some communities have developed their own systems of sign communication. NAAJA commented that there is one interpreter they use at the AIS who:

‘has developed communication with people who are non-English speaking, deaf, have cognitive impairments, are illiterate and have partial or no Auslan skills. She uses a mixture of signals, pictures and other methods. If she leaves, it will be a disaster’.<sup>32</sup>

2.35 In addition to an on demand telephone service, more face-to-face Indigenous language interpreters are necessary for a range of practical and/or cultural reasons and for people with hearing impairments. PM&C, the National Disability Insurance Agency, Department of Human Services and the Department of Health should collaborate to find strategies for developing, supporting and improving access to interpreter services for this group. Addressing the unique challenges faced by Indigenous non-English speakers with hearing loss and living in remote areas will need to be specifically included in any future strategy for improving access to Indigenous language interpreters.

***Usage data***

2.36 The majority of agencies, around 37 out of 45,<sup>33</sup> provide access to Indigenous language interpreters at their own cost, or would do so if the need arose. Of those agencies,

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<sup>30</sup> Email from ITC received 25 August 2016.

<sup>31</sup> Other broader concerns raised by stakeholders included the small numbers of Auslan interpreters, inadequate information for peak bodies about Auslan funding under the National Disability Insurance Scheme (NDIS) and the importance of continuity of access to deaf interpreting services during the transition to the NDIS funding model.

<sup>32</sup> Meeting with North Australian Aboriginal Justice Agency, Darwin 1 June 2016.

<sup>33</sup> Several agencies provided a joint response, which makes the total number of responses 45.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

10 use bilingual workers to provide access to their services and another four have used bilingual workers or contactors for consultation processes or awareness campaigns.

2.37 However, only 24 agencies indicated they had used Indigenous language interpreters since 2011. Of the 24 agencies that indicated they had used interpreters (either via bilingual staff or interpreter services) since 2011, very few examples emerged of agencies with any marked increase in interpreter usage.<sup>34</sup>

2.38 Very few agencies keep records of their interpreter use (either via bilingual staff or interpreter services). However, it is clear that overall, usage of interpreter services is low. This finding is also supported by usage statistics provided to us by the Aboriginal Interpreter Service (AIS) and Kimberley Interpreter Service. For some agencies, low usage levels reflect a broader accessibility issue.<sup>35</sup> We acknowledge that for some, low level usage reflects the fact that the agency has limited direct contact with individuals generally or with people who require an Indigenous language interpreter.

2.39 Very few agencies require their contracted service providers to record interpreter usage. However, data from interpreter services confirms that with a few exceptions (for example legal services), use of interpreters is also generally very low among contracted service providers.

2.40 Several agencies report producing resources in Indigenous languages, including community radio broadcasts, talking posters, DVDs, flipcharts, factsheets and brochures or engaging interpreters as part of broader communications strategies. PM&C has also recently updated its operational guidance on Indigenous language interpreter services for grant applicants and service providers.<sup>36</sup>

### **Examples of good practice—resource development**

As recommended in the 2011 Report, a project to develop and deliver pre-recorded police cautions via mobile devices was the subject of positive feedback received from stakeholders.

Also in the NT, the development of a Plain English Legal Dictionary, which was developed in consultation with the AIS and legal services, also met with the approval of stakeholders we spoke to.

The Australian Securities and Investments Commission developed financial literacy audio posters in 20 languages which are displayed in 60 remote community stores. Talking posters have an in-built audio module that provides a translated ‘talking’ component by pressing a button.

PM&C utilised talking posters in 14 languages to support the 2016 National Tobacco Campaign. It has produced products to improve information about its programs, including the Remote Jobs and Communities Program, the Community Development Program and

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<sup>34</sup> Moreover, examples given of increased use tend to be increases off a low base (for example, an increase from a single use in 2011–2012 to six in 2015–2016) or due to one off communications strategies or the rolling out of new programs.

<sup>35</sup> For example courts, tribunals and complaints bodies whose numbers of remote Indigenous applicants/complainants are generally low (for example, due to other access to justice issues or due to the nature of the jurisdiction).

<sup>36</sup> Indigenous Language Interpreter Services: Operational guidance for grant applicants and service providers <http://www.dpmc.gov.au/resource-centre/indigenous-affairs/indigenous-language-interpreter-services> accessed 31 October 2016.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

Stronger Communities for Children. PM&C developed 70 talking posters in 20 languages to promote the importance of school attendance. On occasion it has provided funding to state governments to develop products in Indigenous languages.

The Aged Care Complaints Commissioner has translated its brochure 'A Little Yarn Goes a Long Way' into six Indigenous languages along with flip charts, animations and factsheets.

In 2013-14 when managing the transition to digital television, the Department of Communications engaged a private company which sourced 49 Indigenous Community Liaison Officers, although how many were bilingual is unknown.<sup>37</sup>

### ***Supply***

2.41 Information from government and non-government stakeholders currently using interpreter services indicates the biggest challenges for agencies and their contracted service providers are the lack of availability of suitably qualified interpreters and the absence of an on demand telephone service, due to the way in which remote Indigenous customers interact with their services.<sup>38</sup>

2.42 Issues of supply and demand are complex. On the supply side, some of the reasons for the lack of suitably qualified interpreters include:

- the limited pool of potential interpreters for recruitment
- the vast number of languages and dialects
- limited training options
- limited resourcing of current interpreter services (and absence of interpreter services in some locations)
- cultural considerations affecting who may act as an interpreter in a given situation
- disincentives to working as an interpreter (such as insecure/intermittent work patterns and the impact of interpreter income on ongoing entitlement to public housing)
- difficulty retaining interpreters, whose skillset will often mean they are attractive to higher paying employers.

2.43 Stakeholders also commented that while use of bilingual workers is a practical and positive way of increasing language accessibility for straightforward every day interactions, there are some situations where accredited interpreter skills are required, but not used because of the availability of unaccredited bilingual speakers. Further, as the Department of Human Services noted in its 2011 correspondence to our office:

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<sup>37</sup> We note however that other feedback to this office suggests that broad communications strategies tend to source liaison officers who may or may not be bilingual and, if bilingual, may not be accredited interpreters.

<sup>38</sup> Agencies report the unscheduled way in which Indigenous non-English speakers interact with their services makes appointment based engagement ineffective.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

‘An unfortunate and unavoidable consequence of bilingual staff recruitment is the withdrawal of a language resource from the community to one agency rendering that resource inaccessible to other agencies.’<sup>39</sup>

2.44 The Kimberley Interpreter Service (KIS) provided an example of collaboration with a private sector employer when the WA Police required an interpreter. KIS found an interpreter working for a mining company who was willing to do the job. KIS began negotiations with the Interpreter’s employer. The employer agreed to release their employee for a period of leave without pay to enable him to attend the interpreting job. There may be scope for government agencies to consider what might be done to encourage private employers to provide flexible work arrangements to enable bilingual staff to a) become accredited and b) be released from their employment, where possible, to undertake interpreting work.

### **Demand**

2.45 On the demand side, some of the factors in play include:

- lack of awareness of the need to use Indigenous language interpreters within agencies and service providers
- lack of awareness of Indigenous language interpreter services and how to use them
- financial disincentives arising from the fee-for-service model in situations where there are no grant agreements in place to give agencies and service provider staff access to free interpreter services
- failure to build the cost of interpreters into programs
- disincentives arising from past difficulties securing or using an interpreter.

2.46 Timing has a considerable impact on demand. Government agencies and other stakeholders report they generally require interpreters immediately for unforeseen customer contact via on demand services. If they cannot have relatively immediate access, they will go ahead with the ‘least worst’ alternative option available (usually using a friend or community member, or if no interpreter is available, speaking slowly and repetitively in English).

2.47 Thus, the absence of on demand interpreters reduces interpreter use even where staff are aware of the need for an interpreter, because either the customer or the staff member, or both, prefers the interaction go ahead than be rescheduled for a booked interpreter.

### **Scope for agencies to increase demand**

2.48 In the survey, we asked agencies whether there is scope for greater utilisation of Indigenous language interpreter services, assuming the agency has more resources and interpreters are available. We asked agencies to make this assumption to get an indication of *potential scope to increase demand* in the event that other challenges can be addressed (as opposed to a scope limited by challenges that exist currently).

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<sup>39</sup> Correspondence to the Commonwealth Ombudsman from DHS dated 23 February 2011.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

2.49 Some agencies report there is little or no scope to increase their use of Indigenous language interpreter services due to the nature of their business (for example, they are not a service delivery agency) or because of an absence of client demand. However, more than half report scope to increase their usage.

2.50 Below are four examples of agencies, including a service delivery agency, a complaints body, a court and a department active in remote areas, which report scope to increase their use of interpreters.

2.51 The Department of Human Services (DHS), the largest user of Indigenous language interpreter services, reports that less than half of its booking requests are filled in the NT. By analysing Aboriginal Interpreter Service (AIS) data, DHS predicts it could double its usage in the NT alone if interpreters were more readily available. DHS advised our office:

‘The department’s need is not being met and there is scope to increase its usage of Indigenous language interpreters. For example, AIS has only been able to meet 58 per cent of the department’s job requests in 2015-16, as at the end of May 2016, with most of the unfilled jobs occurring in remote communities. This illustrates how the department could almost double its usage of Indigenous language interpreters if they were more readily available’.<sup>40</sup>

2.52 The Australian Securities and Investments Commission (ASIC) stated there is scope for it to increase its use of interpreters and commented that, if an on demand telephone service were available, it would add an option for Indigenous language speakers to contact ASIC via interpreter services similar to the service that exists currently for Telephone Interpreting Service<sup>41</sup> languages:

‘At the moment, an Indigenous language speaker would need to contact our Indigenous helpline and request an interpreter. Indigenous Helpline staff would then need to book the interpreter and re-contact the Indigenous language speaker to set up an appointment. This approach is unlikely to be effective.’<sup>42</sup>

2.53 The Federal Court of Australia reported:

‘There is certainly scope for greater utilisation of Indigenous language interpreters by the Court. If suitably qualified interpreters were available, they could be utilised rather than relying on family or group members or anthropologists to assist with translating services’.<sup>43</sup>

2.54 The Department of the Environment and Energy also indicates further scope for use of interpreters:

‘For Parks Australia, in particular, it would be great to not only have Indigenous interpreters available for key engagement meetings, but to have translators with the capacity to produce written materials (with the aim of encouraging language

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<sup>40</sup> DHS survey response received 21 July 2016.

<sup>41</sup> TIS National.

<sup>42</sup> ASIC survey response received 5 August 2016.

<sup>43</sup> Federal Court of Australia response received 15 July 2016. Where appropriate, the Federal Court may make use of a family or group member to sit with the witness to assist with minor understanding of words or phrases.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

use in young community members) and teaching materials for use with staff. There would also be the opportunity to translate meeting documents or outputs to Indigenous languages as well as English, enhancing communication with and understanding by traditional owners.<sup>44</sup>

2.55 DHS and AIS have recently commenced a new trial, which involves recalling AIS's rostered interpreters from DHS local office sites to AIS where they provide a limited on demand telephone service for DHS. This trial is discussed in more detail in the next section.

2.56 Demand will also increase if use of Indigenous language interpreters is built into new programs in the consultation and design stage, as recommended in our 2011 Report. The School Enrolment and Attendance Measure is a good example of a program in which the use of interpreters was mandated, with the costs of interpreters built into the program. For some time, DHS and NT government agencies shared DHS's interpreters via coordinated visits to communities. PM&C also contracted the AIS in the early design and roll out of a number of new programs.<sup>45</sup>

2.57 Encouragingly, increasing the supply of and demand for interpreter services was a key focus of the draft National Framework. It proposed increasing the supply of trained and accredited interpreters by better supporting interpreters, improving accessibility and reach, improving training, development and accreditation, and improving retention of interpreters even after interpreters move on to other jobs.

2.58 We suggest the following best practice principles for consideration by agencies:

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

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

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

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

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

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<sup>44</sup> Department of Environment and Energy survey response received 11 August 2016.

<sup>45</sup> Including the National Partnership Agreement on Stronger Futures in the Northern Territory, Remote Jobs and Communities Program, Stronger Communities for Children and the Remote School Attendance Strategy. Simple dot point translations for Remote Jobs and Communities Program and Community Development programs were also produced and translated by AIS.

**Digital service delivery and decentralised decision-making models**

2.59 The issue of interpreter accessibility in a digital service delivery model with centralised decision making was also raised. Issues arising from the drive to redirect people to digital and online self-service channels has been the subject of several other Ombudsman investigation reports.<sup>46</sup>

2.60 This is particularly an issue for service delivery agencies such as DHS. Many DHS decisions affecting income support payments are made by centralised, national teams or other decision makers in cities far from the income support recipient. Increasingly, people who visit their local service centres are redirected to telephones to make calls to the appropriate team or call centres known as ‘Smart Centres’.

2.61 For example, a decision to impose a financial penalty for non-compliance with a mutual obligation activity requirement is made by the Participation Solutions Team (PST). This means when a person wants information or to query a financial penalty, they will need to call the PST. Other examples of centralised decisions include decisions about qualification for payments (for example disability medical assessments for the Disability Support Pension). Many key services, including social work services, are also predominantly delivered by telephone.

2.62 The following case-study is included to illustrate the importance of accessibility of Indigenous language interpreters coupled with staff training and awareness across all branches and teams which have direct interaction with Indigenous non-English speakers.

**Case Study Ms A**

Ms A is an Aboriginal non-English speaking woman who requires the assistance of a Yolngu Matha Interpreter. Ms A is also illiterate and innumerate. She lives in a remote town several hours from the nearest DHS Customer Service Centre and has no reliable access to telephone and internet services.

Ms A incurred 23 small debts over a four year period from 2011 to 2015. She had difficulty declaring her income correctly and consequently her local Centrelink office had made arrangements for her employer to email her payslips to DHS each fortnight. However, while Ms A’s employment pay period and Centrelink reporting day were aligned to Fridays, her payslips were not generally available from her employer until the following Thursday. Ms A would, from time to time leave, her completed fortnightly form at her local office when visiting DHS. DHS would hold the form pending receipt of her payslips.

During this period, Ms A had her reporting obligations explained to her repeatedly in English when she called or otherwise contacted DHS. Unfortunately, during this period, Ms A’s language needs were not recorded in the DHS system. This is despite the fact that when DHS was explaining the process and consequences of her imminent transfer from Parenting Payment Single to Newstart Allowance in October 2012 she had needed her sister to interpret for her. It was not until May 2015, when she lodged an ABSTUDY claim, that her need for a Yolngu Matha interpreter was added to her Centrelink record. It does not appear

<sup>46</sup> Commonwealth Ombudsman *Department of Human Services: Investigation into complaints about Centrelink service delivery: 01/2014*

[http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0021/25851/April-2014-Department-of-Human-Services.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0021/25851/April-2014-Department-of-Human-Services.pdf) and *One year on from the Centrelink Service Delivery Report: 04/2015*  
[http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0020/24527/September-2015-One-year-on-from-the-Centrelink-Service-Delivery-Report.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0020/24527/September-2015-One-year-on-from-the-Centrelink-Service-Delivery-Report.pdf).

that she was offered an interpreter in her interactions with DHS relating to debts and her reporting obligations.

2.63 This case study shows that, despite the progress made by DHS in terms of staff training and awareness since 2011, there is more work to be done in this area. We welcome DHS's recent response to our comments in another similar complaint that:

'The department is in the process of updating its 'Working with Interpreters' training package and will include the best practice information contained in principle 6. In addition, the training will include instructions to staff to either engage an interpreter or cease a contact when it becomes evident that either the customer or the staffs' ability to be understood is being inhibited. (principle 3).'<sup>47</sup>

2.64 The absence of an on demand telephone interpreting service has severely impacted communication with Indigenous non-English speakers via decentralised decision-making and service delivery processes. In addition to the problem of lack of available interpreters, the unscheduled way in which these customers interact with DHS (combined with the requirement to book an interpreter at least two days in advance), means that even if an interpreter can be booked, the customer may no longer be available at the time of the appointment.

2.65 A new joint DHS and AIS trial, which involves recalling AIS's rostered interpreters from DHS's sites to AIS where they provide a limited on demand telephone service for DHS, commenced in August 2016. Early feedback, both from AIS and DHS, is that this trial is going well. It was initially made available to staff in three NT customer service centres, but was quickly expanded to include Remote Service Centres, Remote Servicing Teams, social workers and Community Engagement Officers. From mid-August, a staged roll out extended the service to Job Capacity Assessors, PST staff in various Smart Centres and to the Indigenous Services Team within the Child Support Smart Centre. Further expansion will occur when both AIS and DHS are comfortable managing the supply and demand.

2.66 DHS's innovative and strategic use of its purchasing power to assist the AIS to develop an on demand telephone interpreter service is to be commended. Agencies should consider how better coordination and collaboration might support the further development of on demand telephone and face-to-face interpreting services. Other service delivery agencies in areas where the need for on demand interpreting services is identified should consider how their purchasing power may be used to support expansion of on demand telephone interpreter services resulting from the DHS trial or complimentary trials (e.g. in other States) as required. Based on this investigation we consider priority areas for on demand telephone services are those with high volume service delivery programs, including health and aged care, the National Disability Insurance Scheme, the Community Development Program and legal services.

2.67 It should also be observed that some digital platforms present new opportunities. We received very positive feedback during our forums and consultations of positive work within the Attorney-General's portfolio area resulting in the development of pre-recorded Northern Territory Police Cautions in Indigenous languages using mobile devices and development of a Plain English Legal Dictionary, both in partnership with the AIS.

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<sup>47</sup> DHS response received 13 October 2016.

## **Interpreter recruitment, training, accreditation and retention**

### ***Recruitment***

2.68 The pool of potential interpreters is limited by declining numbers of speakers and low levels of English literacy and numeracy among Indigenous language speakers.

Stakeholders working in remote areas suggest more English as a Second Language training needs to be made available to Indigenous people in remote areas.

2.69 Bilingual Indigenous language speakers with the skills to become interpreters are often employed by other agencies or the private sector. This means a significant portion of the pool of potential interpreters are already in better paying, stable employment. Bilingual staff recruitment is currently one of the most effective ways of improving access to services, however, as the Department of Human Services (DHS) pointed out in 2011, that renders those interpreters inaccessible to other agencies.

2.70 Bilingual workers are primarily hired for other tasks and on the basis of other skills. This means they may not have specific interpreting skills and their presence does not obviate the need for accredited interpreters for more complex interactions.

2.71 However, recruitment of bilingual workers is one of the most effective ways of increasing access to agencies and service providers, particularly in relation to languages for which there is a small number of interpreters. A key theme to come out of our consultation with agencies is how agencies might be able to contribute to the pool of interpreters, by encouraging and supporting bilingual staff to become accredited and making those bilingual employees available to other agencies (for example in coordinated remote outreach activities).

### **Examples of good practice—recruitment of bilingual staff and community language allowances**

Ten agencies provide access to their services in Indigenous languages by bilingual staff. Several agencies paid community language allowances to bilingual workers, for example, DHS and the Central Land Council.

Some agencies have encouraged and supported bilingual staff to obtain formal interpreter qualifications, for example, Aboriginal Hostels Limited, the Central Land Council and DHS.

2.72 We suggest the following best practice principles for consideration by agencies:

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

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

### ***Training***

2.73 The National Accreditation Authority for Translators and Interpreters (NAATI), Aboriginal Interpreter Service (AIS) and Kimberley Interpreter Service (KIS) identified a lack of training and qualification options for interpreters as a major issue. At the time of writing,

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

the only specific Indigenous language interpreter diploma level training provided by a Registered Training Organisation is the online course provided by TAFE SA<sup>48</sup>. We understand the non-Indigenous specific Diploma of Interpreting is expected to recommence via North Metropolitan TAFE in Perth next year and that the TAFE and KIS are currently in discussions about auspicing, affordability and accessibility arrangements. The North Metropolitan TAFE is also considering an additional stream to the current Certificate IV English as an Additional Language course that it says may be appropriate for some people who want to utilise bilingual skills in the workplace and would be more affordable than the Diploma.

2.74 TAFE SA and AIS both raised concerns that recent changes in English language literacy and numeracy requirements resulted in cessation of the face-to-face course at the Batchelor Institute in the NT (because not enough people could pass the course to make it viable) and this has impacted the potential pool of interpreters.<sup>49</sup>

2.75 However, as TAFE SA commented, it is questionable whether English language skills are strictly necessary, ‘because these are oral languages and interactions can be electronically recorded if needed’.<sup>50</sup>

2.76 TAFE SA students receive NAATI accreditation if they pass the SA course at a credit level. While stakeholders agree this course provides an excellent model to build on, TAFE SA advises they are not currently delivering training to any other State or Territory because they are SA government funded and must charge fees for students outside SA which is a barrier for students.

2.77 NAATI commented that while their Indigenous Interpreters project will continue to deliver accreditation outcomes up until the end of the current funding period to 30 June 2017 (discussed below), the limited availability of training and qualification options, related to the cessation of the Batchelor Institute course, will result in a tapering off of outcomes. NAATI also consider that pass rates would be higher if more training was available.

2.78 AIS reports that in the past, a trial to train prisoners as interpreters failed when prisoners were relocated.

2.79 Increasing the availability of training for Indigenous language interpreters and English as a Second Language training for Indigenous non-English speakers should be a key focus in any future strategy to increase interpreter supply.

### ***Accreditation***

2.80 At the time the draft National Framework was developed in 2013, more than half of all Indigenous language interpreters employed by interpreter services had no formal

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<sup>48</sup> This ‘online’ course uses synchronous delivery and access to resources. It includes up to two trips per year to the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands for face-to-face contact and building rapport with students.

<sup>49</sup> It seems likely that this was due to the English language, literacy and numeracy requirements for VET FEE-HELP students. The requirement is that students who do not have a Year 12 Certificate must display competence at or above Exit Level 3 in the Australian Core Skills Framework.

<sup>50</sup> Teleconference with TAFE SA 25 August 2016.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

qualifications or accreditation in interpreting. Only three had ever been accredited at the NAATI professional level.<sup>51</sup>

2.81 In 2015–16 and 2016–17, the Department of Prime Minister and Cabinet (PM&C) provided funding to NAATI under its Indigenous Advancement Strategy for an Indigenous Interpreting Project. The funding was provided to increase the number of accredited Indigenous language interpreters<sup>52</sup> and examiners, increase the range of Indigenous languages for accreditation purposes and improve the accessibility of resources for Indigenous language interpreters and organisations.<sup>53</sup>

2.82 Figures provided to our office by NAATI in June 2016 show:

- an increase in accredited Indigenous language interpreters (67 awarded since 1 January 2013 compared with only 94 in the 12 years from 1 January 2000 to 31 December 2012)
- an increased number of Indigenous languages for which there are accredited Indigenous Interpreters (14 additional languages)
- accreditation testing is now available in SA, WA and QLD, in addition to the NT
- an increased number of Indigenous languages in which accreditation tests are available (increased from 14 to 29 languages).

2.83 While there is still work to be done, these results represent a significant outcome and indicates the NAATI program has been a success and should be continued.

### ***Retention***

2.84 Interpreter services report it is difficult to retain skilled interpreters for a range of reasons, including irregularity of work, burnout, skilled interpreters being lost to other better paying jobs, challenges arising from the high number of languages and declining number of speakers and concerns about the impact of interpreter income on ongoing public housing eligibility.<sup>54</sup>

2.85 Support for interpreters is critical. The Interpreting and Translating Centre commented that, in its opinion, ‘two of the main reasons the AIS model is so effective is Commonwealth investment and the work done to simultaneously increase supply and demand’. It commented that ‘a holistic approach is needed with investment in wrap around services to support interpreters including training to end users’.<sup>55</sup>

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<sup>51</sup> Draft National Framework, op cit, p 8.

<sup>52</sup> In South Australia, Western Australia and Queensland.

<sup>53</sup> See the NAATI Indigenous Interpreters Project Detailed Overview

<https://www.naati.com.au/media/1214/iip-detailed-project-summary-180216.pdf> accessed 18 August 2016.

<sup>54</sup> We did not investigate NT Housing policy as this was outside our jurisdiction and scope, however, interpreter services and others report that fear of losing their housing entitlement due to income is a major concern among Indigenous language interpreters.

<sup>55</sup> Teleconference with the Interpreting and Translating Centre 25 August 2016.

***Additional comments***

2.86 In our view, further investment in interpreter services and in measures aimed to increase recruitment, training, accreditation and retention of interpreters is needed. As a priority, PM&C and the Department of Education and Training (DET) should consider what steps may be taken to increase Indigenous language interpreter training options and support.

2.87 DET should also consider the impact of any changes to language, literacy and numeracy requirements within its portfolio that may have impacted on Indigenous language interpreter training and consider what role national education policy might play in supporting Indigenous languages in schools, vocational training and higher education, and raising awareness of interpreting as a possible career path.

2.88 While we acknowledge that interpreting is a specialised set of skills that requires specialist training, PM&C could also consider what potential role, if any, the Community Development Program (CDP) may play in providing an initial pathway towards formal interpreter training. As a priority, PM&C should also ensure that CDP providers are aware of, and use, interpreters where appropriate.

**Data and records**

2.89 Most agencies do not have a process for recording Indigenous language interpreter data at all and, where processes do exist, few record detailed Indigenous language interpreter data. There are no consistent data capture practices across agencies.<sup>56</sup> Many agencies could not state how often, if at all, their contractors used Indigenous language interpreters.

2.90 However, the Department of Human Services (DHS) has undertaken a number of measures to improve its language need data since 2011:

**Example of progress – data**

In late 2014 DHS added an extra 38 Indigenous languages to the Centrelink system and amended the names and spellings of 26 existing languages to better reflect their use in the community and by the AIS and KIS. In 2015 a DHS ‘campaign’, involving regular promotion and reporting, to collect language information for Indigenous customers with limited or no English proficiency across its Northern Australia Service Zone resulted in a 222 per cent increase (from 2709 to 8734) in the number of customers with an Indigenous language recorded.

Consistent with the eight best practice principles for use of interpreters developed by our office, for some income management customers, DHS has workflows which require staff to record why an interpreter was not used if the person’s preferred language is not English. The Department of Employment and PM&C have a similar requirement in their contracts with employment services providers.

2.91 While we acknowledge concerns about the need to keep reporting requirements to a minimum to avoid increasing the ‘red tape’ burden on agencies and contracted service providers, this must be weighed against the importance of collecting data.

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<sup>56</sup> Although we understand the NDIA will capture similar data to DHS.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

2.92 Improved collection of data would create a better evidence base for policy-makers and program designers. It would help identify areas of need, examples of non-compliance with contract requirements and opportunities for improvement. It is also possible that data capture workflows, which require service providers to turn their minds to use of interpreters, may result in increased use of interpreters. Most importantly, it would help inform future strategies for improving interpreter accessibility and use.

2.93 Data also assists with determining whether there has been genuine engagement with non-English speaking communities and individuals and whether the communication was effective. Data also assists with the monitoring of specific programs where there is a likelihood that people may not understand their rights and obligations under the program unless interpreter services are provided. For example, place based trials such as Income Management and the Cashless Debit Card Trial and broader programs such as the Community Development Program.

2.94 At a minimum, we consider that all agencies which have cause to interact with Indigenous non-English speakers should collect the interpreter data set out in Best Practice Principle 6. Interactions with agencies can have significant consequences for individuals and agencies and for this reason, customer records should reflect whether an interpreter was present for a particular interaction. This data should readily accessible for reporting and compliance purposes.

2.95 We suggest the following best practice principle for consideration by agencies:

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

2.96 Few agencies surveyed have service provider contracts in place for the delivery of services to remote communities. Of those that do, most report they encourage use of Indigenous language interpreters. However while there are some examples of specific contractual requirements to use Indigenous language interpreters<sup>57</sup>, usually agencies rely on more general requirements, such as those relating to culturally appropriate servicing. As noted above, many agencies could not state how often, if at all, their contractors used Indigenous language interpreters.

2.97 PM&C has specific guidance to grant applicants to factor in the costs of interpreters in their applications in the ‘Language Interpreter Services Operational Guidance for Grant Applicants and Service Providers’.<sup>58</sup> There is a provision within the Community Development Program funding agreements for providers to receive financial remuneration for accessing the Aboriginal Interpreters Service (AIS) as part of its service delivery with guidelines available on how to do this.

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<sup>57</sup> For example, in the DSS service provider contract to deliver card services for the Cashless Debit Card Trial.

<sup>58</sup> See Indigenous Advancement Strategy Grant Guidelines, 8.1 ‘Indigenous Interpreters’ <https://www.PM&C.gov.au/resource-centre/indigenous-affairs/indigenous-advancement-strategy-grant-guidelines-march-2016> accessed 5 September 2016.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

2.98 The Department of Social Services' (DSS) contract with its Cashless Debit Card Trial provider specifies the AIS as the Indigenous language interpreting service accessible to the provider.<sup>59</sup> However, when asked how many times the provider had used the AIS, DSS responded that the provider has not used AIS to date.<sup>60</sup> Also we are concerned that, although the Kimberley Interpreter Service (KIS) was used by DSS in the roll out of the Cashless Debit Card Trial in the Kimberley, the provider does not appear to have ongoing access to the KIS under the contract.

2.99 However in other respects, DSS's arrangements for interpreters during the roll out of the trial are an example of progress. Prior to implementation, DSS staff undertook cultural awareness training which included the use of interpreters. Two sessions were delivered to contracted service provider staff by Aboriginal people in the trial regions. In Ceduna, the service provider provided familiarisation and training services to two Yalata speakers from the community who acted as interpreters. DSS's use of Indigenous language interpreters for the Cashless Debit Card Trial in the Kimberley saw a significant increase in its use of the KIS for that year.<sup>61</sup>

2.100 The Department of Employment and PM&C have mirror provisions in their employment services contracts with *jobactive* and Community Development Program providers respectively, requiring use of interpreters wherever necessary, including :

- where the jobseeker requires assistance to communicate comfortably and effectively or to understand complex, technical or legal information
- during stressful and emotional situations where their command of English may decrease temporarily
- at group forums or public consultations where non-English speakers are present.

2.101 Where a job seeker requests an interpreter but it is not provided, the provider must record the reasons for the decision not to provide an interpreter. Training in the use of interpreters is also required for staff using interpreters. *Jobactive* providers can be reimbursed for their use of accredited Indigenous language interpreters for eligible job seekers.

2.102 Use of bilingual staff and, where necessary, accredited interpreters is fundamental for non-English speakers to understand their entitlements, obligations and the consequences of their actions.

2.103 PM&C reports that one of the features of the Community Development Program is that many front line employees are local Aboriginal people from the community who speak local language although exact numbers are unavailable. Around 65 per cent of CDP services are Indigenous organisations. We acknowledge PM&C's comment that there will generally be less need for interpreters where bilingual workers are present but observe that the presence of bilingual workers does not obviate the need to access to formal interpreter

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<sup>59</sup> A redacted copy of the contract was provided to this office on 24 March 2016.

<sup>60</sup> DSS survey response received 22 August 2016, DSS indicated to our office that it is following up on the use of interpreters by the provider.

<sup>61</sup> From zero hours in the 18 months from January 2014 to December 2015 to 98 hours in the six months to June 2016 (based on figures provided by KIS on 5 August 2016).

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

services where they may be required.<sup>62</sup> Information from Indigenous language interpreter services confirms there is a low level of usage of interpreters by Community Development Program providers. The AIS reports ‘infrequent’ use and the KIS report that ‘we have not had any requests from Community Development Program providers’ over the 2015–2016 year.

2.104 Some agencies assert that they monitor culturally sensitive servicing in some programs and a few collect basic usage data. Overall, however, the information received in the course of this investigation indicates that agencies do not do enough to measure, monitor, enforce or evaluate the need, accessibility, quality or use of Indigenous language interpreters under service provision contracts. While the Community Development Program and Cashless Debit Card Trial have made their expectations of providers clear by including contractual requirements in the Funding Agreements, this alone will not necessarily result in increased use of interpreter services and there is no data to measure the extent to which they may increase use of bilingual workers as interpreters.

2.105 More robust and consistent processes around contracts for service provision are required. This will require improved data capture, clearer contractual requirements about the use of interpreters and more active monitoring and compliance efforts. We consider this would also improve service delivery outcomes for these programs and help fulfil agencies’ stewardship responsibilities when services are contracted out.

2.106 The issue of financial and administrative disincentives to use interpreters was also raised. Feedback from the AIS and some contracted service providers made the point that having to cover the cost of interpreter services from limited budgets and administrative processes for invoicing and reimbursement can be a disincentive to using an interpreter. Based on feedback we received, the block funding model that is currently in place for legal service providers in the NT appears to be an effective and efficient funding model preferred by service providers and the AIS alike.

2.107 We suggest the following best practice principles for consideration by agencies:

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

- ensure use of Indigenous language interpreters is specifically required in service contracts
- collect data and actively monitor use (and non-use) of Indigenous language interpreters under service provider contracts
- where possible, provide block funding to Indigenous language interpreter services to ensure staff and service providers have administratively easy access to interpreters, minimise financial disincentives to use interpreters and ensure free and regular access to ‘working with interpreters’ training

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<sup>62</sup> This may be for a range of reasons, some examples may include where conflicts of interest apply for bilingual workers, where the preferred dialect or language required is unavailable, or where the interaction is complex or otherwise requires an independent accredited interpreter.

- if block funding is not possible, take steps to remove financial and administrative disincentives to using interpreters, preferably by dedicated funding or at the very least, simple reimbursement procedures.<sup>63</sup>

## **Accessing interpreter services**

2.108 Many of the agencies that reported challenges in accessing interpreter services also made suggestions for improving access.

2.109 Several suggestions were made for increasing use and accessibility, including the creation of a centralised Indigenous language interpreter service similar to Telephone Interpreter Service, or at least a national contact point.

2.110 Agencies and non-government stakeholders currently using Indigenous language interpreter services generally agree about the value of a single entry point to access State and Territory interpreter services. A national Indigenous language interpreter service also received considerable support.

2.111 Several agencies, particularly service delivery agencies and complaints bodies, indicated that an on demand telephone service would increase their access to, and use of, Indigenous language interpreters. Some agencies also emphasised the need to:

- improve access to assigned interpreters in the planning process well in advance of proposed outreach
- increase the numbers of Indigenous liaison officers who can facilitate access to non-accredited interpreters in situations where accredited interpreters are not available.

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<sup>63</sup> Feedback to our office suggests the absence of dedicated funding for interpreter use may result in a disincentive to using interpreters, particularly where the service provider has no specific budget line item or reporting requirement for use of Indigenous language interpreters.

## **CONCLUSION**

3.1 While there has been some progress in the use of Indigenous language interpreters, most of the issues raised and discussed in the 2011 *Talking in Language* report<sup>64</sup> continue to present accessibility barriers and undermine communication between government and disadvantaged Indigenous non-English speakers. This is the case even for those agencies who have gone to considerable lengths to try to improve accessibility.

3.2 Moreover new challenges have emerged since 2011 including:

- reduction in training options for interpreters
- challenges to obtaining the endorsement of all States and Territories for the National Framework
- expiry of the Remote Service Delivery National Partnership Agreement in 2014 (under which the work on the National Framework had commenced)
- roll out of the National Disability Insurance Scheme and other new programs to remote areas
- fitting language services with the emergence of digital servicing and centralised decision making.

3.3 However, it is also clear the challenges to accessibility are beyond the ability of any one agency to address and a coordinated whole of government response is required. Machinery of government changes since 2011 mean that Indigenous programs now sit centrally with PM&C, which may assist coordination of a whole of government response to this issue. PM&C now has a significant footprint in remote areas. With appropriate resourcing, PM&C could use its local networks to ensure engagement at a local level between frontline service delivery agencies to improve on-the-ground coordination in relation to Indigenous language interpreter accessibility and use. It was apparent throughout our stakeholder engagement that there is considerable goodwill and appetite for better coordination between frontline service delivery agencies and non-government organisations at all levels.

3.4 Significant further investment directed at increasing interpreter demand, supply, retention, coverage and sustainability is required to build on the early progress and successful trials we describe in this report.

3.5 PM&C's Draft National Framework is a comprehensive and well considered document which was developed with the assistance of an expert Stakeholder Reference Group but was never finalised and adopted. We recommend that PM&C work with the relevant States and Territories to finalise the National Framework. In the absence of agreement from all States and Territories, PM&C should consider entering bilateral agreements on a state by state basis.

3.6 The Inter-Departmental Committee (IDC) for Indigenous interpreters set up by PM&C since the commencement of this investigation is a positive step in sharing information. We are hopeful the IDC will encourage a renewed and coordinated focus on

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<sup>64</sup> The 2011 Report, op cit.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

Indigenous interpreting both in terms of whole of government policy development, as well as innovation across specific government program areas, particularly in the portfolios of social services, education, legal and justice, innovation, environment and health.

3.7 We recommend PM&C continue to convene the IDC and ensure its membership includes all agencies whose policy, programs, service delivery and engagement activities may be better oriented to address the issues raised in this report.

3.8 At the same time, more can be done within agencies to improve accessibility and improve inter-agency cooperation and coordination. All agencies should give consideration to the issues, observations and suggestions canvassed in this report. All agencies should consider how policy settings and administrative arrangements within their portfolio agency might be developed or better oriented to address the issues raised in this report. To this end, dedicated forums and communities of practice for improving Indigenous language interpreter access are warranted.

3.9 Some areas for cooperation and matters agencies could consider include:

- development of model policies, workflows and training resources
- sharing of relevant trial outcomes and evaluations, key learnings, examples of good practice and resources
- sharing of information and strategies for addressing need and monitoring and evaluating use of Indigenous language interpreters
- opportunities for collaborative use of purchasing arrangements to support or augment the joint Department of Human Services (DHS) and Aboriginal Interpreters Service (AIS) telephone service trial
- cooperative arrangements to enable sharing of interpreters and bilingual staff, where practical
- considering options to improve national interpreter usage data collection
- development of subject matter dictionaries, beginning with the programs and services delivered by National Disability Insurance Agency, the DHS and Department of Health programs
- development of model provisions for third party service provider contracts
- options for further collaboration with States and Territories
- development of best practice principles.

3.10 The DHS and AIS trial presents an opportunity to test a new on-demand telephone model. DHS's strategic use of its purchasing power for this trial, if successful, opens up the possibility of departments cooperatively and strategically using their combined purchasing power to support on-demand telephone services. This should be discussed by the IDC as DHS evaluates its trial. Results of the evaluation of the DHS/AIS on demand trial should be shared with the IDC and any other agencies whose accessibility may be improved via on demand interpreter services in future. PM&C and the IDC should consider the outcomes of the DHS telephone trial and, if effective, how agencies may support further expansion.

## **BEST PRACTICE PRINCIPLES**

3.11 Given the unique challenges in using and accessing Indigenous language interpreters discussed throughout this report, PM&C should develop best practice principles in consultation with other government agencies and Indigenous language interpreter services.

3.12 Best Practice Principles for the Use of Indigenous Interpreters would operate in addition to the existing eight Best Practice Principles for Use of Interpreters. A summary of suggestions made in this report to consider when developing future best practice principles are as follows:

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

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

- arrangements should be in place to ensure the costs of Indigenous language interpreters are not borne by the non-English speaker.
10. Agencies should monitor and review their accessibility to, and use of, Indigenous language interpreters on a regular basis.
  11. The use of Indigenous language interpreters should be considered and incorporated into the consultation, design and implementation stages of new programs to remote areas. While higher usage may be expected early in the roll out of new programs, programs should be monitored to ensure ongoing access and use beyond the roll out stage.
  12. Agencies should not assume interpreters will be available when needed and should consider implications for timeframes, contract compliance and the need for flexibility and contingency planning.
  13. For agencies whose use of Indigenous language interpreters may be contingent upon addressing broader barriers, the availability of Indigenous language interpreters should be incorporated into planning and messaging in any measures designed to address those broader barriers.
  14. Where possible, agencies should recruit bilingual workers, pay community languages allowances, encourage and support further training and accreditation and provide flexible work practices to ensure interpreters can be freed from their duties to undertake interpreting work.
  15. Training and policy guidance on situations where it is more appropriate to use accredited interpreters than bilingual workers should be provided to staff in agencies where bilingual staff are employed.
  16. Agencies should ensure they collect data and actively monitor use (and non-use) of Indigenous language interpreters, including under service provider contracts.
  17. Agencies that provide services to remote communities through contracted service providers should:
    - a. ensure use of Indigenous language interpreters is specifically required in service contracts
    - b. collect data and actively monitor use (and non-use) of Indigenous language interpreters under service provider contracts
    - c. where possible, provide block funding to Indigenous language interpreter services to ensure staff and service providers have administratively easy access to interpreters, minimise financial disincentives to use interpreters and ensure free and regular access to ‘working with interpreters’ training
    - d. if block funding is not possible, take steps to remove financial and administrative disincentives to using interpreters, preferably by

dedicated funding or at the very least, simple reimbursement procedures.

## **RECOMMENDATIONS**

We make the following recommendations:

- 1 PM&C should work with the States and Territories to prioritise finalisation and adoption of a National Framework. In the absence of agreement from all States and Territories, PM&C should consider entering bilateral agreements on a state by state basis.
- 2 All agencies should consider how their policy settings and administrative arrangements might be developed or better oriented to address the issues raised in this report.
- 3 PM&C, in consultation with other agencies, should develop whole of government policies for Commonwealth agencies taking into consideration the issues raised and suggestions made in this report.
- 4 PM&C should continue to convene the IDC and expand its membership to ensure participation by all agencies whose policy or service delivery activities may be better oriented to address the issues raised in this report and in the 2011 Report.
- 5 All agencies should give consideration to the issues, observations and suggestions canvassed in this report, including the suggestions for developing best practice principles.

## APPENDIX A – SCOPE AND METHODOLOGY

### Scope

In May 2016 we commenced an own motion investigation focusing on:

- the progress of Commonwealth agencies and departments in the area of access to and use of Indigenous language interpreters
- barriers and accessibility issues faced by individuals, agencies, departments, third party contractors and interpreter services
- positive models and examples of good practice.

Initial feedback to our office indicated that, in some quarters, innovative trials designed to increase interpreter use have occurred since 2011. However there is very little publicly available information about the use of Indigenous language interpreter services by Commonwealth agencies and contracted service providers. Building on the 2011 Report, the scope of this investigation is broader to develop a more thorough assessment of accessibility across a wide range of Commonwealth agencies and contractors, including new and ongoing barriers, new opportunities and examples of innovation or good practice that may have emerged.

### Methodology

We asked agencies included in the 2011 investigation what steps they had taken to implement the recommendations of the 2011 Report.<sup>65</sup> A survey was sent to other Commonwealth agencies that may have cause to interact, either directly or via broader communication strategies, with Indigenous people who do not have English as a first language. The survey questions are found in Appendix B and a list of the agencies who received this survey are listed in Appendix C.

We also consulted with a range of stakeholders at a jointly convened consultative forum in Darwin with the Northern Territory Ombudsman who is also conducting an investigation into accessibility and use of Indigenous language interpreters. These included legal services, government agencies, government contractors such as employment services providers, the Aboriginal Interpreter Service, financial counselling services, complaints bodies, health services, law enforcement services, housing and utility providers.

We also reviewed complaints received by our office, and information received via our earlier outreach programs, complaints handling forums and working groups.

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<sup>65</sup> Following changes to portfolio arrangement since 2011, those agencies are now: Department of Prime Minister and Cabinet, Department of Human Services, Department of Social Services, Department of Employment, the Attorney-General's Department, Department of the Environment and Department of Communications and the Arts.

## **APPENDIX B – SURVEY QUESTIONS**

A total of 47 agencies received the following survey questions:

- Does your agency provide access to free Indigenous language interpreter services?
- Does your agency have any policies, guidelines or training in place which specifically relate to the availability or use of Indigenous language interpreters? If yes, please provide information about this and any appropriate copies.
- Does your agency require or encourage use of Indigenous language interpreters for those organisations which are the recipient of funding grants for the provision of services to relevant Indigenous communities? If yes, please provide examples.
- What challenges does your agency experience in accessing and using Indigenous language interpreters?
- What has been your agency's usage of Indigenous language interpreters? If you record your total Indigenous language interpreter usage please provide details of your interpreter usage since 2011-2012.
- Does your agency have or produce any information in Indigenous languages? If yes, please provide details.
- Does your agency have any examples of successful measures you have taken to improve access to Indigenous language interpreters, or any suggestions for actions the government might take to improve access and use of Indigenous language interpreters?
- Assuming your agency had more resources and interpreters were available, please comment on whether there is scope for greater utilisation of Indigenous language interpreters by your agency.

## APPENDIX C – AGENCIES IN SCOPE OF INVESTIGATION

- Administrative Appeals Tribunal
- Aboriginal Hostels Ltd
- Aged Care Complaints Commissioner
- Attorney-General's Department
- Australia Council for the Arts
- Australia Post
- Australian Bureau of Statistics
- Australian Charities and Not for Profits Commission
- Australian Electoral Commission
- Australian Federal Police
- Australian Human Rights Commission
- Australian Institute of Aboriginal and Torres Strait Islander Studies
- Australian Institute of Health and Welfare
- Australian Securities and Investments Commission
- Central Land Council
- Commonwealth Director of Public Prosecutions
- Department of Agriculture and Water Resources
- Department of Communication and the Arts
- Department of Defence
- Department of Education and Training
- Department of Employment
- Department of the Environment and Energy\*
- Department of Health
- Department of Human Services
- Department of Immigration and Border Protection
- Department of Industry, Innovation and Science
- Department of Infrastructure and Regional Development
- Department of Prime Minister and Cabinet
- Department of Social Services
- Department of Veterans' Affairs
- Director of National Parks\*
- Fair Work Commission
- Fair Work Ombudsman
- Family Court of Australia\*\*
- Federal Circuit Court of Australia\*\*
- Federal Court of Australia
- High Court of Australia
- Indigenous Business Australia
- Indigenous Land Corporation
- National Native Title Tribunal
- National Disability Insurance Agency
- Northern Land Council
- Office of the Registrar of Indigenous Corporations
- Superannuation Complaints Tribunal

**Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

- Tiwi Land Council
- Torres Strait Regional Authority
- Veterans' Review Board.

\*These agencies provided a joint response.

\*\*These agencies provided a joint response.

## APPENDIX D – IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 2011 REPORT

### Implementation of the 2011 Report recommendations

This Appendix critiques the performance of the six agencies included in the 2011 Report on their implementation of the recommendations it contained.

#### 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.

#### *Department of Prime Minister and Cabinet (PM&C)*

PM&C confirmed the former Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA) reviewed its approach to Indigenous language interpreter use in 2011, based on the 2009 best practice principles. In 2013, FAHCSIA trialled 'Protocols for the Use of Indigenous Interpreters' in its NT State Office. PM&C's ongoing review process has resulted in:

- implementation of internal 'Protocols for the Department of Prime Minister and Cabinet for the use of Indigenous language interpreters' which outlines the importance of using interpreters, when an interpreter is required, how to arrange an interpreter, who should and should not be used as an interpreter, what to do if an interpreter is refused or unavailable, links to interpreter services and how to access 'working with interpreters' training
- specific guidance to grant applicants to factor in the costs of interpreters in their applications in the 'Language Interpreter Services Operational Guidance for Grant Applicants and Service Providers'<sup>66</sup>

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<sup>66</sup> See Indigenous Advancement Strategy Grant Guidelines, 8.1 'Indigenous Interpreters' at <https://www.PM&C.gov.au/resource-centre/indigenous-affairs/indigenous-advancement-strategy-grant-guidelines-march-2016> accessed 5 September 2016.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

- funding the Aboriginal Interpreter Service (AIS) to provide ‘working with interpreters’ training to Commonwealth Government staff and their service providers and encouraging staff to undertake that training
- investment to train, develop and accredit the current cohort of qualified interpreters, via funding provided to the National Accreditation Authority for Translators and Interpreters and TAFE South Australia.

PM&C also established a Cultural Policy Section which oversees Indigenous language interpreter policy, contract management and promotes use of interpreters. A core responsibility of the section is Indigenous language interpreter policy and investment - including increasing the supply and demand for Indigenous language interpreters. It works to improve internal systems, build stronger bilateral relationships with State and Territory governments and chairs the Commonwealth Inter Departmental Committee (IDC) for Indigenous Interpreters which has come into existence since the commencement of this investigation.

PM&C noted that the Minister for Indigenous Affairs has agreed to provide \$6.1 million in 2016–2017 to improve access to Indigenous interpreting services and ensure the ongoing supply of an accredited, professional workforce through training and accreditation of Indigenous interpreters in the Northern Territory, South Australia, Western Australia and Queensland. We understand that this would maintain funding at current levels.

PM&C has made significant progress in relation to training and awareness. It has funded a number of successful projects and trials which are discussed in more detail in relation to Recommendation 7 below, and the examples of progress and good practice contained in Part 2 of this report.

PM&C does not appear to require service providers to capture the level of data recommended in the best practice principles, and while there is a complaint mechanism set out for service providers, it was not clear what the complaint pathway would be for individuals not satisfied with the quality or use of interpreters.

### ***Department of Human Services (DHS)***

In the 2011 Report DHS was found to have generally complied with best practice principles. Since 2011, DHS has given considerable focus to extending accessibility to Indigenous language interpreters. DHS continues to review its processes and trial new approaches to improve its access to and use of interpreters. DHS has implemented a number of strategies and actions to raise staff awareness of the importance of using Indigenous language interpreters.

DHS have informed us that, in relation to early design and implementation of programs, it will bid for funding for interpreter services for any new budget measures or programs involving contact with Indigenous customers.<sup>67</sup>

At the commencement of this investigation DHS did not have a system to record the level of information and data recommended in Principle 6. For example, it does not record information such as gender or other special requirements and whether an interpreter is

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<sup>67</sup> An example of a program where the use of interpreters was mandated, and the cost of interpreting built into the program, is the School Enrolment and Attendance Measure (SEAM).

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

required for written or oral communication. However DHS reports that in the NT and WA, the Aboriginal Interpreter Service (AIS) or Kimberley Interpreter Service (KIS) make assessments about the suitability of particular interpreters, including considerations such as age, gender or specific cultural requirements and this is more effective and appropriate. DHS has now amended its operational guidelines relating to use of interpreters generally to include Principle 6 requirements.<sup>68</sup>

As a service delivery agency DHS has very few contracted service providers. In remote areas, DHS contracts ‘Agents’ that operate as an access point and information conduit to DHS.<sup>69</sup> We understand that Agents are required to employ staff that are able to communicate in a culturally appropriate manner with their communities and engage with interpreters as required. While some Agents have bilingual staff who assist with interpreting, this is not a formal part of their role. DHS does not monitor what use is made of accredited interpreters or bilingual staff by Agents.

Another example is its contract for the delivery of Disability Medical Assessments. While assessors have access to interpreter services such as KIS and AIS, the issue of ineffectiveness of scheduled appointments, as discussed in Part 2 of this report, undermines interpreter access for these assessments.

### ***Department of Health (Health)***

Health has made some progress in terms of its training and awareness strategies. The use of Indigenous language interpreters was incorporated into the My Aged Care training elective unit ‘Work Effectively with Aboriginal and Torres Strait Islander People’ developed for national roll out in mid 2015.<sup>70</sup> The My Aged Care Assessment Workforce Training Reference Group is reviewing this elective training and will consider Indigenous language interpreters more thoroughly.

Staff in the Health State Network report limited experience with Indigenous language interpreters and, where interpreters have been used, this is typically in the context of community consultation delivered via a community member, rather than via an interpreter service. Programs such as the Integrated Team Care Program (ITC), which incorporates the Improving Indigenous Access to Mainstream Primary Care Program do not provide Indigenous language interpreter training. Health observed the ITC funds Outreach Workers who ‘must have strong links with the community in which they work and possess effective communication skills’. Health stated that it ‘would expect that these Outreach Workers would speak the same language as the patient if the patient spoke an Indigenous language’.

Health does not explicitly require its funding recipients to use Indigenous language interpreter services and relies on general grant program requirements for services to be delivered in a culturally appropriate and safe way.<sup>71</sup> Use of interpreters is not a separately

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<sup>68</sup> Operational Blueprint 106-03050060.

<sup>69</sup> For example, people can call or fax documents to Centrelink or access reply paid envelopes, get information, brochures, forms and other DHS products, have proof of identity documents copied, get assistance to set up access to digital services and use internet enabled computers.

<sup>70</sup> This elective unit includes guidance on general communication techniques for Indigenous customers, as well as specific guidance on the use of Indigenous language interpreters (including cues for identifying when to use an interpreter and, if NAATI accredited interpreters are unavailable, guidelines for the use of family interpreters).

<sup>71</sup> As reported by its State Health Network in the Health response received by our office on 22 August 2016.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

funded line item for the Remote Area Health Corps Program.<sup>72</sup> Health did not respond to questions about data collection.

The Remote Area Health Corps Program makes the CommDoc Medical Audio Translator app available to its locum clinicians and allied health workers.<sup>73</sup> This app was developed by the Northern Territory General Practice Education in consultation with clinics, communities, doctors, cultural educators and interpreter services. It provides audio translations of common medical terms and phrases used by health professionals in a number of NT Indigenous languages.

In terms of overall policy guidance, we note that while Health's National Aboriginal and Torres Strait Islander Health Plan 2013–2023 does recognise the importance of language and improving language skills of staff it does not make specific reference to use of Indigenous language interpreter services.<sup>74</sup>

### ***Department of Social Services (DSS)***

DSS referred its response on the eight best practice principles to PM&C.<sup>75</sup>

DSS does not provide specific training in working with Indigenous language interpreters to its service providers. DSS stated that, since 2011, it engages with DHS and PM&C regularly to gauge if Indigenous language interpreters are required for any consultation, community information sessions and training of staff.

In relation to the Cashless Debit Card Trial (CDCT), DSS engaged interpreters early in the implementation phase and included contractual requirements for some service providers to use Indigenous language interpreters. This has been included in the examples of progress and good practice in Part 2 of this report.

DSS provides funding to 80 service providers operating in remote areas. However, it does not generally prescribe the use of interpreters in its grants programs or collect data<sup>76</sup> on usage. Its NT office indicated that service providers in the NT do use AIS regularly across a range of services.<sup>77</sup> It also considered that Indigenous language interpreters are 'not generally required' for Intensive Family Support Services because Aboriginal Support Workers meet that need.

DSS reported that in SA, program guidelines for mental health services such as Personal Helpers and Mentors<sup>78</sup> refer to access to interpreters generally and while there is currently only reference to TIS, funded services can seek approval from DSS to pay for Auslan and

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<sup>72</sup> As is the case for the Remote Area Health Corps Program.

<sup>73</sup> Available to download here: <http://www.rahc.com.au/commDOC-new-app-helping-health-professionals-and-patients-break-language-barriers-northern-territory>

<sup>74</sup> <http://www.health.gov.au/natsihp> accessed 23 August 2016.

<sup>75</sup> On the basis that since September 2013, PM&C has responsibility for Indigenous Affairs. DSS itself does not appear to have formally reviewed its practices, but commented 'DSS practices are consistent with the framework' despite the National Framework not being formally adopted.

<sup>76</sup> Although for some programs DSS does collect some data on the number of people who speak an Indigenous language at home.

<sup>77</sup> For example, Royal Commission Support Service Providers, Family Relationship Services, Family Law Services and Communities for Children (Facilitating Partners).

<sup>78</sup> For information on the program see <https://www.dss.gov.au/our-responsibilities/mental-health/programs-services/personal-helpers-and-mentors-phams>

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

Indigenous language interpreter services. In SA, bilingual ‘Cultural Brokers’ also provide interpreting services. In Queensland, service providers rely on local community employees.

DSS’s contract with its Cashless Debit Card Trial provider specifies the AIS as the provider of Indigenous language interpreters. However, when asked how many times the provider had used the AIS, DSS responded that the provider has not used AIS to date.<sup>79</sup> Although the KIS was used by DSS in the roll out of the Cashless Debit Card Trial in the Kimberley, the provider does not appear to have ongoing access to the KIS under the contract.

DSS also provided examples of information produced in Indigenous languages, via radio advertisements, factsheets and talking posters. Its researchers with the National Centre for Longitudinal Data include bilingual staff and have used Indigenous language interpreters on occasion.

### ***Attorney-General’s Department (AGD)***

Shortly after publication of the 2011 Report, AGD provided an additional \$750,000 funding to the AIS.<sup>80</sup> PM&C continues to fund the AIS to provide Indigenous languages interpreting for legal services as well as weekly ‘working with interpreters’ training programs.

For the Family Relationship Centres (FRC), AGD noted that pursuant to the FRC Operational Framework of May 2014, all FRCs should provide flexible, culturally sensitive and accessible service delivery models and practices to Indigenous clients and have strategies in place to this end. One strategy listed is the use of Indigenous language interpreters.

AGD also indicated the recently announced Royal Commission into the Detention of Children in the Northern Territory will make arrangements to ensure that an interpreting service is available for calls received from people without legal representation or those who have not been in contact with the Royal Commission.

AGD requires its Indigenous Legal Service Providers to record literacy (Y/N), spoken English Proficiency (proficient/non-proficient) and Interpreter Usage (Y/N). In our view, this falls short of the records required by Best Practice Principle 6. However, in its response to the draft report, AGD observed that its new Data Set Definitions will result in the department receiving data that better meets the requirements in Principle 6.

### ***Department of Employment (Employment)***

The former Department of Education, Employment and Workplace Relations (DEEWR) conducted a review of its use of Indigenous language interpreters against best practice principles in 2011 and took steps to raise awareness among staff of the potential use of the Indigenous Employment Program to train Indigenous language interpreters.

DEEWR’s ‘Use of Interpreters Guideline’ contains specific sections on Indigenous language interpreters, including when to use an Indigenous language interpreter and how to arrange the interpreter. Employment is currently reviewing and updating this guideline. Its *Guide to Managing Client Feedback* includes contact information for the KIS and AIS. Employment is currently reviewing its recruitment strategy and assessing whether there is any unmet need for Indigenous language interpreters internally. It is considering including guidance on the use of Indigenous language interpreters in its Aboriginal and Torres Strait Islander Cultural

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<sup>79</sup> DSS indicated it is following this up.

<sup>80</sup> Correspondence from AGD received 20 August 2011.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

Protocols for staff. The Indigenous Portal on its intranet includes a link to the ‘Our Languages Indigenous interpreter Services’ website which includes details of the AIS, KIS and SA Interpreting and Translating Centre.

For interpreters generally, Employment’s *jobactive* Deed 2015–2020 requires providers to provide an interpreter wherever necessary. These provisions are discussed in more detail in Part 2 of this report. Employment has not developed and delivered specific Indigenous language interpreter training.

In response to our question about interpreter usage since 2011, Employment responded that it has cross referenced calls to its National Customer Service Line (NCSL) from jobseekers who identify as Indigenous with the records of when an interpreter was used and has identified no instances of Indigenous job seekers using any interpreter services when contacting the NCSL. This is concerning given that prior to 2013–14 DEEWR had up to 11,642 Indigenous non-English jobseekers receiving Job Services Australia services<sup>81</sup>, and although Employment no longer has responsibility for remote area employment services, the NCSL still provides the telephone information, feedback and complaints service for PM&C’s Community Development Program participants.

### ***Department of Education and Training (DET)***

DET also indicated it would review the DEEWR Use of Interpreter Guidelines developed by DEEWR and its other programs and activities.

DET has a number of programs in remote areas, for example its Budget Based Funded programme (BBF) which includes a range of child care and school aged care services in remote areas where the market would otherwise fail to deliver those services. It does not collect interpreter data. It says it ensures that as required staff dealing with Indigenous programs undertake Indigenous and Cultural Awareness training, but does not have specific Indigenous language interpreter policies or training, relying instead on general contractual requirements for culturally sensitive servicing.

We welcome the Education Council’s National Aboriginal and Torres Strait Islander Education Strategy 2015 which envisages ‘by the end of 2017, sharing of approaches to developing and implementing Aboriginal and Torres Strait Islander Indigenous languages curricula, consistent with ACARA’s<sup>82</sup> framework for Aboriginal and Torres Strait Islander languages’.<sup>83</sup>

### ***Department of the Environment and Energy (DoEE)***

In August 2011 the former Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) informed our office that while it had no formal policies in place in relation to Interpreters, it was planning to develop Indigenous Engagement Guidelines.<sup>84</sup> The current DoEE confirms it now has Indigenous Engagement Guidelines in place which encourage the use of Indigenous language interpreters where available and provides guidance for using those services. It participates in the Inter-Departmental Committee and is

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<sup>81</sup> Employment response received 30 August 2016.

<sup>82</sup> Australian Curriculum Assessment and Reporting Authority (ACARA).

<sup>83</sup> National Aboriginal and Torres Strait Islander Education Strategy 2015 at

<https://www.education.gov.au/national-aboriginal-and-torres-strait-islander-education-strategy>

accessed 18 October 2016.

<sup>84</sup> Correspondence from Secretary DSEWPaC received 23 August 2011.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

currently scoping a broader cultural awareness program which will include advice on the use of Indigenous language interpreters. Some of its portfolio agencies also encourage and guide the use of Indigenous language interpreters including the Kakadu National Indigenous Engagement Protocol, Parks Australia's Best Practice Principles for Indigenous Engagement. The Great Barrier Reef Marine Park Authority has a dedicated Indigenous Partnerships team including six bilingual traditional owners. It does not collect data or have Indigenous language interpreter specific training.

### ***Department of Communications and the Arts (DoCA)***

In September 2011 our office was advised that the then Office for the Arts (OFTA) had distributed the 2009 Report to its staff with responsibility for Indigenous programs and was distributing the 2011 Report to staff before the 2012–2013 Indigenous programs funding round for consideration.<sup>85</sup>

The current DoCA does not have specific Indigenous language interpreter policies or training. It responded that it has general principles for stakeholder engagement in place which apply to Culturally and Linguistically Diverse communities, and it 'ensures that any communication targeted to Indigenous audiences is prepared by consultants specialising in communicating for this audience'. DoCA provided a practical example which involved engagement of a consultant who sourced 49 Indigenous Community Liaison Officers who were employed in regional and metropolitan areas for the Digital Switchover Taskforce in 2013–2014, although it is not known how many were deployed to remote areas or how many (if any) were bilingual or accredited. It also responded that it 'encourages its 16 portfolio agencies to use Indigenous language interpreters for any programs and services relevant to Indigenous Communities', however no examples of such encouragement were provided.<sup>86</sup>

The DoCA's Indigenous Language News Service, funded by PM&C, in which Australian Broadcasting Corporation news items are translated into several Indigenous languages by the AIS is included in the examples of progress and good practice in Part 2 of this report.

### **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.

In 2013 FAHCSIA formed an Inter Departmental Committee (IDC) to drive best practice policy in relation to Indigenous language interpreter use and to develop Protocols on Indigenous Language Interpreter Use for Australian Government Agencies. In May 2016 PM&C reconvened the IDC. Its participants are DSS, DHS, NDIA, DoCA, AGD, Department of Employment, Department of Education and Training, Health, Australian Electoral Commission, the Australian Taxation Office and the Department of the Environment and Energy. The IDC has provided in principle agreement to review the 2013 draft Protocols. These protocols are included in the examples of progress and good practice in Part 2 of this report. If adopted, the Protocols will establish a common framework to implement minimum obligations for Indigenous language interpreter use across Commonwealth agencies.

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<sup>85</sup> Correspondence from PM&C received 8 September 2011.

<sup>86</sup> DoCA survey response received 26 July 2016.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

### **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.

PM&C funds the AIS to develop and deliver ‘working with interpreters’ workshops. PM&C staff are also able to access Cross Cultural Communication Training from KIS. Training is provided on a weekly basis to agency and third party provider staff.

### **Recommendation 4**

FAHCSIA should further explore whether the Community Development and Employment Program (CDEP) could be better utilised as a training tool for potential Indigenous language interpreters.

PM&C responded that FAHCSIA and PM&C had explored use of the CDEP in this context. It stated that under the Community Development Program (CDP) there is an opportunity to support job seekers into work, including interpreter work where available, and CDP providers are encouraged to link with AIS, KIS and NAATI to support the development of jobseekers. PM&C noted that growing the pool of interpreters is not easily done through CDP because of the low level of English among CDP participants which is a basic requirement for interpreting.

### **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 was not asked to comment on this recommendation in this investigation because, in its response to the 2011 Report, the AGD had noted that it was not responsible for the AIS employment model. Additionally, feedback from the Darwin forum had already indicated that positive work had been done with AIS in relation to developing and delivering pre-recorded NT Police Cautions in language using mobile devices and developing a Plain English Legal Dictionary.

### **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.

PM&C observed that the lessons of this trial provided valuable feedback for PM&C, however as the trial was ‘very defined’ it was not incorporated into the National Framework. DHS observed that the two recommendations of the trial evaluation were not implemented because DHS learned that the model of using contract interpreters was not effective. DHS now relies on available service providers such as the AIS. DHS provided information products

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

for Indigenous language interpreters on the effects of intermittent work on social security entitlements.<sup>87</sup>

### **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.

PM&C responded that FAHCSIA worked with the DEEWR on this issue. In June 2014 the former Indigenous Employment Program (IEP) funded three targeted projects to support the recruitment, training, employment and retention of Indigenous language interpreters:

- \$250,000 for TAFE SA to deliver high quality courses to train and accredit Indigenous language interpreters
- \$285,000 for Indigenous language interpreter services for a pilot to supply interpreters to the ABC to create employment opportunities and to build AIS capacity to translate news
- \$400,000 for NAATI to increase accreditation rates and support training, upskilling and accreditation.

### **Analysis of performance against recommendations**

Not all agencies conducted a specific or formal review against the eight best practice principles. Some agencies took steps to review their approach, increase awareness, introduce or improve training (most notably PM&C, DHS and Health) and engage with interpreters early in the design of some new programs (for example PM&C, DHS and DSS).

No agencies reported they had reviewed their existing service delivery contracts as recommended, although several gave examples of new contracts which include specific reference to the use of Indigenous language interpreters. There are a number of agencies that continue to rely on general Culturally and Linguistically Diverse servicing and interpreter policies alone.

A number of agencies expect their contractors to utilise interpreters as part of culturally appropriate service delivery, but provide little or no specific contractual guidance on the use of accredited interpreters and most do not collect the recommended level of data about interpreter usage (or non-usage). We consider Recommendations 2 to 7 have been satisfied by the relevant departments. Despite this progress, KIS and AIS provided usage data to our office for the 2015–2016 financial year which indicates that, with the exception of DHS, overall usage is very low.

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<sup>87</sup> Correspondence received from DHS on 22 August 2011.

## **APPENDIX E—AGENCY RESPONSES TO DRAFT REPORT**

Given the scale of this investigation it was not practical to seek comment on the draft report from all agencies. However, all agencies received an embargoed copy of the final report prior to its publication.

A copy of the full draft report<sup>88</sup> was provided to the Department of Prime Minister and Cabinet and the Department of Human Services for comment. Both agencies indicated agreement to the formal recommendations that related to their agency.

In addition, all agencies directly referenced in the report were asked to provide comment on relevant excerpts from the report<sup>89</sup>, as well as the draft conclusion, best practice principles and recommendations. In general, the agencies that commented on the recommendations were supportive of them.

We have annexed a complete copy of the final response from PM&C as the lead agency for Indigenous affairs, and the agency directly cited in the report's formal recommendations. PM&C has agreed to all five recommendations.

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<sup>88</sup> The full report was redacted to the extent that it related to other agencies that had not yet had an opportunity to comment.

<sup>89</sup> That is, excerpts of sections of the report making direct reference to that agency.

**Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**



**Australian Government**

**Department of the Prime Minister and Cabinet**

ANDREW FISHER BUILDING  
ONE NATIONAL CIRCUIT  
BARTON

Mr Colin Neave AM  
Commonwealth Ombudsman  
GPO Box 442,  
CANBERRA ACT 2601

Dear Mr Neave

Thank you for your letter regarding the draft report of the Commonwealth Ombudsman's own motion investigation into the accessibility of Indigenous language interpreters by Commonwealth agencies.

I am pleased the report recognises the significant work undertaken by the Department of the Prime Minister and Cabinet (the Department) in leading the Commonwealth to improve the use of, and access to, Indigenous language interpreters.

The Department supports the key recommendations to negotiate a National Indigenous Interpreting service model; consider the Department's policy settings and administrative arrangements in addressing the reports' issues; and, in consultation with other Commonwealth agencies, develop whole of government policies in consideration of these issues.

The Department is already progressing these issues through the:

- commencement of discussions with State and Territory governments regarding a sustainable national service model
- consideration of internal policy settings and administrative arrangements, including the development of a monitoring plan on the Departments' use of interpreters; and
- development of Commonwealth Protocols for the Use of Indigenous Interpreters and negotiation of the proposed Best Practice Principles through the Commonwealth Interdepartmental Committee for Indigenous Interpreters.

Mr Leonard Hill, Assistant Secretary, Culture Branch is the Departmental contact for any additional queries. Mr Hill is contactable on [REDACTED]

I look forward to receiving the final report and working together to progress this important issue.

Yours sincerely

Andrew Tongue  
Associate Secretary, Indigenous Affairs Group  
16 December 2016

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**The Department of the Prime Minister and Cabinet: Response to the Commonwealth Ombudsman's draft *Accessibility of Indigenous Language Interpreters* report.**

**Recommendation 1: PM&C should work with the States and Territories to prioritise finalisation and adoption of a National Framework. In the absence of agreements from all States and Territories, PM&C should consider entering bilateral agreements on a state by state basis.**

Agreed. The National Framework was an initiative of the previous government under the National Partnership Agreement on Remote Service Delivery, which expired on 30 June 2014. The draft Framework was not supported by all state and territory governments.

The Department of the Prime Minister and Cabinet (PM&C) continues to recognise the importance of establishing a national model for interpreter services to help ensure Aboriginal and Torres Strait Islander people are effectively engaged with, and have equal access to, government services and opportunities. On 23 September Associate Secretary Mr Andrew Tongue wrote to the Northern Territory, Western Australian, South Australian and Queensland governments seeking to reopen conversations to progress a sustainable national service model.

These governments welcomed the opportunity to engage in initial discussions. PM&C are currently undertaking discussions directly with each government, with the expectation of expanding to multilateral discussions.

**Recommendation 2: Agencies should consider how their policy settings and administrative arrangements might be developed or better oriented to address the issues raised in this report.**

Agreed. PM&C actively works to meet best practice in the use of, and access to, Indigenous language interpreters. PM&C will consider how the department's policy settings and administrative arrangements might be developed or better oriented to address the issues raised in this report.

Since 2011, PM&C has raised awareness and promoted the use of Indigenous language interpreters amongst its staff by:

- establishing a specific Cultural Policy Section with oversight for Indigenous language interpreter policy, contract management and promotion of Indigenous language interpreter use;
- implementing internal guidelines for staff known as the *Protocols for the Department of the Prime Minister and Cabinet for the use of Indigenous language Interpreters* which draw from the Commonwealth Ombudsman's *Best Practice Principles – Use of Interpreters* and provide clear guidance for staff on when and how to use interpreters.;
- facilitating the delivery of information sessions for all staff by Indigenous language services including the Northern Territory Aboriginal Interpreter Service (NT AIS); and
- offering training opportunities for all staff, including the AIS *Working with Interpreters* training.

## **Commonwealth Ombudsman—Accessibility of Indigenous Interpreters: Talking in Language Follow Up Investigation**

PM&C is also currently developing a monitoring plan to report on annual use of Indigenous language interpreters by the Department.

**Recommendation 3: PM&C, in consultation with other agencies, should develop whole of government policies for Commonwealth agencies taking into consideration the issues raised and suggestions made in this report**

Agreed. PM&C convenes a Commonwealth Interdepartmental Committee (IDC) for Indigenous Interpreters. The IDC have agreed to review the 2013 draft Protocols on Indigenous Language Interpreter Use for Australian Government Agencies. If adopted, the Protocols will establish a common framework to implement minimum obligations for Indigenous interpreter use across Commonwealth agencies. The Protocols will complement existing protocols used by agencies and the Multicultural Language Services Guidelines. IDC members consider updated Protocols should reflect any relevant recommendations and best practice findings from the Commonwealth Ombudsman's current investigation.

**Recommendation 4: PM&C should continue to convene the IDC and expand its membership to ensure participation by all agencies whose policy or service delivery activities may be better oriented to address the issues raised in this report and the 2011 Report.**

Agreed. PM&C has requested the Commonwealth Ombudsman's office provide detail of relevant agencies which may have been missed in the initial membership.

**Recommendation 5: All agencies should give consideration to the issues, observations and suggestions canvassed in this report, including the suggestions for developing best practice principles.**

Agreed. PM&C has already commenced negotiation of the proposed best practice principles through the IDC.