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A pathway to higher qualifications for Indigenous languages court interpreters

Dr Michael Cooke

NAATI

1. Some history and background

Let me go back in time for a moment to the early 1990s when I first started working in courts as a Djambarrpuyngu interpreter. At that time in the NT, if you were looking for an interpreter in a language of Central Australia — like Warlpiri, Pitjantjatjara or Arrernte — you could contact IAD (Institute for Aboriginal Development) here in Alice Springs. If you needed a Kriol interpreter you might call the Katherine Language Centre. For other NT languages you might contact a linguist at Batchelor College and see if they could help find someone. Or you might contact a community council in that language area or the local police might know someone.

Often police and courts couldn't worry too much if the person they were using as an interpreter had no training, no accreditation and no experience. And most of the time, if the Aboriginal witness, suspect or defendant had a little bit of English, they went ahead without an interpreter. The picture in WA was similar — where there was only the Kimberley Interpreter Service for their languages. In Queensland there was no service at all. And South Australia could only rely on IAD.

This picture was becoming a big worry for courts, lawyers and governments. The justice system was failing those who were not good at English.

There were three basic problems.

1. Police, courts and lawyers were often not using interpreters for witnesses, suspects and defendants who did not have enough English to understand what was going on, or to give instructions, or to communicate effectively when they were being questioned.

This problem belonged mainly with police, courts and lawmakers and, as we know, there has been a lot of progress and improvement since the early 1990s.

2. There was no central interpreter service covering Indigenous languages in any state or territory to provide the interpreters who were needed in these languages.

This problem belonged mainly with governments and their policies and budgets. Again, there has been a lot of progress since the 1990s and we now have interpreter services covering Indigenous languages in the NT, WA and Queensland; and SA is able to access the AIS in the NT.

3. In most languages there were no trained or accredited interpreters at all. Just a few big languages had some trained and accredited interpreters and only a very few interpreters had skills and experience needed for working in courts.

This is the problem that I want to focus on in this talk. It's true that there has been great progress over the last 20 years, with hundreds of interpreters in many, many languages trained and accredited since the 1990s. Interpreter services, training organisations, governments and NAATI have all been working on this. Some of these interpreters have also done training to prepare them for police and court work. And some lawyers, magistrates, judges and police have given their time to help with this training. And so now we do have some interpreters in Indigenous languages who are highly respected for their skill in legal interpreting.

But while we have come along way, we are not there yet. We can't say that all accredited interpreters who are sent to work with police and courts are ready for this work. And we can't say that we have enough skilled interpreters, even in the bigger languages, to meet the demand. And of course, this is not the only difficult area — medical interpreting is another area where many interpreters struggle with difficult words and specialised language used by health professionals. Only a few interpreters are skilled in this work too.

This is big challenge for all of us, including governments, courts, interpreter services, training organisations, individual interpreters and NAATI. My role here is to explain how NAATI sees this challenge and to suggest a way ahead.

To do this I first need to explain how NAATI has changed its system of qualifications and testing.

2. NAATI's new certification system

Back in 2011 NAATI began a project to improve its system for testing interpreters and translators, and to review and improve the certification system. Now, eight years later, we have a new way of testing interpreter skills and a new set of qualifications and certificates that NAATI awards. The changeover from the old system to the new system began last year.

An interpreter who was tested and accredited in the old system at the paraprofessional level is now called a Certified Provisional Interpreter.

The Certified Provisional Interpreter, like the old Paraprofessional Interpreter, is expected to be able to interpret in situations where people are talking about common subjects and exchanging information that is not complicated and not specialised.

What is mainly different is how the testing process has been improved to make the tests more reliable. Now, people must prove themselves with four things before than can do the role-play test of their actual interpreting skills:

1. They must be able to communicate clearly using everyday English.

2. They must understand interpreter ethics and be able to use their understanding to work out what to do when they face ethical problems working as interpreters.
3. They must show they understand the cultures and societies for both languages well enough to see when communication is being affected by intercultural issues and know what to do about it when this happens.
4. These three things are assessed or tested separately and if candidates have passed these tests, then the fourth thing is that they must have also done some interpreter training. Then they can apply to do the main test.

The main test involves three role plays or dialogues; two are face-to-face with actors, and one is by telephone. Interpreters are expected to be able to show their skills in getting the meaning across from one language to the other, to manage the interaction when problems come up, and to speak clearly.

Then two trained examiners listen carefully to the test and weigh up the strengths and weaknesses in the performance to come to a decision about passing or failing.

So, this is all for the Certified Provisional Interpreter. It is the beginning level, just as a Provisional license with P-plates is a beginning license for driving motor cars.

The next step up is called Certified Interpreter. This is the level that is right for more complicated interpreting where people use special language and talk about complicated matters, such as with police and court interpreting. This test is, of course, more difficult.

Instead of 40 minutes, this test takes about 3 hours (with a break) and includes:

- a telephone interpreting role play and a face-to-face role play
- 2 sight translations where the interpreter must read a document in one language, take five minutes to write down some notes, and then speak out what it says in the other language
- interpreting 2 recorded speeches, each given in 3 parts, with 100 words in each part (you are given the topics a week before)
- interpreting 2 recorded speeches where you start interpreting as soon as you hear the tape starting (simultaneous interpreting) and keep going until the recording is finished (you are given the topic a week before).

This test includes a medical interview and legal interview. Again, there are two examiners and they look at how well you get the meaning across in the other language, how good your language and communication skills are, how you manage problems while interpreting, how well you speak out loud, and so on.

But this is not the highest level qualification. This level does not test your ability to interpret between doctors or between lawyers when they are discussing specialised medical or legal topics among themselves in different languages.

It's interesting that hardest interpreting job in a court is when you are sitting next to a defendant with the job of explaining what's going on during the court case. Sometimes the

lawyers and magistrate or judge start discussing laws among themselves and it's often very hard for the interpreter to understand what they are talking about, even though it might be very important information for the client to know.

The skill to do this kind of interpreting, and interpreting where lawyers discuss law in different languages, or doctors discuss medicine in different languages, is tested at another level up. This is called Certified Specialist Interpreter and it can be done for either legal interpreting or health interpreting.

And at the top of the interpreting mountain is the Certified Conference Interpreter who is expected to deal with any topic in any field, including international conferences for specialists in all areas.

Lastly, I should mention the Recognised Practising Interpreter. This is for people who work in languages where there are no tests available, including some Aboriginal and TSI languages. To apply for this, you still have to pass the ethics and intercultural competency tests and have some training behind you, as well as evidence that you speak English well enough and that you have work experience as an interpreter. Then, later on if a NAATI test does become available, you must be ready to take it.

3. Going forward from here

So, now that you have all of this background, we can get back to the main point: how can we work to get some interpreters trained and tested as Certified Interpreters so that we know they are ready for most court work.

The first thing to point out is that it has been done before. About 10 years ago two AIS interpreters were tested and passed at this higher level for English and Djambarrpuyngu. So we know it can be done.

Second, we know that we have some very good interpreters who are working above the Provisional level that they are now certified in.

Third, NAATI recognises the need to take Indigenous languages interpreting to this next level and is prepared to put resources towards achieving it.

But these three things are not enough by themselves to get it started. We need a plan and we need a pathway. Let me offer some thoughts and suggestions which are informed by my past experiences as an interpreter, a trainer, from writing and giving NAATI tests and as a NAATI examiner.

First, I offer some ideas about a plan.

We need to choose one of the bigger languages to start with. This is because the larger languages have more interpreters and we have more chance of identifying 5, 6 or 7 skilled interpreters who can form a training group. The training works best if all the interpreters can understand each other in both languages and if the trainer can understand and work in

both languages as well. Training does not go so well if people are speaking different languages and can't understand each other.

So, how to choose which language? This depends on the languages of the skilled interpreters we identify, and on the trainers we have to choose from. Interpreter services might nominate interpreters who have already shown themselves to be excellent interpreters with good communication skills in both languages, who can read and write well in English and who have excellent memories. The selection might also involve input from others such as trainers, NAATI and clients who use interpreters (such as courts). It's also possible we may be able to identify enough interpreters to form two groups in two languages with two main trainers.

Then we need to design a training course. First, we need to know where the interpreters are strong and where they need more skills. We need to know how much the trainer can cover and what other help they need. We need to decide if we want to choose a type of interpreting to focus on, such as legal interpreting, and then get the help we need from police, lawyers and magistrates and judges. But to pass the test the interpreters need to be able to work in doctor/patient communication as well. So we can't forget about that.

There are other questions to consider:

- How long is the course we need to run and where to hold it?
- Will it go full-time or part-time? What paid work experience will the interpreters do along the way?
- How can we make sure interpreters have money to live on while they are studying?
- Will the course be linked to an already existing interpreter course?
- Will a training organisation like a college or university be involved or even take the main responsibility?

More questions:

- How will NAATI and other organisations be involved in the training?
- How do we make sure that the interpreters get prepared for the test as well as for the work that they will be doing when they are qualified?
- So, what exactly will be covered in the course?

Then, NAATI needs to prepare a practice test, a real test, and select and train examiners. And once the interpreters do the test, we need to have a good look at how they went and what we can learn for the next time. And then we can move on from there.

So, what is a good pathway towards achieving this, and in what timeframe? There are many potential stakeholders. They include NAATI, interpreter services, their clients (such as police, courts, legal services), funding bodies, professional associations, educational institutional and the interpreters themselves. There are also experts in various fields who may be able to assist.

An important resource for NAATI in this project will be its National Indigenous Languages Interpreting Advisory Committee. NAATI setup this committee in 2016 to advise NAATI on Indigenous interpreting issues. It had seven members covering interpreters, interpreter

services, interpreter trainers and Indigenous language organisations. It lost three members last year and the end of June this year is when the other members finish their term.

NAATI has now opened up membership for the next three-year period starting from July 2019 and nominations close on the 26th of April. People can nominate themselves or be nominated by organisations they belong to. Organisations that use interpreters can also make nominations to NAATI. When the new committee membership is established it will be able to provide valuable advice and guidance with this project.

While NAATI is keen to start this process and help see it through, we are open to suggestions from the other important stakeholders. NAATI is committed to this goal and offers to support existing interpreters with both training and financial assistance in order to make this pathway a reality. In the first instance, NAATI will start making contact with potential stakeholder organisations, government agencies and other experts to resolve some of these questions and looks forward to hearing from anyone with ideas.

NAATI is realistic about the challenges involved and wants to make sure that this initiative is a sustainable one. The pathway from the situation in the early 1990s to the present has been difficult but successful, thanks to the hard work of the many individual people and organisations involved. We also recognise, of course, the commitment and hard work of interpreters themselves in getting us here. This next step will also be challenging but we believe we are now ready to build further on these strong foundations.