

Introduction

The Queensland Government is committed to multiculturalism because it recognises and embraces the state's cultural diversity and fosters an inclusive, cohesive and open society. At the time of the 2001 Census, 33 percent of the state's population was either born overseas or had one parent born overseas and about nine percent came from a non-English-speaking country. The Legal Aid Queensland benchmark for access by non-English-speaking background clients is nine percent of our client base. At the date of endorsing this policy, we have achieved this figure with respect to some areas of law in some regions. We will continue to explore opportunities for enhancing access and improving services to culturally and linguistically diverse communities.

The Queensland Government endorsed the Multicultural Queensland – making a world of difference policy in December 2004. A key principle of the policy is everyone should enjoy equitable access to government services and programs. The government asked departments to develop multicultural action plans to implement the policy in their respective areas. In March 2006, Legal Aid Queensland adopted the Legal Aid Queensland Multicultural Action Plan, acknowledging our commitment to providing quality legal services in a culturally diverse state.

Under its Multicultural Queensland Policy, the government has developed the Queensland Government Language Services Policy. We have developed a Language Services Policy in line with this to ensure non-English-speaking background clients are not disadvantaged in accessing quality legal services. Effective communication is an essential tool for all staff, including lawyers. This policy is designed to maximise our capacity for communicating effectively with non-English-speaking background people who need our services.

Jenny Hardy
Chief Executive Officer
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Policy statement

Legal Aid Queensland is committed to enhancing access to justice for disadvantaged people. Effective communication is essential to achieving this. This policy creates a framework for delivering language services, where appropriate, to clients whose first language is not English. All staff must comply with the policy.

Under the policy we will:

- plan language services in consultation with appropriate target groups
- work with professional interpreters and translators to effectively communicate with clients
- adopt a planned approach to produce and disseminate information about the law, our services and activities in English and other languages after consulting stakeholder groups
- plan for language services by including interpreting and multilingual information needs in our budgeting, human resource and client service program management
- maximise the use of our employees' cultural and linguistic skills to develop and implement this planning.

For the purpose of this policy and its implementation, a client is any person receiving or trying to access a service from Legal Aid Queensland.

Policy aim

The policy aims to guide staff to effectively communicate with non-English-speaking background clients and target multilingual information to diverse language communities in Queensland.



Relevant legislation

The policy is consistent with Legal Aid Queensland's obligations under state and Commonwealth anti-discrimination legislation. A breach of the policy may result in a complaint under the legislation.

Policy implementation

We will:

1. provide, at our own expense, a professional interpreter and, where possible, information in the appropriate language when a client has difficulty communicating or asks for an interpreter
2. ensure language services are culturally and linguistically acceptable to the client, taking into account gender and ethnicity preferences, relevant dialects and the appropriateness of either on-site or telephone interpreting
3. establish protocols and guidelines for engaging professional interpreters and translators
4. use alternative methods of communication to inform non-English-speaking clients about Legal Aid Queensland (eg posters, language cards and translated information)
5. provide training and information to staff about cross-cultural communication and how to work effectively with professional interpreters
6. regularly monitor the policy's implementation to ensure staff compliance and improve services to non-English-speaking clients, and review relevant data annually to measure the policy's impact.



Guidelines for working with interpreters

Assessing the need for an interpreter

- If a non-English-speaking client has difficulty communicating in English, they should be provided with an interpreter. When a client requests an interpreter (eg by displaying a Queensland Interpreter Card, or asking in another way) they should be provided with one.
- If a client does not ask for an interpreter, it may be difficult to assess if they need one. Even if a client can have a basic conversation in English, it does not mean they understand written English or have the skills to understand complicated legal information. If you have any doubt about a person's ability to communicate in and comprehend English, an interpreter should be used.
- A professional interpreter helps both parties to communicate. It is acceptable to use an interpreter even if the client, or an accompanying family member or support person thinks the person does not need an interpreter. You should explain the benefits of using an accredited professional interpreter to the client, including the fact they are bound by a Code of Ethics and should maintain confidentiality and respect privacy.
- Having an accredited interpreter present will be crucial when swearing affidavits or statutory declarations and obtaining "informed consent", etc. Not providing an interpreter in these situations could lead to costly mistakes, complaints or litigation.
- When assessing the need for an interpreter, take into consideration factors such as gender, ethnicity and dialect, literacy levels, hearing impairment or other communication difficulties. The client's comfort level in the interview will have an impact on your outcome.

Preferences for engaging interpreters

- It is preferable to engage an interpreter accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). The highest level of NAATI accreditation is Conference Interpreter (Senior) and Conference Interpreter. This level is required if organising an international conference.
- For most public sector usage, the second highest level of accreditation is sufficient. This is known as 1st preference – Interpreter (formerly level 3). It is preferable to use an interpreter with this level of accreditation for legal matters.
- Where an interpreter at the preferred level is not available, the other levels are as follows:
 - 2nd preference – Paraprofessional Interpreter (formerly level 2)
 - 3rd preference – NAATI Recognised or other interpreter registered with the Translating and Interpreting Service (TIS).
- Non-professional interpreters should not be used unless the situation is urgent and a professional interpreter is unavailable.
- Inquire about the client's gender and language preferences and provide their preferred interpreter if possible, although availability of particular interpreters may be an issue.
- The majority of accredited interpreters in Queensland are qualified at the paraprofessional level. In languages of small communities or recently arrived communities, there may be no accredited interpreters and only a small number of recognised interpreters.
- Access to professional interpreters in regional and rural Queensland is often limited to telephone interpreting through TIS Eastern, though some qualified interpreters are available for on-site work in regional centres such as Cairns and Townsville. Current availability of accredited interpreters can be checked through the Manager, TIS, and the NAATI Regional Officer for Queensland.
- Complex interpreting work that may have serious implications for the client should be undertaken by the most qualified interpreter available.



Professional interpreters vs family and friends; bilingual staff as interpreters

- Friends and family members should not be used in the same role as professional interpreters, unless there is no other practical option. Obtaining a qualified interpreter over the telephone will generally always be a practical option. Children and young relatives are not appropriate interpreters in any context.
- Both clients and family members may be embarrassed when family members act as interpreters.
- Communication may be distorted or changed because of:
 - lack of competence in English, particularly English used in a legal context
 - lack of competence in the client's first language
 - lack of interpreting skills
 - bias and lack of impartiality by the family member/friend. In many circumstances however the client may feel more comfortable with a family member or friend present, in addition to the professional interpreter.
- Professional interpreters are trained to maintain confidentiality, impartiality and accuracy as part of their code of ethics. This code is not binding on relatives or friends, or bilingual staff.
- Bilingual staff who are not accredited interpreters may assist with communication with clients in certain circumstances. But as the general rule, professional interpreters should be used for the reasons outlined above and to establish the independence of the process.
- If a client refuses professional interpreter services, preferring to use an accompanying child, relative or friend, staff should be trained to provide an appropriate response eg "non-professional interpreters may compromise or misinterpret important communication". Staff should advise clients that our policy is to use professional interpreters and emphasise this policy helps everyone involved in the communication process.

Arranging an interpreter

- Professional interpreting services can be accessed either over the phone (solely through TIS) or on-site, where the interpreter is physically present. Audio-visual access through videoconferencing networks is also possible.
- TIS is our translating and interpreting services preferred supplier. To arrange an interpreting service contact:
 - TIS on-site (face-to-face) interpreting. Pre-book by fax on 1300 654 151 with reasonable notice (generally 24 hours notice). Request forms for fax purposes are available from TIS. Follow the links from the multicultural resources page on the LAQ intranet.
 - Or book by phoning TIS on 1300 655 081. After hours access to TIS is through TIS Melbourne.
- TIS – telephone interpreting. Pre-book by fax on 1300 654 151 or by phoning 131 450 immediately. Pre-booked telephone interpreting jobs will incur a charge over and above the basic rate.
- Other sources of translators and interpreters are:
 - Deaf Services Queensland (for AUSLAN and other Deaf community interpreters). Pre-book by fax on an Interpreter Request Form on 07 3556 1331 or phone 07 3356 8255 (office hours) or 1800 630 745 (after hours).
 - A list of NAATI accredited interpreters is available through the current NAATI Directory or from the NAATI Regional Officer, Brisbane on 07 3393 1358. The NAATI website address is: www.naati.com.au
 - The International Association of Conference Interpreters (AIIC) Australian members is available on 02 6633 7122.
 - Private interpreting and translating agencies are available through the Yellow Pages under "interpreters".



- Check the NAATI accreditation and qualifications of translators obtained through any source.
- Make your booking by giving as much notice as possible.
- Establish gender and language/dialect preferences from the client and request these from the provider.
- Request the same interpreter where continuity and client confidence are important factors.

Paying for interpreting services

- Legal Aid Queensland is responsible for budgeting for and paying for interpreters. Clients do not have to pay for interpreters.
- A grant of aid for interpreting services can be requested from Legal Aid by either the applicant or the solicitor.
- The use of an interpreter is one factor that may be taken into consideration when determining if a matter is a 'complex matter' for the purpose of grants of aid.
- The TIS charging policy and rates are available from the Manager, TIS Eastern on 02 9258 4640.
- Rate details recommended by AUSIT, the professional association of interpreting/translating practitioners are available by calling AUSIT Queensland on 07 3356 8255.

Most effective interpreting mode

- Telephone interpreting is cost-effective, readily available regionally, and can be used for most languages through the TIS national network. It is more immediate, anonymous and preserves confidentiality and privacy. The disadvantage is the difficulty for all parties when visual cues are absent.
- On-site interpreting is more appropriate in legal and counselling contexts. It offers a more complete and detailed communication option with the possibility of continuity with the same interpreter. Continuity can be a vital factor in confidential and sensitive matters, such as those relating to violence against women.
- Videoconferencing networks can be used in legal and other contexts to include an accredited interpreter at a distant site.
- Conference environments, where simultaneous interpreting is required in a number of languages, can be arranged using existing Queensland facilities.

Accountability

- Professionally accredited interpreters are required to observe their own professional obligations and comply with relevant codes of ethics and professional conduct to maintain confidentiality, accuracy and impartiality. The AUSIT Code of Ethics for Interpreters and Translators is endorsed by NAATI and can be obtained from local AUSIT representatives.
- Staff should verify the identification details of TIS and other interpreters by checking their identity card and accreditation details. Unsatisfactory performance by TIS interpreters should be brought to the attention of the Manager, TIS Eastern on 02 9258 4640.

Skilling staff in working with interpreters

- The Queensland Interpreter Card Kit contains simple procedural checklists for working with interpreters and responding to the Queensland Interpreter Card. The kits are available from Legal Aid Queensland's Media and Public Affairs Unit.
- Staff are expected to attend training in working with interpreters.



Guidelines for planning multilingual information

Media

- We will explore a range of information strategies that include components in English and languages other than English, in one or a combination of the following:
 - in print — translated brochures and booklets, factsheets, business cards, promotional flyers and postcards, poster slogans, forms and papers, advertisements or inserts in these media
 - electronically — translated or original language messages on the internet, by email or printed out by regional offices
 - audiovisually — sub-titled, dubbed, voice-overed or original language videos/DVDs, audio-cassettes, multilingual telephone information lines, ethnic radio/television scripts, focus group or information-sharing sessions and seminars through an interpreter/bilingual worker.

Planning

- We will work to develop regional client profiles based on available in-house and government demographic data. These profiles will be developed over time and should include information on client language, cultural background, recency of arrival in Australia and levels of social and economic disadvantage, to inform regional access strategy actions.
- Client surveys and other data, including interpreter usage levels and client's use of various access materials and media, will inform future language services strategies and actions.
- We will encourage bilingual staff to obtain NAATI accreditation to use their language skills in providing and exchanging information for clients.
- We will consult client groups, including ethnic communities and associations about information needs, appropriate formats and dissemination strategies.
- We will work to develop our own network of ethnic community agencies for consultation purposes.
- These same networks may be available to give valuable feedback on proposed multilingual products. We recognise checking for cultural and linguistic appropriateness is a vital part of any multilingual information strategy and will incorporate feedback on the appropriateness of photography and artwork (eg cartoons) and language.
- As part of our multilingual information planning, we recognise we will need to balance the importance of getting information to large, identified groups with the pressing information needs of smaller or emerging client groups, women and regional/isolated communities.

Contracting out work

- Multilingual material (including translation work) used in all language services strategies should be obtained through professional sources. We will use only accredited interpreters for this work.

The information product

- The writing or scripting of the original products for a culturally diverse client group will be in plain English. It will sometimes be appropriate to have this material translated into languages other than English, depending on the target audience.



Policy implementation performance indicators

Identifying client language services needs at Legal Aid Queensland

- Our client profile descriptors record ethnicity data, including country of birth, first language spoken, English proficiency/need for an interpreter and language to be interpreted.
- Requests for interpreters are recorded, including the language and dialect requested.
- Our staff are aware of appropriate interpreting modes available to clients, including telephone, onsite, videoconference or personal computer.
- We have conference or dual handset telephones available in appropriate locations to make interpreting services more accessible for clients (eg public contact areas and interview rooms).
- We consult communities and other organisations to determine the information needs of non-English-speaking background clients. This could include consultation about the most appropriate information to translate, which languages should be used and whether clients would prefer information in written or audio-visual formats.
- We have procedures in place to identify a client's interpreter needs eg by noting them on the client's file and records accordingly.
- We have procedures in place to obtain and record client feedback and satisfaction with the interpreter service.

Working with interpreters

- Staff who have contact with clients or the public, and policy and planning staff, understand the need to work with professional interpreters for effective communication and have been trained in working effectively with interpreters.
- All staff are familiar with our language services policy.
- The Queensland Interpreter Card poster is displayed prominently in areas of our offices accessed by the public.
- Information about organising an interpreter, including clearly-defined procedures, is easily available to staff and easy to access.
- Staff know how to respond to and distribute the Queensland Interpreter Card.
- Clearly-defined budget arrangements have been made for paying professional interpreters.
- Policies clearly guide staff about using a client's friends or relatives as interpreters ie only in exceptional circumstances or as a last resort.
- Staff are aware refusing to provide an interpreter could be indirect discrimination (under current anti-discrimination legislation), and understand professional interpreters play an important role in obtaining instructions, informed consent etc from non-English-speaking background clients.

Multilingual information planning and management

- Communication plans are made before the agency produces multilingual (including English) information for ethnic communities or other clients.
- Relevant information and data is used to make decisions about media, languages and the cultural appropriateness of information and its packaging.
- Past and present multilingual projects are evaluated and used to inform future information/promotion strategies to client groups.
- Links are made with ethnic media and community networks to disseminate information.
- Existing and recruited bilingual staff play an acknowledged role in effective service delivery by Legal Aid Queensland.



Integrating the language services policy into organisational processes

- We use language data to build a profile of our organisation's client base. This data is used in our planning to make decisions about client services and programs.
- Language services-related initiatives, including using interpreters and multilingual information projects, are part of our core business planning and budgetary processes.
- A register of bi/multilingual staff is available and their consent/non-consent has been obtained about using these skills as a resource to assist clients with language/cultural matters.
- Language services-related initiatives, including accreditation by National Accreditation Authority for Translators and Interpreters for existing staff, are part of equal employment opportunity and selection and recruitment processes.
- We provide staff with access to cross-cultural communication, working with interpreters and planning multilingual information strategies training.
- We have trained our contact staff about using the Queensland Interpreter Card.

