



ACT
Government

ACT LANGUAGE SERVICES POLICY

Community Services
Directorate

November 2018

Acknowledgement of Country

The ACT Government acknowledges the Ngunnawal people as traditional custodians of the Canberra region and that the region is an important meeting place and significant to other Aboriginal groups. The ACT Government respects the continuing culture and the contribution that Aboriginal and Torres Strait Islander peoples make to the life of this city and surrounding regions.

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www.relayservice.gov.au.

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CONTENTS

ACT Language Services Policy	1
Director-General's Foreword	1
Acknowledgments	1
Introduction	2
Policy Statement	2
Policy Aims	3
Policy Implementation	4
Language Services Guidance	5
Reporting and Performance Monitoring	6
Legislative Context	7
ACT Legislative Framework <i>Human Rights Act 2004</i>	7
National Legislative Framework	7
<i>Australian Human Rights Commission Act 1986</i>	7
<i>Racial Discrimination Act 1975</i>	7
<i>Disability Discrimination Act 1992</i>	8
Definitions	9
Australian Institute of Interpreters and Translators (AUSIT)	9
Auslan	9
Australian Sign Language Interpreter Association (ASLIA)	9
Emergency Interpreter Service (24h EIS)	9
Languageloop	9
Language Services	10
National Accreditation Authority for Translators And Interpreters (NAATI)	10
National Interpreter Symbol	10
National Relay Service (NRS)	10
Translating And Interpreting Service (TIS National)	11
Complaints	11
Contact	12

ACT LANGUAGE SERVICES POLICY

DIRECTOR-GENERAL'S FOREWORD

Australia is a growing and linguistically diverse country. In 2016, over 120 indigenous languages and over 300 separately identified non-indigenous languages were spoken in Australian homes, including Auslan – Australian Sign Language. More than one-fifth of Australians spoke a language other than English at home.

Language is essential to the wellbeing, culture and identity of Aboriginal and Torres Strait Islander people. Language is integral to maintaining the strength of Indigenous communities.

There is a transient population of Aboriginal and Torres Strait Islander people in the ACT, sometimes from rural and remote areas, who may need access to an interpreter.

In the ACT, approximately 1.6 per cent of Canberrans come from an Aboriginal and Torres Strait Islander background and 26 per cent were born overseas. This combined with the growing number of Canberrans who use Auslan has meant that more than 23 per cent of our population communicate using a language other than English at home.

The ACT Government is committed to ensuring Canberra continues to grow as an inclusive and cohesive city, in which all Canberrans can access effective government services and participate fully in our community. Culturally and linguistically diverse people bring a wealth of different experiences and perspectives to the Canberra community, which enhances the social and economic development of the ACT and the wellbeing of all Canberrans.

This policy reflects the ACT Government's commitment to ensuring all Canberrans can benefit from the full range of ACT services and programs and can fully participate in all aspects of community life. Effective language services play an essential role in providing Canberrans who communicate in a language other than English with the same access to information, services and opportunities as English speaking Canberrans.

ACKNOWLEDGMENTS

This Policy acknowledges the current language services policies of other jurisdictions, including:

- ▷ Department of Communities, Child Safety and Disability Services, Queensland Government
- ▷ Department of Health and Human Services, Victoria State Government
- ▷ Department of Local Government and Housing, Northern Territory Government

INTRODUCTION

People who lack English proficiency can face significant barriers when accessing government services and participating in community life. English is the national language of Australia and the language most commonly used in the ACT, however, a growing number of our community are unable to communicate in English or prefer to communicate in a language other than English.

For a growing number of Canberrans, access to interpreting and translation services and translated information is necessary to communicate effectively with government services. When providers and clients do not share the same language and culture, difficulties may arise which impact on the quality of the services clients receive.

Language services facilitate effective communication between service providers and clients to make services and programs more accessible to people, regardless of their proficiency in written or spoken English. This policy ensures that language services are offered to clients as required, at no cost to them.

The ACT Language Services Policy ensures the communication needs of culturally and linguistically diverse people, including Aboriginal and Torres Strait Islanders, migrants, refugees and asylum seekers and people who use sign language, are met. The policy also refers to the communication needs of people with multiple or complex communication needs who require adjusted methods of interpreting support, such as clients with limited to no speech and clients who are deaf and blind.

The ACT Language Services Policy acknowledges Directorates are currently providing a range of language supports and translation services to the community and their individual clients, delivering the intent of the “Many Languages” 2012-2016 ACT Government policy. The ACT Language Services Policy recognises the current provision of services and acknowledges the need to work within existing resources, while working towards further improvements and refinements in language services, to contribute to the inclusion and participation of all Canberrans.

POLICY STATEMENT

The ACT Government is committed to ensuring all Canberrans are able to fully participate in strong, healthy and inclusive communities and are enabled by a cohesive human services system that is:

- ▷ person-centred, strengths-based and focused on achieving positive, outcomes and services;
- ▷ simple to understand, navigate and access;
- ▷ adaptive to evolving changes, needs and knowledge;
- ▷ viable and sustainable, leveraging resources across the system to respond to current, emerging and future demand; and
- ▷ working in collaboration and partnership across the system.

This policy contributes to creating a better service experience by ensuring all clients, irrespective of their language background, are provided fair access to all ACT Government services and programs.

ACT Government Directorates will:

- ▷ take a client focus to the delivery of services including clients’ specific language needs;
- ▷ make interpreters available for clients who need assistance to communicate effectively;
- ▷ work with interpreters¹ as much as possible and develop a plan to ensure that services can still be delivered in circumstances where an interpreter is not available;
- ▷ adopt a planned approach to producing and disseminating information about services, policies and activities in forms accessible to Canberrans who communicate in a language other than English; and
- ▷ plan and budget for language service needs when considering client service management and delivery.

POLICY AIMS

The ACT Language Services Policy aims to improve access to the full range of government and government-funded services for people requiring language support, in the context of limited resources and acknowledging Canberra's diverse communities.

This policy will be delivered through:

- ▷ continued funding for the 24 Hour Emergency Interpreter Service for Auslan speakers;
- ▷ continued support for the National Accreditation Authority for Translators and Interpreters (NAATI);
- ▷ engagement of certified interpreters and translators in individual circumstances for people who experience difficulties communicating effectively in English;
- ▷ provision of translated information on government policies, services and guidance into clients' preferred language in response to individual needs;
- ▷ training for ACT public service staff on working with interpreters; and
- ▷ adoption of the National Interpreter Symbol.

To further enable Canberrans who communicate using a language other than English to effectively access government services, the ACT Government will:

- ▷ provide opportunities for people to improve their English language skills by funding English language programs for migrants, refugees and asylum seekers;
- ▷ support people who communicate using a language other than English to maintain and develop skills in their first language;
- ▷ promote language learning as a cross-cultural opportunity to develop understanding and appreciation of different cultural and linguistic backgrounds; and
- ▷ acknowledge and recognise the social and cultural challenges faced by culturally and linguistically diverse people when communicating in English as a second language.

1 An Interpreter is a practitioner who conveys spoken or signed information from one language into another language and has obtained certification issued by the National Accreditation Authority for Translators and Interpreters (NAATI). NAATI is the national body responsible for setting, maintaining and promoting standards for the translation and interpreting industry through its certification system for translators and interpreters, at one of the following levels:

- Certified Conference Interpreter;
- Certified Specialist Interpreter (Health or Legal);
- Certified Interpreter;
- Certified Provisional Interpreter; or
- Recognised Practising Interpreter (for some languages, in which NAATI certification is not available).

POLICY IMPLEMENTATION

The ACT Language Services Policy is designed to be inclusive of Aboriginal and Torres Strait Islander people, migrant and deaf communities, and individuals with multiple and complex communication needs. This policy recognises ACT Government Directorates have responsibilities and obligations under local, national and international legislation, agreements and policies to ensure all Canberrans are treated equally and have the same opportunities regardless of their English proficiency.

ACT Government Directorates and agencies will implement the policy through a range of actions, which should include the following:

- ▷ implementing a systematic approach to language services to deliver services to clients with a first language other than English;
- ▷ ensuring all staff are aware of the ACT Language Services Policy and recognise effective communication is integral to the delivery of all services;
- ▷ acknowledging clients' rights to the services of an interpreter or translator and be aware of situations in which an interpreter should be used;
- ▷ committing to the appropriate use of interpreters and translators in the delivery of all services for people who communicate in a language other than English;
- ▷ being aware when interpreters must be used, taking into account legislative requirements and risks that could impact clients' health, safety, security and/or human rights if an interpreter is not utilised;
- ▷ ensuring where necessary, in response to individual needs, documents and information are translated into languages appropriate to client needs;
- ▷ using the National Interpreter Symbol and promoting the ACT 24 Hour Emergency Interpreter Service (EIS), the National Auslan Interpreter Booking Service (NABS), national Translating and Interpreting Service (TIS) and National Relay Service (NRS) in all areas accessed by the general public;
- ▷ promoting appropriate training in cross-cultural communication, deafness awareness and how to work with interpreters;
- ▷ collecting data to guide the development of future language services including languages spoken; ethnicity, country of birth, English proficiency, and need for interpreter; and
- ▷ acknowledging the use of language services by staff is a justifiable and necessary expense. Each Directorate has an obligation to plan and budget for interpreting services to ensure services are available when the individual need arises.

LANGUAGE SERVICES GUIDANCE

To assist ACT Government Directorates and agencies implement the ACT Language Services Policy effectively, information and guidance is available at:

Translating and Interpreting Service (TIS National)

<https://www.tisnational.gov.au/en/Agencies/Help-using-TIS-National-services>

The Translating and Interpreting Service (TIS National) is an interpreting service provided by the Department of Home Affairs for people who do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients.

Immediate phone interpreting: 131 450

Free Interpreting Service enquiries: 1300 575 847

Emergency Interpreter Service

https://deafsociety.org.au/interpreting/page/after_hours_interpreting

If you have an emergency and require an interpreter, you can call or text us on 0412 422 059. An emergency is interaction with police, hospital or another emergency service, or if there is a last minute change to your booking.

For all emergencies call or SMS: 0412 422 059

The National Auslan Interpreter Booking and Payment Service (NABS)

<https://www.nabs.org.au/book-an-interpreter.html>

The National Auslan Interpreter Booking and Payment Service provides interpreters for deaf, deafblind and hard of hearing people who use sign language and would like an interpreter for private health care appointments. NABS is free to people who are not eligible for NDIS (National Disability Insurance Scheme). Sign language services to Deaf Indigenous people are provided for both public and private health care appointments.

The National Relay Service (NRS)

<https://relayservice.gov.au/>

The National Relay Service (NRS) is a phone solution for people who are deaf or have a hearing or speech impairment. The NRS consists of a Relay Service Provider which runs the call centre where relay officers relay calls to other people and an Outreach Service Provider which runs the outreach service to provide support and information about the use of the NRS.

Immediate relay services: 133 677

LanguageLoop Interpreting and Translating services

<https://www.languageloop.com.au/>

LanguageLoop gives non-English speakers the access to everyday services. Remote and onsite Interpreting Services provide complete flexibility to meet the needs of businesses. With PhoneLoop, VideoLoop, PeopleLoop and InfoLoop Services, LanguageLoop can deliver an Interpreter where needed. With 160+ languages, LanguageLoop Interpreting Services are making it possible for people and business to connect.

REPORTING AND PERFORMANCE MONITORING

All ACT Government Directorates and agencies are required to report progress annually against actions in the ACT Multicultural Framework 2015-2020.

Appropriate performance measures will be determined and baselines set in the first twelve months following introduction of this policy, taking into account actions under the ACT Multicultural Framework Second Action Plan, to be developed following the 2018 ACT Multicultural Summit.

The Community Services Directorate will work with all Directorates to develop practical guidelines in the implementation of this policy by no later than November 2019.

Measure	Data required ²	Data source
Directorates have an agency specific language services plan by November 2019.	The completion of a language services plan.	All Directorates and Agencies

² All data collected by the ACT Government must comply with the *Freedom of Information Act 2016*.

LEGISLATIVE CONTEXT

ACT LEGISLATIVE FRAMEWORK *HUMAN RIGHTS ACT 2004*

The *Human Rights Act 2004* embeds the rights outlined in the International Covenant on Civil and Political Rights into ACT law, particularly section 8(2) and 8(3) which states that:

- (2) Everyone has the right to enjoy his or her human rights without distinction or discrimination of any kind.
- (3) Everyone is equal before the law and is entitled to the equal protection of the law without discrimination. In particular, everyone has the right to equal and effective protection against discrimination on any ground.

Section 22(2)(a) and (h) further commits the ACT Government to providing interpreter support to Canberrans who communicate in languages other than English with:

- (2) Anyone charged with a criminal offence is entitled to the following minimum guarantees, equally with everyone else:
 - (a) to be told promptly and in detail, in a language that he or she understands, about the nature and reason for the charge;
 - (h) to have the free assistance of an interpreter if he or she cannot understand or speak the language used in court;

Section 27 also supports Aboriginal and Torres Strait Islander people to use their languages.

NATIONAL LEGISLATIVE FRAMEWORK

AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986

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

In addition, the Aboriginal and Torres Strait Islander Social Justice Commissioner has specific functions under the Act and the Native Title Act 1993 to monitor the human rights of Indigenous people.

RACIAL DISCRIMINATION ACT 1975

The *Racial Discrimination Act 1975* (Cth) gives effect to Australia's obligations under the 1969 International Convention on the Elimination of All Forms of Racial Discrimination, which Australia has ratified. It aims to ensure that Australians of all backgrounds are treated equally and have the same opportunities. The Act makes it unlawful to discriminate against a person on the grounds of race, colour, descent, nationality or their origin, and immigration status.

Section 9 of the Act states that:

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

DISABILITY DISCRIMINATION ACT 1992

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

Under section 31 of the Act the Attorney-General may make Disability Standards to specify rights and responsibilities about equal access and opportunity for people with a disability, in more detail and with more certainty than the Act itself provides. The Disability Standards for Education (2005), which are a form of delegated legislation, clarify and make more explicit the obligations of education and training service providers under the Act and the rights of people with disabilities in relation to education and training.

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

DEFINITIONS

AUSTRALIAN INSTITUTE OF INTERPRETERS AND TRANSLATORS (AUSIT)

AUSIT is the national independent association for translators and interpreters in Australia.

AUSLAN

Auslan is the sign language of the Australian Deaf community. Sign languages are unique to each country. Auslan is not simply English using the hands; it involves a distinct grammar and syntax. Deaf people typically tend to acquire sign language as their primary means of communication in addition to the written or spoken language of the wider community. They are not necessarily fluent in written English and thus English proficiency should not be assumed.

Deaf interpreters are trained and certified users of Auslan who are able to convey meaning from Auslan to a highly visual form of gesture. Deaf interpreters usually work in conjunction with an Auslan interpreter, thereby requiring at least two interpreters for the communication.

Because Deaf people generally use language services their entire lives, many are familiar and work regularly with Auslan interpreters. It is common for Deaf people to request a specific interpreter or agency, and this request should be accommodated where possible.

AUSTRALIAN SIGN LANGUAGE INTERPRETER ASSOCIATION (ASLIA)

ASLIA is the national peak organisation for Auslan/English interpreters and Deaf Interpreters (DIs) in Australia.

EMERGENCY INTERPRETER SERVICE (24H EIS)

The “24 Hour ACT Emergency Interpreter Service” is operated by Sign Language Communications NSW/ACT. In the ACT for all emergencies call or SMS 0450 928 566. This service is important for providing interpreting access in emergency situations. If you have an emergency you can contact the emergency service at any time of the day or night to organise an Auslan interpreter.

In an emergency situation you should first contact the Emergency Services by calling 000 or 106.

Once you have called the emergency services, you or the emergency service provider can then call or SMS the 24 Hour Emergency Interpreting service on 0450 928 566.

LANGUAGELOOP

LanguageLoop provides interpreting and translation service in 160+ languages. Services are provided both remotely and onsite. LanguageLoop provides PhoneLoop, VideoLoop, PeopleLoop and InfoLoop Services and partners with Australia Post to deliver a secure document translation service.

VideoLoop Interpreting provides a fast, seamless connection to bring you together with interpreters anywhere you and your customers need to be. VideoLoop connects to a NAATI certified video interpreter at a time that suits you – and can save you time and costs with no associated interpreter travel expenses with your booking.

LANGUAGE SERVICES

Services provided by agencies which address communication issues affecting people with limited proficiency in English including speakers of Aboriginal and Torres Strait Islander languages and Auslan.

Language services include:

- ▷ engagement of certified interpreters and/or translators;
- ▷ use of multilingual information strategies;
- ▷ presentation of information in first languages through translated material; and
- ▷ training of staff to provide services to clients who communicate in a language other than English.

NATIONAL ACCREDITATION AUTHORITY FOR TRANSLATORS AND INTERPRETERS (NAATI)

NAATI is the national standards and certifying body for accreditation and recognition of translators and interpreters in Australia. ACT Government policy states that NAATI-credentialed Professional interpreters should be engaged when interpreting services are required. When Professional interpreters are not available, a NAATI-credentialed Paraprofessional or NAATI-Recognised interpreter may be the only option.

For some languages used by communities that have settled more recently in Australia, and also for less common languages, NAATI Professional level interpreters either do not exist or are in short supply. In those cases, NAATI Paraprofessional or NAATI Recognised interpreters may need to be engaged.

NATIONAL INTERPRETER SYMBOL

The National Interpreter Symbol was designed to show where someone can ask for language assistance. It provides a simple way to help people with low English proficiency access government services. The symbol indicates that a person with low English proficiency can ask for help to communicate in their own language.

All government service organisations are encouraged to use the symbol and promote it to their members and clients.



NATIONAL RELAY SERVICE (NRS)

NRS is an Australia wide telecommunications access service. People who are deaf or hearing impaired can access anyone in the wider telephone network through NRS, and vice versa. Conversations between two parties can be relayed from text to voice, or voice to text.

TRANSLATING AND INTERPRETING SERVICE (TIS NATIONAL)

TIS National is an interpreting service provided by the Department of Home Affairs for people who do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients.

TIS provides:

- ▷ Immediate phone interpreting.
- ▷ ATIS automated voice-prompted immediate phone interpreting.
- ▷ Pre-booked phone interpreting.
- ▷ On-site interpreting.
- ▷ Illegal Maritime Arrival (IMA) interpreting.

The TIS National immediate phone interpreting service is available 24 hours a day, every day of the year for the cost of a local call for any person or organisation in Australia who needs an interpreter.

COMPLAINTS

If a client is denied access to an interpreter to access a service provided by an ACT Government directorate, agency or funded service, they may make a complaint in the first instance to the ACT Government directorate, agency or organisation providing the service.

If the situation is unable to be resolved, clients may wish to contact:

For complaints relating to unlawful discrimination:

ACT Human Rights Commission

Office located on Level 2, 11 Moore Street, Canberra City

Postal address: GPO Box 158 Canberra Act 2601

Phone: (02) 6205 2222 **SMS:** 0466 169 997 **TTY:** (02) 6205 1666

Email: human.rights@act.gov.au

Website: <http://hrc.act.gov.au>

For any other complaint regarding denial of services:

ACT Ombudsman

Office located on Level 5, Childers Square, 14 Childers Street, Canberra City Act 2601

Postal address: ACT Ombudsman, GPO Box 442, Canberra Act 2601

Phone: 1300 362 072

Indigenous Line: 1800 060 789

TTY: phone 133 677 then ask for 1300 362 072

Speak and Listen: phone 1300 555 727 then ask for 1300 362 072

Internet Relay users: connect to the National Relay Service then ask for 1300 362 072

Email: ombudsman@ombudsman.gov.au

Website: <http://www.ombudsman.act.gov.au>

CONTACT

Community Services Directorate

Postal address: GPO Box 158 Canberra Act 2601

Email: communityparticipation@act.gov.au

Website: <http://www.communityservices.act.gov.au/multicultural>



If you require assistance understanding this document, please call the Translating and Interpreting Service (TIS National) on 131 450.