



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON EDUCATION AND COMMUNITY INCLUSION
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Submission Cover Sheet

Inquiry into access to services
and information in Auslan

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Principal Registrar and Chief Executive Officer

Standing Committee on Education and Community Inclusion
ACT Legislative Assembly
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Canberra ACT 2601
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Submission to the Inquiry into access to services and information in Auslan

Dear Committee

Thank you for the opportunity to provide a submission into your inquiry surrounding access and services and information in AUSLAN.

The ACT Courts and Tribunal has an [interpreter protocol](#) available on our Court and Tribunal websites that assists the judiciary, legal practitioners, registrars and conferencing officers work with interpreters in our court and tribunal proceedings.

The ACT Government has provided funding to the ACT Courts and Tribunal to employ a Disability Liaison Officer and the ACT Court and Tribunal has recently developed a draft action plan to assist implement the [ACT Disability Justice Strategy](#).

Some of the practical initiatives the ACT Courts and Tribunal has in place for people with disability, including persons who have a hearing impairment, are outlined in a video entitled "[Do you need assistance whilst attending the ACT Courts and Tribunal?](#)" available at www.courts.act.gov.au/disability.

Whilst the usage of AUSLAN interpreters by the ACT Courts and Tribunal is relatively low, it is difficult for the ACT Courts and Tribunal to book AUSLAN interpreters for civil proceedings in a timely manner. For the purposes of this submission, it should be noted that the Director of Public Prosecutions (DPP) and ACT Policing schedule interpreters for criminal matters, therefore, this submission relates to arranging interpreters for civil matters only.

The ACT Courts and Tribunal have a number of particular challenges when scheduling proceedings for persons seeking protection from violence. For example, applications for interim protection orders are bound by statutory timeframes which means that they are usually heard on the day they are lodged. Therefore, at times, the Court may require the assistance of interpreters, such as an AUSLAN interpreter, at short notice.

The ACT Courts and Tribunal appreciates that in urgent or immediate situations, relatives or friends may be called upon to interpret because they speak or sign the same language.

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The use of family and friends is not viewed as the best option by the ACT Courts and Tribunal given they may be unfamiliar with the terminology used or legal concepts involved with the court. Furthermore, family and friends are not bound by a professional code that requires them to be impartial and to maintain confidentiality.

Interpreting requires a high level of fluency in both English and the language being interpreted, and the ability to be able to convey the whole message quickly, accurately and appropriately from AUSLAN into spoken English. This is particularly important given the recording of court and tribunal proceedings. On this basis, the ACT Courts and Tribunal needs to rely upon professional highly skilled interpreters. Any assistance to increase the availability of interpreters in AUSLAN would be welcomed by the ACT Courts and Tribunal.

Whilst many court and tribunal matters might only need one interpreter, for lengthy hearings there may be a requirement for two interpreters to ensure regular breaks.

The ACT Courts and Tribunal notes that AUSLAN interpreters are not the only language interpreters where there is a shortage of interpreters. For example, the ACT Courts and Tribunal has struggled to arrange Dinka interpreters (South Sudanese) in the past. Work to review and address the gaps across all language interpreters in the ACT is something that would be welcomed going forward.

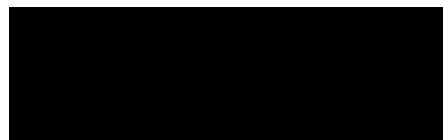
To overcome the challenges posed by the lack of availability of interpreters locally, the ACT Courts and Tribunal uses video-conferencing technology to obtain the assistance of interpreters interstate, however, where possible, there is a preference for face to face interpreters, particularly for hearings.

In conclusion, the ACTCT would welcome an increase in the availability of AUSLAN interpreters in the ACT, or the scheduling of certain periods of time to guarantee access to AUSLAN Interpreters for Court and Tribunal proceedings.

I have attached a case study (Attachment A) regarding a recent matter which demonstrates the level of complexity and delays in proceedings that flows from not having a suitable level of interpreters being available in the ACT community and the impacts on the justice system.

The ACT Courts and Tribunal welcomes the outcomes of the inquiry, particularly, providing further guidance on what an agency such as the ACT Courts and Tribunal can do to improve the accessibility of our information and how we might implement improvements to assist people with hearing impairment obtain better access to justice in the ACT.

Kind regards



Amanda Nuttall
Principal Registrar and CEO
13 July 2022

Attachment A

Case Study – Civil court matter requiring both an AUSLAN and Deaf Interpreter

The ACT Courts recently managed a complex scenario regarding a court user who was deaf and from a different cultural background. The person did not understand English and had comprehension and information retention difficulties. The person had a limited support network in the ACT and needed both an AUSLAN and Deaf interpreter (pictograph) to communicate.

When the interpreter requirements were made known to the Court, it was too short of notice to book interpreters for the court appearance which was 3 days away. The court user was required to attend Court despite being unable to communicate, with the potential of not being able to comprehend the outcome of that appearance. The matter was able to be adjourned to another date and interpreters were booked. The new court date was one month away and the ACT Courts received a confirmation email that the AUSLAN and Deaf interpreters had been booked. Two days before the hearing date, the court was advised there wasn't an interpreter available to fulfil the booking. The applicant had access to support persons (friends) who were deaf and who could communicate by signing. The court adjourned the matter and then determined multiple dates in the month ahead to enable the interpreter service to pick what date was suitable for the booking of the interpreters. The AUSLAN service said it does not work like that and to lodge a request in the hope that the interpreters choose to pick up the job for the next occasion. On the third court date, the ACT Courts secured a single AUSLAN interpreter, however, the matter wasn't finalised and was still ongoing at the time of this submission.

This case study demonstrates the complexity of situations that can arise and the impacts that the availability of interpreters can have on court proceedings. For example, in the event that the person before the court was unable to understand the requirement to attend court and the conditions of a court order, they could unknowingly breach them, and then the matter could potentially become more serious. The ACT Courts and Tribunal has a range of factsheets in different languages, including the language of the court user, however, it cannot be assumed that person will have good literacy skills in their first language.