



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref:Indgissues:GUcm1184429

22 July 2016

Mr Michael Brett Young  
Chief Executive Officer  
Law Council of Australia  
DX 5719 Canberra

By email: [natasha.molt@lawcouncil.asn.au](mailto:natasha.molt@lawcouncil.asn.au)

Dear Mr Brett Young,

### **Australian National Standards for Working with Interpreters in Courts and Tribunals**

Thank you for your memo dated 23 June 2016 requesting input into a submission by the Law Council of Australia on the Judicial Council on Cultural Diversity ("JCCD") consultation on the draft Australian National Standards for Working with Interpreters in Courts and Tribunals ("draft National Standards").

The Law Society of NSW considers that the draft National Standards should recognise the particular language needs of Aboriginal and Torres Strait Islander people, which may be different to the broader considerations around working with interpreters. The Law Society notes that Aboriginal people may face a number of difficulties in relation to aspects of language and communication in court proceedings. The NSW Judicial Commission *Equality Before the Law Benchbook* outlines a number of additional considerations that may be relevant to courts in providing services to Aboriginal people, noting that Aboriginal people may have:<sup>1</sup>

- a lesser ability to speak and/or understand (standard) English, noting that many speak a form of Aboriginal English;
- a different communication style, for example, not making eye contact, use of silence preceding answers to questions, that makes it hard for others to adequately understand them, or means that they are wrongly assessed as, for example, evasive or dishonest;
- a lower literacy or educational level than average;
- a disability that requires using a communication aid or different technique; or
- a better knowledge or higher appreciation of Aboriginal customary law than Australian law and legal processes.

The Law Society submits that the draft National Standards should include a particular reference to the language needs of Aboriginal and Torres Strait Islander people, to ensure court interpreting services are able to meet their specific needs.

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<sup>1</sup> See [https://judcom.nsw.gov.au/wp-content/uploads/2016/07/Equality\\_before\\_the\\_Law\\_Bench\\_Book.pdf](https://judcom.nsw.gov.au/wp-content/uploads/2016/07/Equality_before_the_Law_Bench_Book.pdf).

Thank you for your consideration of this letter. Questions may be directed to Anastasia Krivenkova, Principal Policy Lawyer, on (02) 9926 0354 or [anastasia.krivenkova@lawsociety.com.au](mailto:anastasia.krivenkova@lawsociety.com.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Gary Ulman', with a long horizontal flourish extending to the right.

Gary Ulman  
**President**