



THE AUSTRALIAN INSTITUTE OF INTERPRETERS AND TRANSLATORS INC.

28 August 2008

The Secretary
Standing Committee on Employment and Workplace Relations
House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Madam/Sir,

The Australian Institute of Interpreters and Translators (AUSIT) thanks the Standing Committee on Employment and Workplace Relations for the opportunity of responding to the inquiry into pay equity and associated issues relating to increasing female participation in the workforce.

Our attached submission focuses in particular on two items of the inquiry terms of reference:

- Current structural arrangements in the negotiation of wages that may impact disproportionately on women; and
- The need for further legislative reform to address pay equity in Australia.

We look forward to the findings of this enquiry and hope that our submission assists the Standing Committee in obtaining a clearer picture of the pay equity issues translators and interpreters face as they endeavour to provide high quality services to the Australian community and how these issues impact on female participation in the workplace.

Please do not hesitate to contact me for further information, as required.

This submission has been emailed to the nominated address:
ewr.reps@aph.gov.au

Yours sincerely

Sarina Phan
President

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THE AUSTRALIAN INSTITUTE OF INTERPRETERS AND TRANSLATORS INC.

INQUIRY INTO
PAY EQUITY AND ASSOCIATED ISSUES
RELATED TO INCREASING FEMALE
PARTICIPATION IN THE WORKFORCE

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Response to the House of  
Representatives Standing Committee on  
Employment and Workplace Relations

August 28, 2008



Member of the  
Fédération Internationale des Traducteurs

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## 1. Summary

This document is the response of the Australian Institute of Interpreters and Translators Inc. (AUSIT) to the inquiry into pay and equity and associated issues relating to increasing female participation in the workforce.

It focuses in particular on two items of the inquiry terms of reference:

- Current structural arrangements in the negotiation of wages that may impact disproportionately on women; and
- The need for further legislative reform to address pay equity in Australia.

Translating and interpreting in Australia can be said to be generally free of gender-based pay equity issues internally. However there are many practitioners within the profession who are not paid well in comparison with other workers. AUSIT responds to this inquiry primarily in the interests of low paid translators and interpreters. We believe our response is relevant to female participation in the work force because a large majority of translators and interpreters are women: 61% of translators and 71% of interpreters.

For clarification purposes, a **translator** is a practitioner who provides **written** rendition of documents from one language into another. An **interpreter**, on the other hand, provides **oral** rendition from one language into another.

The response discusses the employment of T&I practitioners in the 'community domain' of government services such as health, human services, immigration, law courts, police, schools, and traffic where incomes are lowest. It presents data to show how the real value of fees paid to translators and interpreters in these sectors has been in decline for many years until it is now well below minimum federal wage levels.

AUSIT contends that there are effectively no structural arrangements for the negotiation of the fees of independent contractors working as translators and interpreters in language services provided to Australian and state government services. We invite the attention of the inquiry to the vulnerability to exploitation of these low wage workers, in this case predominantly women, when deprived of traditional industrial protection mechanisms by virtue of being deemed to be independent contractors.

It is suggested that one way to achieve increasing female participation in the work force is to ensure at least tolerable pay and conditions in those industries, like translating and interpreting where women find a natural affinity.

The response examines the impact of the 2005 legislative reforms *Workchoices* and *Welfare to Work* on translators and interpreters.

Noting that *Workchoices* smoothes the way for employers wishing to deal with workers as independent contractors, AUSIT outlines the long experience of T&I

practitioners so classified and suggests a need for some levelling of the playing field in the interests of low paid workers in this situation.

Concerning *Welfare to Work*, the response presents some anecdotal evidence of the adverse impact it can have on people like sole parents. The inadequacy of contract T&I remuneration levels renders some of them, in the main single mothers, reliant on income support. Negative aspects of the existing legislation and the operation of the privatised Job Network are reported.

## 2. AUSIT

Founded in 1987, the Australian Institute of Interpreters and Translators Inc. (AUSIT) is the national association for the translating and interpreting profession. With a membership of around 800 and branches in each State and Territory, AUSIT brings together T&I professionals and works to enhance public understanding of the role of interpreters and translators.

## 3. The translating & interpreting profession in Australia

From the 2006 ABS census of the Australian population we know that, of a total of 3,638 individuals who described their 'main job' in August 2006 as either a translator or an interpreter, 1 219 (34%) were translators and 2 419 (66%) were interpreters; (many practitioners in both of these categories would combine work as a translator of the written word with that of interpreter of the spoken word); of translators, 471 (39%) were male and 748 (61%) were female; of interpreters, 691 (29%) were male and 1 728 (71%) were female.

Based on the statistics, the typical T&I practitioner could be said to be female, aged 43 years, and work 25 hours per week for a gross annual income of \$25 000.

## 4. Women in translating and interpreting

T&I is an equal opportunity profession, attractive to women for many reasons:

- *it is interesting work, I learn new things every day*
- *varied routine*
- *meeting new people every day*
- *bringing a more balanced perspective on life from insights gained from the work I do*
- *being useful – nothing happens without us*
- *family friendly – i.e. having more control over when and where you work*
- *gaining self-confidence through it*
- *because I like making a difference in people's lives, through us, they can have a voice and express their concerns fully in all areas of life*
- *finding out lots of facts about how things and systems really work in society*
- *reading on the train, increasing my own bilingual vocabulary and general knowledge.*

Some of Australia's most successful translators and interpreters are women and both men and women operating in the commercial sphere are able to make excellent incomes from translating and interpreting. Others expand their services into related areas, such as delivering training in cross-cultural competence and training other and potential future T&I practitioners.

Good communications through the internet have opened up the world to Australian translators who are able to fill some of the growing demands, for example in Europe, for translators into English.

It is interpreters providing their services in the government, or 'community domain' that are lagging behind (in pay and other work conditions) other colleagues, such as translators working internationally via the internet and conference interpreting colleagues who are relatively few and usually possess qualifications beyond what is normally offered in Australian training institutions.

There are similarities between T&I and nursing, in that practitioners are often strongly motivated by service ideals. However, as in nursing, this can result in the service being taken for granted.

Unlike nursing, T&I does not have the benefits of a strong union. There are no major employers of full-time salaried translators or interpreters in Australia and so no foundation for traditional union membership. The typical translator or interpreter works as a sole practitioner or perhaps in partnership with others, providing language services directly to clients and/or as an independent contractor engaged for specific assignments through a booking agency usually allocating the T&I service requirements of the major branches of government.

Because the majority of Australian T&I (61% translators and 71% interpreters) are women, the profession is important to women and represents an ideal vehicle through which to foster the increasing participation of women in the workforce.

## 5. Inadequacy of structural arrangements in negotiation of wages

Incomes experienced by T&I practitioners in Australia vary over a wide spectrum. In general terms, the fees achievable for commercial work both domestic and international are reasonably good. However, as indicated in section 4, remuneration for work in the government or community domain (health, human services, immigration, law courts, police, schools, and traffic), especially for work secured through contracting agencies, is deplorably poor. Practitioners who are successful in attracting commercial work can earn respectable professional incomes and this applies particularly in **translating** and **conference interpreting** where Australia-based freelance T&I are active on the world stage. Regrettably these practitioners are in a minority.

The following discussion concerns the much lower incomes experienced by practitioners whose language pairs are in demand mainly in the domestic community sector. This applies to both translators and interpreters but especially the latter. It is significant that the services of interpreters are typically sought by service user departments through contracting agencies, whereas translators are more often successful in securing work from clients directly.

A broad indication of recent movements in T&I incomes overall is revealed in an AUSIT<sup>1</sup> analysis of ABS general census results over the years, 1996, 2001 and 2006 shown in Table 1.

While the growth in incomes of translators (23.2%) and interpreters (21.5%) between the 1996 census and the 2001 census would appear to have been reasonable, the movement between 2001 and 2006 is quite the reverse. Between 2001 and 2006, while the consumer price index (CPI) went up by 15.3%, translator incomes overall increased by only 3.7% and interpreter incomes fell back by 1.5%. In other words, over this period the movement in translator incomes lagged the CPI by 11.6% and the movement in interpreter incomes lagged the CPI by 16.8%.

**Table 1. T&I Income movements between 1996 and 2006**

| Census year                    | 1996     | 2001     | 2006     |
|--------------------------------|----------|----------|----------|
| Translator income              | \$21,366 | \$26,331 | \$27,306 |
| Movement since previous census |          | +23.2%   | +3.7%    |
| Interpreter income             | \$17,763 | \$21,580 | \$21,251 |
| Movement since previous census |          | +21.5%   | -1.5%    |
| CPI* factor                    | 119.8    | 133.8    | 154.3    |
| Movement since previous census |          | +11.7%   | +15.3%   |

\* CPI All Groups Weighted Average of Eight Capital Cities – June quarter

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<sup>1</sup> AUSIT Newsletter December 2007, p. 10



And this has occurred at a time when employment conditions and wage growth in the community generally have been buoyant. Since these figures are for all translators and all interpreters, including earnings in the prosperous commercial sector, it is safe to assume that the actual degree of stagnation in the incomes of T&I practitioners at the low end of the spectrum is disguised by growth in incomes at the high end.

The above results are consistent with the fact that T&I fees in the community sector were largely static from 1999/2000 onwards. For example, the Australian Government Department of Immigration and Department of Social Security (Centrelink) schedules for fees paid to translators and interpreters for their services drawn up in 1999/2000 remained effectively unchanged until 2007 and 2008 respectively. When finally revised, the fee schedules of both these departments were adjusted upwards only for the previous twelve months CPI movement of the order of 3%, or about 10% of the CPI movement since the previous increase.

The incomes of some T&I practitioners are low because they work part time. However, an AUSIT report<sup>2</sup> relates the fees earned by practitioners to equivalent full-time salaries. By the methodology of this report it can be shown that the typical fee of an interpreter working in the community domain, \$64 for 90 minutes on site, is equivalent to a full-time employee's gross salary of \$23,841 per annum. (Interpreter's annual fixed costs \$3,600; Avg. travel distance per job 25km; Vehicle usage and fuel 69 cents/km; Avg. parking fee \$2.00; Avg. travel time per job 1.0hr; Number of 90 minute assignments in a full year 613; superannuation paid by the employer.)

This equivalent salary, equating to \$450 per week, is well under the Federal Minimum Wage of \$522.12 per week (or, from 1 October 2008, \$543.78).

The inevitable result of stagnation of T&I fees is that qualified and experienced people, in this case women in a majority, will find this area of employment untenable and look elsewhere. This loss to the workforce represents a waste of educational resources and must lead eventually to erosion in the quality of services.

It is the view of AUSIT that stagnation of fees in the community sector results in the main from the lack of any arrangement for the negotiation of fees in the sector.

Language services work in the community sector mentioned above is contracted out by tender or internal organisational arrangements to booking agencies, or 'language services', who secure exclusive or almost exclusive access to whole blocks of work, such as all schools across an entire state, refugee and immigration review tribunals Australia-wide and Centrelink offices Australia-wide. The work is booked out an assignment at a time to translators and interpreters who have been admitted to 'panels' of practitioners. To be admitted to such a panel a practitioner has to sign a standard 'agreement' undertaking to work for a fixed schedule of fees set by the agency. Practitioners are not asked to nominate an individual rate. Either they accept the fees as scheduled or they are not allowed to join the panel, and so cannot be offered work anywhere in the sector controlled by the booking agency. The relationship between the agencies and T&I practitioners has become 'arms length' in the extreme. The agencies will not now offer courses of training or even professional development

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<sup>2</sup> AUSIT Report *Fair Pay for Interpreters*, 2005

sessions, for fear of risking the appearance of an employer-employee relationship which could possibly be interpreted as implying employer workcover obligations, for example.

Practitioners are often called independent contractors but they submit no tenders; every one of them who works for Agency A is paid to Agency A's fee schedule, a schedule calculated primarily to enable A to defend their pitch against lower tenders from other agencies. The interpreter fee includes no allowance for the interpreters travel time from base to job and between jobs, but the protests of practitioners are of no avail. The practitioners' Association is not consulted on pay and conditions.

*<sup>3</sup>To counter the continuous decline of their working conditions, practitioners have little recourse. As contractors, they may put themselves in jeopardy under the Trade Practices Act by organising joint action or by trying to set minimum fees and conditions.*

AUSIT wishes to draw the attention of the present inquiry to the non-existence of structural arrangements for the negotiation of the fees of independent contractors working as translators and interpreters in language services provided to Australian and state government services.

It is worth noting that although there are different levels of accreditation (and skill) for interpreters and translators, there is little if any pay differentiation between accredited and non-accredited practitioners. This situation does not encourage non-accredited practitioners to obtain accreditation or for those accredited at lower levels to obtain professional levels in their discipline.

Interpreters and translators working at all levels, from the slightly more profitable commercial areas to the less profitable community domain field, are also obliged to obtain professional indemnity and public liability insurance, as per the sensitive nature of their work and the potential impact of wrong interpretations and translation. However, this is a cost that few practitioners can afford, as the premiums are high and beyond what someone earning \$25 000 or less can afford. As a result, very few practitioners working in the field are adequately insured as they deliver services for the government and the community.

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<sup>3</sup> AUSIT submission to the House of Representatives Standing Committee on Employment, Workplace Relations and Workforce Participation inquiry into independent contracting and labour hire arrangements, 2005, p.9

## 6. Need for further legislative reform to address pay equity

The last major Australian legislative reforms in employment and workplace relations were the *Workplace Relations Amendment (WorkChoices) Act 2005* (Cth) and the *Employment and Workplace Relations Amendment (Welfare to Work and Other Measures) Act 2005* (Cth).

### WorkChoices

The *WorkChoices* Act was in its draft stages when AUSIT responded to a previous Standing Committee inquiry, the 'inquiry into independent contractors and labour hire arrangements'. Our response on that occasion was made from the background of the previous twelve or so years during which Australian translators and interpreters, and particularly interpreters working in the 'community' domain, felt they had been disadvantaged as a result of being deemed to be independent contractors.

The AUSIT<sup>4</sup> submission to the 2005 inquiry made the following recommendations with regard to T&I practitioner fees and working conditions:

- *That T&I practitioners' fees and working conditions, under the rigid contracting arrangements in place, be thoroughly reviewed;*
- *That acceptable negotiated working conditions and fees, fully reflective of skills and experience, be implemented across all State and Federal government bodies, similar to an award, for any job performed for a government department, whether obtained directly or through an agency;*
- *That insurances (workers' compensation, public liability, professional indemnity) be provided and funded by the government agencies or service users for small individual contractors.*

The same submission proposed the following measures in relation to tendering for government language service contracts:

- *That government service users demonstrate an active interest in practitioner remuneration levels and require bidders for services under their control to declare fee levels in tenders;*
- *That agencies tendering for the government business be required to follow a Code of Best Practice (in the same manner as individual practitioners are required to follow the AUSIT Code of Ethics). This Code could emulate and adapt the provisions of the draft European standard, published in September 2004, for the providers of translation services;*
- *That government service users be encouraged to use budgeting processes for their language services requirements which reflect realistic practitioners' remunerations;*

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<sup>4</sup>AUSIT submission to the House of Representatives Standing Committee on Employment, Workplace Relations and Workforce Participation inquiry into independent contracting and labour hire arrangements, 2005, pp. 22-23

- *That agencies and service users be encouraged and, if required, assisted in increasing their efficiency and reducing their overheads and service delivery costs, by means other than downward pressure on fees.*

Some language service provider agencies claim to conduct periodic reviews of fees but, as indicated in Section 5 of this response, the results from the practitioners' point of view have been unsatisfactory thus far. Otherwise, we regret to report that there is no indication of any attempt by government bodies or their language service user departments to implement the above recommendations. We include them again here because we believe that the issues they raise are relevant to the health of the translating and interpreting profession, a profession of proven appeal to women and one that has a significant role in the integration of people of cultural and linguistically diverse backgrounds into the Australian community.

At this point, it is also worth noting the inherent risk and negative impact that low quality language services have on the community at large, when performed by non-qualified, ad-hoc or BYO interpreters.

The implementation of the *Workchoices* legislation in 2005 had negligible impact on translators and interpreters who had generally been deemed to be 'independent contractors' long before this. Similarly, we expect little, if any, advantage to flow to translators and interpreters if *Workchoices* is rolled back. However we do wish to invite the attention of this inquiry to the vulnerability to exploitation of low wage workers, the majority of whom are women, when they are deprived of traditional industrial protection mechanisms by virtue of being so deemed. This aspect is taken up further under the heading 'A third way?' below

## **Welfare to Work**

The impact of the *Welfare to Work* legislation of which AUSIT has become aware is felt especially by single parents, the majority of them women, who find themselves in need of income support in the years when parenting duties make heavy demands on their time.

Women who have trained and taken examinations to gain accreditation as interpreters find that casual interpreting assignments are not highly valued by Job Network consultants. A single mother, whose youngest child turned 16 in the current year, writes of her experience as a contract interpreter and Newstart Allowance recipient in August 2008:

*“Recent changes have left me worried because:*

- *no amount of work I do is ever enough for Job Network;*
- *I worry that work might suddenly come up so I rush out and forget to inform Job Network that I cannot attend an appointment, and then get punished (even more) just for human error/working;*
- *some agencies don't provide professional indemnity insurance any more and I can't afford it;*
- *the public transport system is dangerously overcrowded (esp. on my line ...) so I get tired;*

- *my car broke down start April and the last bus leaves ..... station at 6:30pm and I often get back late (cold/dangerous);*
- *I cannot afford to fix my 1985/430,000 km on-the clock car;*
- *I have no sick pay and I need it due to a foot injury – we are 1.75km from the station, shops, etc. and one bus/hour which makes it worse – for my feet and my life, I have to keep limping along ---*
- *J/Network means less time for phone interpreting, liaising with agencies, etc.”*

Since going onto Newstart, the interpreter reports that she is doing more paid work. Her earnings from paid work in 2007-08 were almost double the earnings in 2006-07, yet her taxable income is slightly less due to the considerable reduction in payments under Newstart compared with Parenting Payment Single. The interpreter states that the additional paid work in 2008 – in interpreting and teaching – was secured by her own efforts, not aided by the Job Network agency but rather in spite of the hindrance caused by the time-consuming burden imposed by the ‘participation’ requirements of the *Activity Agreement*.

We understand that younger mothers now making application for income support will find themselves contending much earlier with the more restrictive and less beneficial Newstart Allowance.

*<sup>5</sup>Single mothers whose youngest child is over eight will soon become either invisible or extremely difficult to account for as they are merged with all other Newstart recipients. Once single mothers are rendered invisible statistically, it will be even more difficult to identify their needs and to further analyse the effects of the reforms on these families.*

### **A third way?**

It is self-evident that one way to achieve increasing female participation in the work force is to ensure at least tolerable pay and conditions in those industries, like translating and interpreting where women find a natural affinity.

Toward this end, it is likely that legislative reform, if attempted, should be in the direction of less legislation rather than more.

*WorkChoices* would seem to have had the intention, and effect, of making it easier for workers to become independent contractors. T&I practitioners generally are independently minded people and value the freedom which comes from ‘being your own boss’. However, we know enough about the downside of scrapping traditional industrial protection mechanisms to have a lot of sympathy with workers who, like many of our own members, find themselves classified as independent contractors without a choice in the matter. In our experience as indicated above, there are circumstances in which this can prove far from advantageous to the individual worker.

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<sup>5</sup> Why Single Mothers need to be Accountants: *The ‘Third Shift’ of Bureaucratic Labour under Welfare Reform*, Branigan, Elizabeth in ‘Women and Work 2007: Current RMIT University Research’, p. 72. RMIT Publishing, 2007.

In the area of competition, for example, we have noted how practitioners, many of them on incomes of less than the Federal Minimum Wage are precluded by the Trade Practices Act from organising collectively to improve their negotiating position vis-à-vis large booking agencies both government and private. Competition between the agencies is of course allowed and has seemingly been 'successful' in providing language services at cut-price rates, this at the expense of the humble practitioner whose fees have been steadily eroded to below subsistence levels. We would like to see some levelling of the playing field in this area.

Some of our members have looked at the feasibility of making a 'collective bargaining notification' under the Trade Practices Act but are not convinced that this mechanism offers a solution. To be meaningful, a notification would have to rope in several hundred interpreters, of whom only a minority would be AUSIT members. The organisers would then still have to get the 'target' agency or agencies to the negotiating table.

If legislative reform is the answer, we feel that it may lie in some further relaxation of the Trade Practices Act.

We have highlighted above some of the hazards of the current *Welfare to Work* income support regime and the impact of this on single parents, for the most part women. While it is very likely that single mothers (and single fathers) in the income brackets affected by this legislation would find other ways of spending the cost of an AUSIT membership subscription, we are nevertheless aware that there may be a significant number of T&I practitioners among them. In the interests of professional solidarity we feel inclined to advocate on their behalf also.

In this area it would be our hope that any reforms would lift from the shoulders of workers like single parents some of their burden of going through the soul-destroying motions of making multiple job applications leading nowhere. Workers with skills and qualifications in professions like translating and interpreting should not be discouraged from pursuing legitimate career aspirations.

## 7. Conclusion

In response to the invitation in the Secretary's letter of 15 July 2008 to 'comment on what you believe is best practice and how government policy can facilitate this', AUSIT has included in this document the following specific recommendations extracted from our submission to a previous Standing Committee inquiry<sup>6</sup>:

- That T&I practitioners' fees and working conditions, under the rigid contracting arrangements in place, be thoroughly reviewed;
- That acceptable negotiated working conditions and fees, fully reflective of skills and experience, be implemented across all State and Federal government bodies, similar to an award, for any job performed for a government department, whether obtained directly or through an agency;
- That insurances (workers' compensation, public liability, professional indemnity) be provided and funded by the government agencies or service users for small individual contractors.
- That government service users demonstrate an active interest in practitioner remuneration levels and require bidders for services under their control to declare fee levels in tenders;
- That agencies tendering for the government business be required to follow a Code of Best Practice (in the same manner as individual practitioners are required to follow the AUSIT Code of Ethics). This Code could emulate and adapt the provisions of the draft European standard, published in September 2004, for the providers of translation services;
- That government service users be encouraged to use budgeting processes for their language services requirements which reflect realistic practitioners' remunerations;
- That agencies and service users be encouraged and, if required, assisted in increasing their efficiency and reducing their overheads and service delivery costs, by means other than downward pressure on fees.

In general terms, we are concerned on professional grounds at the extremely low remuneration levels being experienced by T&I practitioners working in Australia's health, human services, immigration, law courts, police, schools, and traffic services.

Recognising that this situation has its most immediate impact on the practitioners themselves, AUSIT has initiated, and continues to implement, measures to support its members in enhancing marketability and promoting their services. These include:

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<sup>6</sup>AUSIT submission to the House of Representatives Standing Committee on Employment, Workplace Relations and Workforce Participation inquiry into independent contracting and labour hire arrangements, 2005, pp. 22-23

- The widely accepted AUSIT Code of Ethics
- Active website, [www.ausit.org](http://www.ausit.org), updated frequently with useful information and notices
- The AUSIT Directory of NAATI accredited translators and interpreters
- Annual AUSIT Excellence Awards to promote quality in translating and interpreting
- Australia-wide continuing professional development (PD) programs
- Cooperating with NAATI<sup>7</sup> and ASLIA<sup>8</sup> in the development of a common log book for recording accumulated PD points
- Yellow Pages advertising entry under the AUSIT banner
- AUSIT email network and specific language forums
- Conferences, workshops and seminars.

However, it remains a fact that in a large part of the market for T&I services in Australia, the language service areas of government departments, users appear indifferent to the quality of service on offer and totally unprepared to reward endeavour. This is frustrating to all involved in direct service delivery in this 'community' sector of the market, and leaves AUSIT powerless beyond deploring the inevitable drifting away from the profession of capable people.

## 8. Acknowledgements

The compilation of this response has been a voluntary effort and would never have reached fruition without the encouragement and support of former AUSIT President Yveline Piller, AUSIT member Mirna Cicioni, AUSIT National Secretary, Patricia Avila, National President, Sarina Phan and all members of the AUSIT National Council, and private T&I practitioners whose names I do not mention for privacy reasons. Thanks, all. For any errors, I take full responsibility.

John Gare, AUSIT member.

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<sup>7</sup> National Accreditation Authority for Translators and Interpreters Ltd.

<sup>8</sup> The Australian Sign Language Interpreters' Association Inc.