



# ARDS

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## **Submission to the Senate Select Committee on Regional and Remote Indigenous Communities**

Aboriginal Resource and Development Services submits that:

- A Australian governments at all levels have failed to recognize the role language plays in communicating adequately with the original citizens of the land. This has produced the very conditions on Aboriginal communities that created the need for the Australian government led intervention.
- B the intervention to date has done little to change this underlying lack of adequate communication which causes lawlessness, lack of school attendance, and the situation where Aboriginal children are unable to learn if they do turn up to school.
- C the situation on these Aboriginal communities will not change after the many millions spent, because communication between all levels of government and the Aboriginal people has not changed.
- D Aboriginal people will remain the most severely economically, socially and informationally marginalized people in Australia, displaying all the negative social indicators now evident, until the failure to communicate is adequately addressed.

To explain this in greater detail we submit a report that we released this week that speaks of the difficulty that Yolngu (Aboriginal people of north east-Arnhem Land) have in obtaining justice in the Northern Territory (NT) because they do not understand legal English and because the justice system and mainstream dominant culture Australians have little understanding of this issue.

The research for this report was based on 30 legal words that are used in court and by the police every day; terms like 'bail', 'consent', 'remand', 'charge', 'alleged' and 'accused'.

We went out in to the communities, sat down with different groups of Yolngu people and asked them what they understood these legal terms to mean. All this work was done in their language so that there would be no confusion.

We found that 97% of Yolngu community members born after 1965 had no understanding or an incorrect understanding of these thirty legal words.

We also found that the **Community leaders** group, which included Council chairpersons, Yolngu who sat on the NLC and ATSIC committees, school teachers and ACPOs (Yolngu who regularly interact with Balanda and the English speaking Balanda world) got a score of 10%; that is they either did not understand the terms or got the meaning of 90% of these legal terms wrong. And they are the people in communities that everyone would expect to understand.

There is a massive problem in relation to communication in Aboriginal communities in the NT, and we would suggest also in similar Aboriginal communities around the nation.

We believe this massive failure in communication between the mainstream dominant Australian culture and the original inhabitants, who speak English as a second or fifth language, is the major underpinning reason to most of the problems that exist on many of the Aboriginal communities of the NT. In other words there is almost a complete failure of the dominant Australian culture to communicate with its original inhabitants. Aboriginal people are seen as citizens of this great nation but governments at all levels do not extend citizenship rights of fairness and equity. We do not give them equal access to information, learning or knowledge because we don't take the use of their languages seriously. They are expected to operate in almost all areas of their lives in a foreign language and the Federal and State governments do very little to provide the language support and tools necessary to overcome this problem.

Our report looks at the Criminal Justice system in the Northern Territory, and examines how well it is understood by Yolngu people. We have found it is not understood at all well, which has serious implications when it comes to Indigenous people getting Justice. This failure to communicate also affects school and schooling, health issues and life expectancy, access to employment and other economic activity.

It is our experience that the issue of language has a similar impact in every area of interface between Indigenous people and Government Departments, including the roll out of the Northern Territory Emergency Response.

Our report highlights two major areas of concern.

1. That there is actually a massive communication gulf already existing. One result of this is people in court getting into more trouble as a result of not being informed of the courts requirements **in a language which they understand**. For example this leads to people not keeping bail conditions, because they think they are free, and then getting into more trouble with Police. In all other areas of contact with the Government, this communication gulf is causing confusion. Things are not being explained to people in a language that they understand, and they are often left wondering, "What was that all about?"
2. The other area of concern that arose repeatedly during our research was that there is no respect shown to Indigenous people by mainstream Australia, whether it be Law enforcement agencies, welfare agencies or other government departments. Indigenous elders have particularly said that because there is no respect for their law by the mainstream, that the situation in Remote communities is getting more and more lawless. There is a perception in Indigenous communities that 'whitefellas' are without law, and this is reinforced by the Police consistently breaking Indigenous law, due to ignorance about or non recognition of it. Many

Indigenous people believe that Police power comes from having a gun, (which has a strong historical base) rather than from Acts of Parliament.

It could be reasonably suggested that the huge communication gulf exists because of the lack of respect for Indigenous people. In 1926 T.T. Webb said that we needed to respect Aboriginal people, their language and culture. That was at a time when they were still being shot at. Today we don't shoot at them, but we certainly haven't as a nation picked up on treating them or their language or culture with respect. As a nation we continue to disempower them by our actions.

## **Recommendations**

There are four recommendations in the report and we hold to them with some changes below.

### ***Language Centres***

Government should fund, on a long term basis, language centres *in different language regions* throughout the NT.

We would suggest that there are organisations like our own that are already trying to do work on very very small amounts of intermittent funding. ARDS has been the lead organisation in training Yolngu interpreters in health and legal areas in the NT. Much of this work has been unfunded.

These centres need to be properly funded to develop and provide training, mentoring and support resources for interpreters and other professionals who are expected to bridge language gaps between the Indigenous and the English speaking communities.

These resources would include further education material and two-way dictionary development to facilitate ongoing professional development training.

We also suggest that these Language centres provide the interpreter services in the NT.

In this way the centres would provide an environment where Aboriginal interpreters could improve their skills and be involved in resource development between interpreting jobs. Many Yolngu interpreters have asked us to provide this role.

### ***Team Interpreting***

Team interpreting is where an Aboriginal first language speaker and an English first language speaker, who both have reasonable skills in the other person's language, team together to provide the level of interpreting required.

As pointed out in the Attached report the present level of legal interpreting is quite low. This is in no way a reflection on the Yolngu interpreters who do their job in an what is at times a culturally hostile, unforgiving and language ignorant environment. However their low levels of qualification is due mainly to;

- 1 a very short history of only about sixty years of language analysis between their languages and English, and

- 2 the lack of appreciation by the dominant Australian culture community as to just how hard it is for people like Yolngu to understand English concepts and therefore the need for these special services.

Therefore we believe until interpreters' skills are improved, *team interpreting* must be employed. This means that funding need to include the costs to pay two interpreters, one a speaker of English as a first language who also learns, as a second language, the Aboriginal language of the people they will work with, and the other an Aboriginal first language speaker that also speaks English as a second language.

These teams of two interpreters would be employed especially in situations where interpreters are required to be competent handling complex, technical and sophisticated interpreting, including conferences, high level negotiations and court proceedings. They would also work on analyzing new language concepts between jobs, recording their finding on a data base to be shared with other teams, therefore speeding up the language analysis and the training of the Yolngu interpreters. Team interpreting is the only way forward to resolve a desperate situation.

### ***Education Material***

Develop education material that can teach the whole Yolngu community English and the meaning of conceptual English terms. ARDS is already doing some of this on Yolngu Radio and on our web site, we know it works but it is almost impossible to get real funding for this important work.

In other parts of the world radio is used to teach English to whole masses of people. Although ARDS has wanted to do this on Yolngu Radio it seems that no one in Government is interested. Materials like this, once developed, will have a hundred years' life, teaching generation after generation this important information. Instead of forcing Yolngu children into schools where they will be instructed in a foreign language and learn very little, why doesn't the government provide the tools necessary for Yolngu and other Indigenous people to learn English?

The team interpreters in language centres would also be used to develop this English learning material at a small extra cost. Let's go there. It will work as it has all across the world.

### ***Better Awareness***

We need a better awareness of the importance of language and its power to empower the Yolngu people. We need to stop just trying to force the indigenous people of this land to assimilate into the dominant culture world.

We believe if people coming to Aboriginal communities were required to learn language and do good cultural awareness training, many of the problems we now see on these communities would not be there and an intervention would not be necessary.

We hope this letter and the attached report informs your inquiry as to the seriousness of the problem.

Yours Sincerely,

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Richard Trudgen  
CEO