

# INTOUCH

MAGAZINE OF THE AUSTRALIAN INSTITUTE OF INTERPRETERS AND TRANSLATORS



**Machine translation in crises**

A look at the ethical issues around using MT and AI during emergencies

< pages 16-17

**Friends in high places**

One of Australia's most influential lawyers speaks up for interpreters

< pages 18-19

**Plus more ...**

... including the AUSIT National Conference 2024; our new online space for collaboration, AUSIT Engage; and another interview with an AUSIT Stalwart

**Tactile Auslan**

... by a practitioner and researcher

< pages 10-11

**Making our workplace safer**

TIA WA combat psychosocial harm

< pages 8-9

## < In Touch

Winter 2023-24

Volume 32 number 2

The submission deadline for the  
Spring 2024 issue is 1 August  
Read our [Submission Guidelines here](#)

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The cover image from translator Jennifer Croft's novel *The Extinction of Irena Rey*, artwork by Inka Essenhigh, reproduced courtesy of Scribe Publications – see Elvira Bianchi's review, page 6

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### Access In Touch online:

[www.ausit.org/in-touch-magazine/](http://www.ausit.org/in-touch-magazine/)

We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and community.

We pay our respects to them and their cultures, and to Elders past and present.

## < Editorial Committee

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## Editor's Letter

In our second issue of 2024, we bring you:

- two book reviews (a novel by an award-winning translator, plus a book on conference interpreting in China, pages 6 & 7)
- a presentation on the essential role played by interpreters in ensuring that people with limited English proficiency can remain

'linguistically present' during legal proceedings – led by Queensland's most senior Supreme Court judge (pages 18–19)

- a fifth 'AUSIT Stalwarts' interview (pages 12–15), with a member who spearheaded AUSIT's early advocacy on pay and working conditions

... and, as always, much more.

Happy winter reading!

Helen

## Vale Sarah Walls

It is with much sadness that we learned that **Sarah Walls** – a great contributor to AUSIT and in particular to the AUSIT French Forum, and (amongst many far more stellar achievements) a past volunteer proofreader for this magazine – recently lost her battle with the illnesses that plagued her life.

She will be greatly missed.

Sarah achieved a great deal in her lifetime, and campaigned for issues she felt strongly about till the end. Her French Forum colleague Yveline Piller is writing a tribute which will appear in our October issue.



[image: iStock.com/gustavofrazao]

## Would you like to advertise in *In Touch*?

First check out our range of **sizes** and **prices**, our **publication dates** and the corresponding **advertising deadlines here**, then contact our **Communications Officer**.

It's that simple!

*NOTE: AUSIT members are welcome to apply to advertise with AUSIT. All advertising will be invoiced at our full commercial rates.*

## Contributions welcome

Do you have a T&I-related experience, idea or tip you'd like to share with your peers, a book you'd like to review, or ... whatever it is, get 'in touch' and we'll take it from there:

- take a look at our [Submission Guidelines](#) \*
- email any questions to the editors or an Editorial Committee member \*
- check the submission date for the next issue \*
- go for it!

\* this page, first column



Member organisation Fédération Internationale des  
Traducteurs International Federation of Translators

**AUSIT**

## Contents

	PAGE
<b>NEWS IN BRIEF</b>	3
<b>AUSIT NEWS</b>	
AUSIT National Conference 2024	4-5
AUSIT Translation Competition 2024	9
AUSIT National Conference 2024: callout for volunteers	17
AUSIT Engage	22
<b>REVIEW (BOOKS)</b>	
<i>The Extinction of Irena Rey</i> (2024) reviewed by Elvira Bianchi	6 & 11
<i>Conference Interpreting in China: Practice, Training and Research</i> (2023) reviewed by Dr Vera YZ Gu	7 & 9
<b>UNION ACTION</b>	
Improving workplace health & safety: TIA WA takes action by TIA WA Branch	8-9
<b>AUSLAN INTERPRETING</b>	
Feeling the signs: tactile Auslan by Meredith Bartlett	10-11
<b>AUSIT STALWARTS #5</b>	
Lia Jaric interviewed by Terry Chesher	12-15
<b>TRANSLATION &amp; TECHNOLOGY</b>	
Machine Translation in times of crisis: ethical considerations by Christine Le	16-17
<b>LEGAL T&amp;I</b>	
Chief Justice and colleagues give talk on working with court interpreters by Carl Gene Fordham	18-19
Translation and sight translation for family law cases by Victor Xu	21-22
<b>AUSIT ROLES #12</b>	
Branch PD Coordinator (Jess Shepherd)	23
<b>MEMBER PROFILES</b>	
Zhengyu (Yoyo) Fry & Alan Cockerill	24

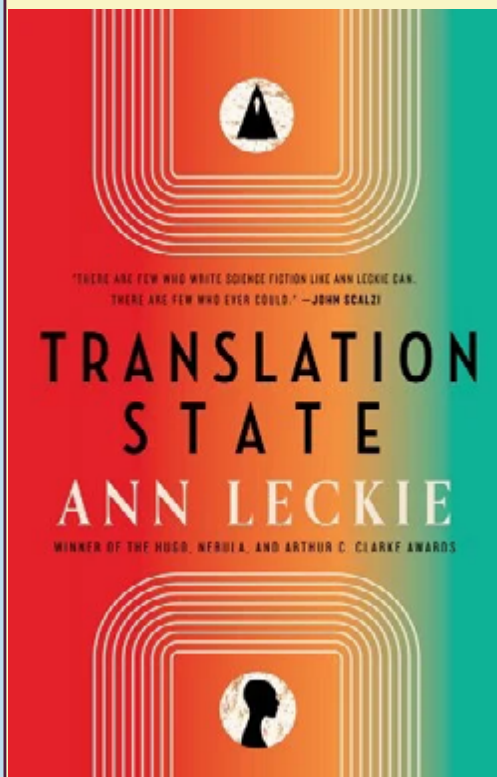
# News in brief

(a review of T&I-related items that have appeared in the media since the last issue of *In Touch* went to press):

16 Mar: Wales: Language barriers can cause medical harm - report [bbc.com](#)

1 Apr: Taxpayers billed £100m for NHS translators – could pay for 3,000 nurses [express.co.uk](#)

4 Apr: MYSTERIES ABOUT TRANSLATORS: A READING LIST [crimereads.com](#)



Above: one of the featured books, *Translation State* by Ann Leckie. See also Elvira Bianchi's review of another of the featured books – *The Extinction of Irena Rey* by Jennifer Croft – on page 6

12 Apr: Three Interpretations of 'The Three-Body Problem' [nytimes.com](#)

14 Apr: Multicultural community leaders volunteer as interpreters amid a shortage of translators and booming migration [ABC News](#)

15 Apr: A third of translators report losing work due to AI [booksandpublishing.com.au](#)

17 Apr: DeepL makes the Forbes AI 50 list as one of the world's most innovative tech companies [au.finance.yahoo.com](#)

18 Apr: The qualities of a good translation | Victor Vella [sbs.com.au](#)

19 Apr: Language AI Pioneer DeepL Targets APAC Businesses With Pro Translation Options [techrepublic.com](#)

23 Apr: 'Valuable resource': The launch of the new English-Syriac dictionary [sbs.com.au](#)

25 Apr: Galaxy AI: Break language barriers with One UI 6.1 Live Translate and Interpreter [sammobile.com](#)

29 Apr: 'Very disconcerting': Parliament spaces out microphones after interpreter injured by feedback [nationalpost.com](#)

5 May: International Booker Prize interview: How Annie McDermott translated 'Not a River' [scroll.in](#)

13 May: International Booker prize 2024: six expert reviews of the shortlisted books [theconversation.com](#)

21 May: The Details: could a 'quiet COVID book' win the 2024 International Booker prize? [theconversation.com](#)

22 May: Timor-Leste presents 'Kiss and Don't Tell' by artist Maria Madeira at Venice Biennale [ABC News](#)

Artist Maria Madeira came across the stories that her Venice Biennale installation is based on while working as an interpreter, translator and cultural adviser for AUSAID and the UN in Timor-Leste. Maria has agreed to be interviewed by *In Touch* for an upcoming issue.

22 May: Kairos by Jenny Erpenbeck wins International Booker prize [theguardian.com](#)

24 May: Interpretation services for international protection applicants of 'varying quality', forum hears [irishtimes.com](#)

28 May: Courtwatchers expose a 'wild west' [lawgazette.co.uk](#)

29 May: Japan translates physics book into braille [japantimes.co.jp](#)

18 June : If AI is so good, why are there still so many jobs for translators? [npr.org](#)

21 Jun: Court interpreters raise grievances over new booking system [lawgazette.co.uk](#)

1 Jul: Zimbabwe: Judge Urges Court Interpreters to Learn Street Lingo As Key Gen Z Witness Testifies [newzimbabwe.com](#)



21-23 NOVEMBER 2024

RMIT UNIVERSITY (CITY CAMPUS), MELBOURNE

Accompanied by the AUSIT Conference Dinner,  
the Jill Blewett Memorial Lecture and the  
National Annual General Meeting

The Victorian Branch have the pleasure of inviting you to the  
AUSIT National Conference 2024. This year's theme is:

'Linguistic equity and access:  
translating and interpreting – connecting our communities and the world'

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## KEYNOTES and JBML

HOLLY ANN SILVESTRI is Senior Coordinator: Translation, Training & Curriculum at the University of Arizona, USA. In her International Keynote address, Dr. Silvestri will share findings from the SAFEAI Task Force's survey on AI in interpreting, present key principles for adopting AI solutions in interpreting, and offer advice on how interpreters can adapt to AI's impact on their practice.

ALEX BOWEN is a forensic linguist, trainer and cross-cultural facilitator who is currently a PhD candidate at the University of Melbourne. Alex practised law in Victoria and the Northern Territory, particularly working in circuit courts in East Arnhem Land with Yolŋu and Warnindilyakwa people. His research focuses on cross-cultural communication about law and justice in the context of colonial and monolingual assumptions.

## JILL BLEWETT MEMORIAL LECTURE

ALI MOND is Assistant Secretary: Migrant English and Language Services in the federal government's Dept of Home Affairs, responsible for language services policy and programs, TIS National, the Adult Migrant English Program, and English testing policy. Ali is passionate about the migrant and refugee experience, and has built her career around driving improvements to access and equity in this space.

## NETWORKING & SOCIAL

Melbourne prides itself on its dining and social venues – so don't miss out on the conference's two social and networking experiences.

The **Welcome Reception** – attendees' first chance to mingle, over drinks and canapés – will take place in the city's oldest public house, the Captain Melville (dating back to 1853).

The **Conference Dinner** – the high point of Australian T&I's social calendar – will be hosted in the city's largest private event space: Arts Centre Melbourne's The Pavilion. With its spectacular domed ceiling, gold leaf decor and balcony boasting views over the Yarra River and city skyline, AUSIT's evening of entertainment and awards, eating and drinking, chatting and dancing promises to be an event to remember.

## REGISTRATION, etc.

\*\* You're not too late to be an Early Bird – substantial discounts apply until 31 July \*\*

You'll find the latest information on registration, the program, accommodation and more [here](#).

## VISITING MELBOURNE

If you have time, why not come a few days early or stay on afterwards to explore Australia's second largest city ... with Organising Committee member Jess Shepherd's top local tips:

- You can't visit Melbourne without taking a ride on one of the city's **iconic trams** – you can even take the #96 out to **Saint Kilda Pier** in the evening to spot **fairy penguins!** There's a free tram zone inside the CBD, but one tip: the Swanston Street RMIT University stop is outside it.
- Explore our famous laneways, especially **Degraves Street** – with the cobblestones and on-street dining between Flinders Lane and Flinders Street, you'll feel like you're in Paris. We recommend a spot of people watching over a cup of coffee, or even a vino.
- Visit the **State Library of Victoria**, even if you can only sneak away during the lunch break. The **La Trobe Reading Room** is our favourite part, you'll get a sore neck from staring up at the domed ceiling! Head up to the second or third floor for the best snaps.
- If you're keen to venture to the north side (I'm a born-and-raised southside girlie myself!), go for a stroll around the historic **Abbotsford Convent** – it hosts exhibitions, talks, performances, book launches, a weekly farmer's market and more. We love brunch at **Cam's Kiosk**, a pastry from the **Convent Bakery**, or a stroll through the gardens on a nice day.
- **St Paul's Cathedral** is as beautiful inside as out, but many visitors only frequent its steps – apparently (let us know if this is true) the perfect photo op for the iconic **Flinders Street Station** facade.
- Take the Sandringham line to **Brighton Beach** to see the bright (pun intended!), colourful **Brighton Bathing Boxes**. Then ... if you're game ... the **Brighton to St Kilda coastal walk** is a beautiful way to get back to the city. Allow 1.5 to 2 hours (depending on your walking speed).

Enjoy Melbourne!

Centre Place laneway, Melbourne [iStock.com/Adam Calaitzis]

Flinders Street Train Station at sunset [iStock.com/f11photo]



# The Extinction of Irena Rey

by Jennifer Croft (2024)  
reviewed by Elvira Bianchi



**T**his ingeniously structured novel from International Booker Prize-winning translator Jennifer Croft humorously manages to free our profession of its invisibility cloak.

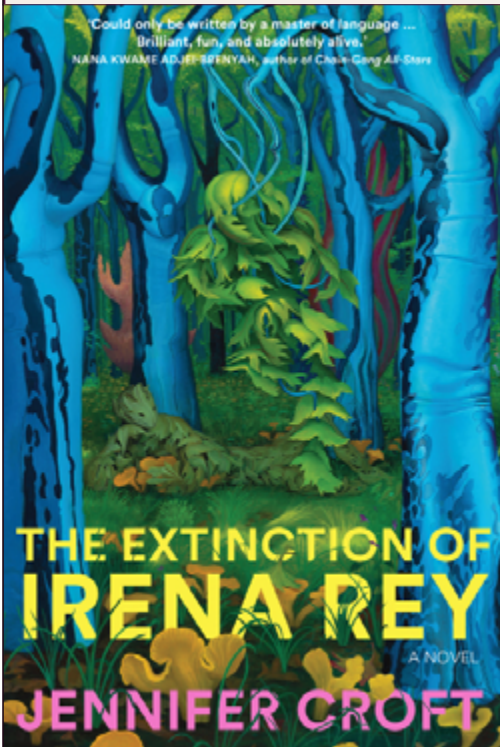
Set against the backdrop of a primeval forest in

Poland, the plot follows the mysterious disappearance of world-renowned Polish author Irena Rey, and the ensuing quest for truth undertaken by a group of eight translators who have been gathered to work on Rey's masterpiece, *Gray Eminence*.

What sets this novel apart is its dual perspective, established from the outset with a translator's foreword that introduces Irena's

Emi's version of events. Likewise, Emi's opinion of Alexis casts constant doubt on the accuracy of the translation with which we're presented. The tension is expertly designed to be thought-provoking, leading readers to re-examine questions of truth and subjectivity.

Admittedly, by completely shattering the invisibility of the fictional translator, the duality creates a perhaps unrealistic scenario – but one



*This ingeniously structured novel ... manages to free our profession of its invisibility cloak.*

fictional English translator, Alexis, as also the translator of Croft's own novel. The narrative voice is that of Irena's Spanish translator Emi, while Alexis is engaged in translating Emi's narration into English.

The fictional translator becomes visible – and thus the dual perspective is forged – via Alexis's frequent translator's notes. Apart from allowing for greater insight into the relationship between the two main protagonists, Alexis and Emi, this ingenious, layered approach to storytelling is entertaining, and creates tension between the two perspectives.

Indeed, Alexis's footnotes range from informative clarifications to exasperated interventions that cast doubt on the accuracy of

that makes the read entertaining, while also bringing both the beauty and the complexity of the profession of literary translator to light.

While brilliantly structured, the novel disappoints on other levels. For instance, Emi – whether due to Alexis's translation and notes or not – comes across as an excessively intense character, rather insecure and obsessive. Undoubtedly, Croft is furthering the contrast between the two characters by pitting Emi's obsessive reverence of Irena against Alexis's pragmatic views, perhaps to discuss underlying themes of meaning and the relationship between author and translator. However, Emi accordingly fails to come across as likeable and engage readers emotionally.

Cover reproduced courtesy of Scribe Publications, artwork by Inka Essenhigh

# *Conference Interpreting in China: Practice, Training and Research*

edited by professors Riccardo Moratto and Irene A Zhang (2023)

reviewed by Dr Vera YZ Gu



**T**his volume stands as a critical contribution to the discourse on conference interpreting in China.

It sets the stage with a historical overview of the development of conference interpreting there since the late 1970s, providing a backdrop for understanding the profession's

*The volume ... adeptly documents the profession's historical roots ...*

current state and future prospects, then delves into pedagogical innovations, highlighting the importance of adaptive learning strategies in response to market demands and technological progress.

The focus on emerging technologies such as VR and AI offers insightful predictions into how they will help shape the future of the profession. Contributions from a diverse pool of scholars, practitioners and students enrich the volume, offering a multifaceted perspective on Chinese interpreting practice, training and research. The comparative analysis of interpreting standards within China against international benchmarks underscores efforts towards professionalisation and standardisation, marking significant achievements and areas ripe for development.

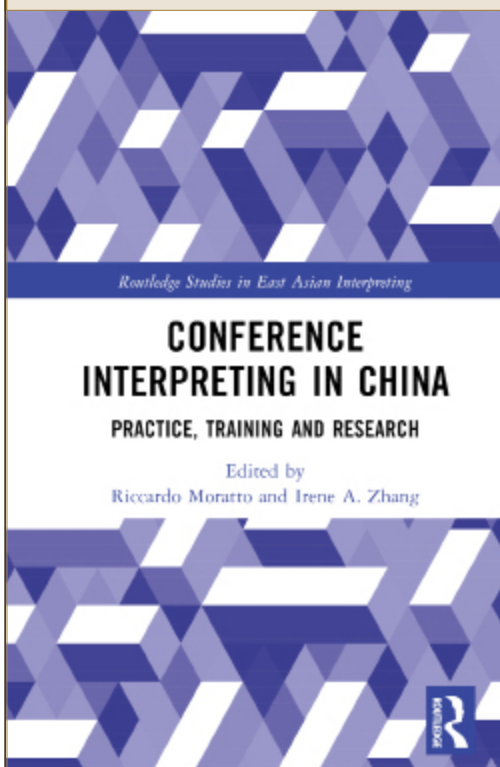
The book's rigorous approach integrates historical analysis, theoretical exploration and practical insights, and highlights innovative pedagogical strategies, including outcome-based education and problem-based learning, thus situating the collection as relevant to both contemporary educational methodologies and future pedagogical innovations.

One of the volume's core strengths is its fresh insights into the professional journey that has been taken, spotlighting the essential role of educational initiatives, the integration of cutting-edge technologies – in both practice

and education – and the dynamic challenges and opportunities facing the profession today. Particularly notable is the nuanced discussion on the evolving role of interpreters in the age of technological progress, serving as a guide for future developments in interpreting practice and training.

Notwithstanding its strengths, the book examines a limited range of research topics and methodologies, suggesting the potential for more extensive interdisciplinary exploration and comparative studies to deepen the discourse. The coherence and thematic diversity of the collection, while strong, are somewhat limited by a uniform methodological approach which, despite facilitating a seamless narrative, might constrain the depth of the discussion. The comprehensive citations within the volume attest to a robust research foundation, though a more detailed analysis could further elucidate their relevance and significance.

Future editions could benefit significantly from incorporating a broader array of comparative studies and interdisciplinary research approaches. Such expansions would undoubtedly enrich the global conversation around the professionalisation of conference interpreting, broadening the volume's thematic and methodological scope.



Cover reproduced courtesy of Taylor & Francis

*continued on page 9, column 2*

# Improving workplace health & safety: TIA WA takes action

The union Professionals Australia – through its **Translators and Interpreters Australia** (TIA) group – is the industrial voice of Australian T&I practitioners. **TIA's WA Branch** members have made progress recently in their push to defend the state's T&I practitioners from psychosocial harm in the workplace. They report here.

Photo: TIA WA Committee members at the WHS Tribunal: (left to right) Khalil Ibrahim Albawy, Heather Glass, Andrew Kozlowski, Akiko Kunita

**Interpreters are paid to talk; perhaps it's a reward for something we like to do anyway! But is anyone listening?**

There comes a time when it's important for us to stop talking and take action. That time is when:

- change is needed
- we accept that doing something is the only way change will happen
- no one is going to do it for us.

In Western Australia recently, TIA members have done something.

In April, through Professionals Australia, we reported the WA Department of Health to WorkSafe WA [the state's work, health and safety (WHS) regulator].

TIA members in WA meet regularly to share knowledge and concerns. In March, we'd stood witness in the WHS Tribunal in support of our case that the Department has breached the WHS Act. We told the tribunal that every day a WorkSafe WA investigation is delayed is another day that interpreters in WA suffer mental and emotional distress from the psychosocial hazards of interpreting.

Psychosocial hazards are factors in the design or management of work that increase the risk of work-related stress and can lead to psychological or physical harm. Hazards include:



*... no one is going to do it for us.*

- no briefings or debriefings
- lack of respect
- the 'shotgun' system of job allocation, in which the first recipient of a message to hit 'accept' is awarded the job
- demands that we do tasks outside our role
- long assignments – particularly remote

- interpreting – alone and without breaks
- poor pay
- demands that we work beyond our competence – particularly for sight translation and simultaneous interpreting
- demands that put us at risk of compromising our ethics and therefore our health and safety.





# Interested in a postgraduate course in Translation and Interpreting?

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\* Durations given are for full-time study  
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Master of Conference Interpreting (1 to 2 years), Master of Translation and Interpreting Studies (1.5 or 2 years), Graduate Diploma of Translating and Interpreting (1 year).

Courses are offered in the following languages paired with English: Chinese (Mandarin), French, Japanese, Korean and Spanish.

For detailed information about our Translation and Interpreting program and courses contact us via email [translate@mq.edu.au](mailto:translate@mq.edu.au) or call (02) 9850 6782



WorkSafe WA is now investigating the Department for exposing interpreters to ongoing psychosocial harm and for failing to protect us from the hazards of insecure work and work-related trauma.

TIA members have been the first to be interviewed, and non-members are also invited to talk to investigators – knowing that what they say will be heard – via TIA [see links in last paragraph].

While the development of codes of ethics and 'best practice' standards by professional associations such as AUSIT is necessary and valuable work, we believe that real change – change that gives teeth to those ethics and standards – is only possible if practitioners are also union members.

Union membership is about exercising collective power. In Australia, unions have the expertise and also the legal authority to negotiate working conditions – including rates of pay – and the legal capacity to advocate for their members in places like the WHS Tribunal. Importantly, strong union membership can bring about real change, by members standing in solidarity – 'as union' – and acting together to make our working lives better.

WorkSafe WA is to report back with findings and recommendations by 15 August 2024, so it's critical that as many interpreters as possible embrace this opportunity to tell WorkSafe's investigators about our experiences of psychosocial risk and actual psychosocial harm. To learn more about the psychosocial hazards of interpreting, go to the **TIA WHS Hub**; and if you have worked, or do work for WA government clients and have a story to tell, email: **TIA**.

**\*\*\* T&I students and recent graduates \*\*\***

## AUSIT Translation Competition 2024

Expressions of interest (EOIs) are invited from:

AUSIT Student Members and students at / recent graduates of one of our Educational Affiliate institutions\*



Focus languages:

Chinese  
Japanese  
Korean  
Spanish  
Thai

Prize: two AUSIT webinars

Find more information and submit an EOI [here](#) (deadline: 19 July)

\* Please note: NAATI-certified translators and practitioners with over 5 years' experience (even if currently enrolled in / recently graduated from a translation program) are not eligible to participate.

image: istock.com/jacoblund

*continued from page 7*

In conclusion, the volume emerges as an indispensable resource within the field of interpreting studies, providing a holistic view of both the professionalisation and the practice of conference interpreting in China. It adeptly documents the profession's historical roots, navigates contemporary challenges and anticipates future directions, making it an essential read for scholars, practitioners and students alike. The insights on pedagogical innovations and the impact of technological advancements not only chronicle the current state of conference interpreting in China, but also catalyse further research and discourse.

*Dr Vera YZ Gu holds a PhD in applied linguistics, with a focus on T&I studies, from Monash University. Her research interests lie at the intersection of linguistics, T&I and cognition, with the aim of enhancing T&I pedagogy and practice. Alongside her academic pursuits, Vera is a professional translator and interpreter proficient in Chinese/Mandarin and English, with specialised training in conference interpreting.*

# Feeling the signs: tactile Auslan



This time last year we published an article by Auslan interpreter **Meredith Bartlett** on a major breakthrough in inclusion that resulted from the Victorian Law Reform Commission's Inclusive Juries review, for which both she and our Acting President Erika Gonzalez were interviewed.\* Meredith's biography mentioned research that she is conducting into 'tactile Auslan.' Intrigued, we asked her to tell us more.

\* You can read Meredith's 2023 article [here](#).

**P**eople who use tactile Auslan are described by NDIS provider Able Australia as 'plac[ing] their hands over the hand of their communication partner to feel the signs.'

They go on to explain that 'as facial expression is an important part of Auslan, communication partners need to give extra information to help convey the meaning of what is being signed.'

As with any definition involving language use in the community, the details are way more complicated. Firstly, the fact that a person has both a sight and a hearing impairment doesn't immediately lead to them using either sign language or the adapted technologies which many blind people are familiar with. Plus many people who are born with severe disabilities including sight and hearing loss may never learn to communicate – using sign language or any other means of communication – to a level which facilitates use of a tactile sign language.

So let me begin by saying that I am an Auslan interpreter and have spent over four decades working in the Australian Deaf community, interpreting for members of that community

*You will notice that I have ... foregrounded their deafness over their blindness, and this is deliberate ...*

who use signed language – or visual Auslan – as their major way of communicating. Members of this community who lose their sight find themselves needing other ways to access their interpreter or other interlocutors, because visual Auslan is now not accessible to them.

The causes of sight loss are many and varied, but some of those more known in the Deaf community are Usher syndrome, retinitis pigmentosa (RP), glaucoma (associated with maternal rubella), CHARGE syndrome and cytomegalovirus (CMV). These may involve gradual loss of peripheral vision until the Deaf person can only see in a small narrow tunnel, and/or spotted, blurred, foggy or blocked vision.

Depending on the cause of their loss of sight, Deaf people may stand further away from the signer in order to enlarge the picture they can see, or they may start to hold the signer's hands in order to keep the movement within their 'sight frame' and to slow down the signing for easier access. As the sight loss impacts more and

more, the Deaf person may start to hold the wrist of their interlocutor all the time, in order to be able to follow more closely what is being signed. Gradually the hands of this Deaf person who is going blind may begin to slide upwards until they are resting completely on the fingers of the signer. In doing so, they have moved through the stages of 'visual frame' language access, to 'tracking' the other hands, to 'tactile sign reception'. Their own sign production continues the way they have always signed, and they use an Auslan interpreter who is experienced in each of the stages the Deaf person goes through on their journey with sight loss.

You will notice that I have referred to a Deaf person throughout this article – that is, I've foregrounded their deafness over their blindness – and this is deliberate. People who are born blind or partially sighted, with a hearing loss in their younger years which may become more and more serious, very rarely join the Deaf community and learn Auslan.

## REVIEW (BOOK) (continued)

Meredith starting her research project back in 2014, telling two deafblind participants that they can start chatting for the camera



They more frequently depend on technology and devices to access communication, and continue to develop friendships in their local or work communities. However, members of Deaf communities who experience sight loss struggle to stay in touch with their signing friends, and find themselves grieving simultaneously for the loss of their language (Auslan), their social networks, and their 'Deaf identity'. While some of these Deaf people isolate themselves out of fear and difficulty in moving safely around their city, most try to come together for social contact in the way they have always done. In order to do so, their sign language must now adapt from a visual to a tactile language.

In addition, their interpreters must learn to convey a lot of information in a different way, and it cannot happen just on the hands. Social haptic communication, i.e., the conveying of additional environmental information, begins to be important for the deafblind person. This takes the form of signals on the body, arm, leg, or back of the hand. These include audience

reactions, back channelling, laughter, smiling, emotional responses and facial expressions conveyed to the Deafblind person by the interpreter, at the same time as signing. Sometimes a second interpreter or a communication guide may do this haptic work. In parts of the USA this has developed into a whole new form of the language, called Pro-tactile, while in Europe and Australia we continue to refer to it as Auslan with haptics, or tactile Auslan.

*Dr Meredith Bartlett is a practising Auslan interpreter and interpreter educator, and is currently conducting research into tactile Auslan with a team at Monash University, supported by an ARC Linkage Grant, with partners Able Australia and NAATI. Meredith has also taught Auslan/English interpreters at RMIT for more than 25 years, and has published in the field of linguistics of tactile Auslan as used by deafblind signers in Australia.*

*continued from page 6*

Additionally, the premise of an exciting mystery sometimes falls flat, with some lengthy passages in which not much happens, leaving readers wondering what the translators are doing in Irena's house after her disappearance. Sure, as the translators delve deeper into both the forest and Irena's enigmatic world, they find themselves questioning everything they knew about her and grappling with their own insecurities, desires and problems. But often the book appears essayistic, tackling perhaps too many themes for one novel – including the connection between art and nature, fame, racism, sexuality and ecology.

*The Extinction of Irena Rey* is thought-provoking and entertaining. In the end, however, I came away feeling that while Croft is clearly a master of language, she sometimes delivers a superficial exploration of weighty themes, making some sections of the book feel drawn out and overwritten.

*Elvira Bianchi is a Melbourne-based freelance Italian–English translator and interpreter. Having completed her BA at ZHAW in Switzerland and moved to Melbourne for her master's degree, Elvira is currently a PhD candidate at RMIT University investigating communication between schools and non-English-speaking families, and is also pursuing her passion for writing fiction.*

*In Greta Rainbow's recent interview with Jennifer Croft for The Creative Independent, titled **On challenging preconceived notions**, Croft discusses 'the difference between translation and writing her first novel, finding balance with work and family, and breaking down the boundaries of genre'.*

# AUSIT stalwarts: Lia Jaric

interviewed by Terry Chesher



Lia (left)  
and Terry



AUSIT Fellow **Lia Jaric** has been involved with the organisation since the early days, and not long after the NSW Branch was established she volunteered to set up and convene a committee on working conditions. Over the intervening decades, Lia formed long-standing friendships with colleagues. She first met translator **Terry Chesher**, another AUSIT Fellow, in the 1990s through AUSIT. Since then they've worked together on several projects for the NSW Branch Committee and become firm friends, so Terry was an obvious choice to interview Lia.

**Terry:** First of all, Lia, I'd like to thank you for agreeing to this interview about your long-serving association with AUSIT.

I've prepared some questions about your career in interpreting and translating, but I thought I'd begin by asking you to tell me about your early life, and when you came to Australia?

**Lia:** I was born in Tuzla, Bosnia-Herzegovina and lived in Serbia and Hungary, spoke both languages, and went to school in both countries. My parents and grandfather were all multilingual. I picked up some foreign languages as a young girl, and studied Russian and English at school and in courses. World War Two interfered with my schooling and my life in general.

**Terry:** What were the 'foreign languages' you picked up in your early years, in addition to the English and Russian at school?

**Lia:** German and a little French. I never

*Translating has always been my favourite activity, and remains so at an advanced age.*

studied German grammar, but I was able to look after the storeroom in an *Apotheke* [pharmacy] in Vienna where I worked in 1973, while waiting there for five months for my Australian Permanent Visa. As for French, I only remembered the names of animals later.

After World War Two, both Yugoslavia and Hungary became communist countries, and in 1949 my father, brother, aunty, cousin, grandfather and grandmother migrated to Sydney. I didn't want to leave then, but I joined them later.

I finished high school in 1952. At that time in socialist Hungary, I wasn't allowed to apply to study at university for political reasons –

namely, I didn't come from a working-class family, and my relatives lived in a 'Western' country (Australia).

After the Hungarian Revolution in 1956 the situation improved. It was then that I was able to continue my studies, and I obtained a degree in economics at the Faculty of Foreign Trade (University of Economics, Budapest, Hungary) in 1970.

**Terry:** Now, you spoke Serbian, Hungarian – and also Bosnian?

**Lia:** Yes, but Bosnian wasn't recognised and listed as a separate language (in Australia or elsewhere) till the Balkan War of 1992 to '95. My first tests (written and spoken) for the

AUSIT National Conference, Sydney, August 1999: Lia (right of centre) with (to her left) Louise Dyer, then the late Vince Danilo (in tan jacket and dark tie); AUSIT's first National President Lou Ginori (closest to the camera); and Nick Galanos (standing at the microphone)

languages of the former Yugoslavia were in Serbo-Croatian, in Hungary in the 1970s. I also sat for the Russian and English languages.

**Terry:** What set you on a path towards being both an interpreter and a translator?

**Lia:** It was my love of languages. Translating has always been my favourite activity, and remains so at an advanced age.

**Terry:** What kind of interpreting work were you involved in before you came to Australia?

**Lia:** I did casual interpreting for the Hungarian Television and was monitoring Serbian press in Budapest for another organisation. At my main workplace (a Hungarian import/export company) I was receiving a 33 percent language allowance on top of my salary for negotiating contracts in foreign languages, having passed three language tests (including English) at the University of Sciences, Budapest.

I visited Sydney in 1972 on holiday, and returned in 1973 as a migrant. I soon started work as a clerk/typist in the accounts department of a Sydney department store. Later I moved to a textile company, and worked there until there were retrenchments in 1980.

**Terry:** Tell me about your early T&I work here in Australia. Were you interpreting and translating in many different settings?

**Lia:** In 1982 I was employed by TIS [the commonwealth's Telephone Interpreting Service] as a casual interpreter, and was told I had to do the NAATI accreditation test within two years, which I did. Casual interpreters worked for both federal and state government departments, migrant centres, unemployment offices, doctors, schools, investigators and lawyers, and later in courts and other settings. This is what I was doing at first. Soon I was asked to also work as a relief telephone

interpreter in the Sydney office – there were three shifts, day and night – and I was soon doing translations for them as well.

Casual assignments were not well paid then: \$40 for the first two hours, and so-called 'continuation' jobs were paid at less than half that rate, irrespective of distances or waiting times between jobs. Interpreting fees remained the same for years, while inflation was rising. *We did* have the right to reject continuation job offers, but I couldn't afford to do so.

AUSIT, my outlook broadened to questions of professionalism and the need for constant development, even in the technological sense. I wanted to be as good a professional as I could, and to contribute to the profession as well. In no small way, it was a very good feeling to *belong* and have a *representative body*.

**Terry:** Would you like to say more about your interest in improving working conditions? I know you worked tirelessly over many years on working conditions and ethics, as well as



**Terry:** When you say you got \$40 for the first two hours, just to be sure, this was \$40 total, not \$40 per hour?

**Lia:** Yes, a total of \$40 for two hours, then around \$15 per hour after that.

**Terry:** And when were you first involved with AUSIT?

**Lia:** In 1988 I wrote thanking Lou Ginori and Barbara Ulmer, who were the first National President and Secretary respectively, for helping to establish AUSIT. I went to the association's inaugural meeting in Sydney in 1988 and was one of AUSIT's foundation members. Once in

promoting AUSIT and the profession.

**Lia:** Working condition issues and low pay brought me to AUSIT in the first place. The NSW Branch Committee was relatively active and successful in other fields, but the issues around pay and working conditions for interpreters had been dragging on for a long time with minimal improvements. The problem remained that indexation was never applied to interpreters' fees, and it took years to get an increase, while public service pay rates were regularly adjusted.

*continued overleaf*

## INTERVIEW SERIES: AUSIT STALWARTS (continued)

*continued from previous page*

That is why I started AUSIT's Working Conditions Committee. There were five of us, including Teresa Lee, Lenita North and Sayed Kandil, who regularly met to do fact-finding work. The first issues we looked at were registration of professional interpreters, information on fees and conditions, and the need to approach government services about desirable changes to fee structures.

**Terry:** In one of your Working Conditions Committee reports, published in an AUSITNSW newsletter in mid-1998, you said 'Apart from looking at the present fees and conditions ... and how to improve them, we are now facing the problem of how to stand up for ourselves where our basic work, our livelihood is threatened, and where attempts are made to downgrade the requirements for qualified interpreters and translators'.

**Lia:** Yes, at that time the so-called 'mileage' fee (paid for using private transport) was abandoned. Also, interpreters with lower NAATI qualifications were engaged by some government agencies. At this stage, a Translator Subcommittee was also formed.

We prepared a report on our fees, and recommended that AUSIT's National Council approach the federal government to press for improvements. To prove how badly we were being treated, I obtained the inflation statistics going back a few years from the Australian Bureau of Statistics, and compiled a table which compared the CPI rise to the almost stagnant fees interpreters were being paid by a federal government department. This showed how much our income was lagging.

Our work was reviewed by the NSW Branch Committee, and we continued to collect evidence of problems and unfair treatment, and to lobby employers, particularly government T&I services. Some private language service agencies that I worked for paid better than the

*Can you give me some examples of problems and unfair treatment from your own experience?*

government. Sandra (now Professor) Hale, one of our prominent AUSIT members, was interested in what our work on the Working Conditions Committee was all about.

**Terry:** You can take credit for a number of successes contributing to the overall (and inevitably slow) improvement of conditions for the profession. Can you give me some examples of problems and unfair treatment from your own experience?

**Lia:** One example of bad working conditions I'd like to mention involved a collision with an

interpreting service's coordinating administrator. I was assigned two jobs for that day, payable in one fee amount. When held up waiting for a doctor in the first job, I reported by phone that I would be late at the second, which was in quite another place. The administrator said to me 'If you're late for the second job, you won't be paid for either of your assignments'. I resigned the next day.

Another example was when I was kept longer than the booking time, interpreting for a social worker in a rather tragic case. I phoned the



Lia (left) and Terry at the Museum of Contemporary Art Australia, Sydney, on International Translation Day (the Feast of Saint Jerome) in 2012



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office asking for a time extension, but they said no. Under the circumstances it was impossible to leave the non-English-speaking client.

The ethics of our profession could also be tricky to navigate in those early years. I did court interpreting from about 1985. When I was left alone with clients who were not entitled to free legal representation (for example in traffic matters), they often asked me for legal advice – which, of course, I was not able or ethically allowed to give. One thing that I realised I *could* do, though, was this: when given a relevant document to sight translate, I would deliver it in a particularly careful and clear way, to help ensure that the client could pick out the important details therein.

Another area of great concern was when police would require an interpreter to sight translate a police caution. Because of the legal language used, cautions can be unintelligible even for native English speakers – so as you can imagine, it's difficult for an interpreter to convey the content to their clients. Linguist Professor John Gibbons conducted and published a review of the linguistic difficulties involved [which you can read about [here](#)].

After a couple of years of lobbying, we did achieve some improvements in working conditions. For example, court interpreters were routinely offered a chair (instead of standing for hours next to the witness box!) and a glass of water. AUSIT also started negotiating early on with the legal profession about linguistic issues, such as wrong instructions to interpreters – for example, 'Just translate word for word'.

**Terry:** What other roles did you take on within AUSIT?

**Lia:** For some years I was on the NSW Branch Committee as treasurer, which meant keeping

lists of members' names up to date, collecting and banking membership fees (which in those days were paid by cheque, so I had to take batches of cheques to my local bank branch and pay them in), and then reporting to the NSW AGM.

I travelled to Adelaide for an AUSIT National AGM, and to Brisbane for an AUSIT Conference. I also took part in the National Conference in August 1999 (held at the Gazebo Hotel in Potts Point, Sydney), of which I have a photo (see photo on page 13).

**Terry:** From 1998 to '99 we worked together on an online international survey of interpreters working in the community. Along with Vadim Doubine, Rosy Lazzari and Helen Slatyer, we were members of an international committee on community interpreting that had been set up by FIT (*Fédération Internationale des Traducteurs / the International Federation of Translators*) following the FIT Congress that AUSIT hosted in Melbourne in 1996. We surveyed community-based interpreters using a questionnaire which we circulated to local and international interpreters through FIT's networks.

**Lia:** Yes, we were working with the other committee members, collating the results in our own time, in one of our homes. I remember Helen Slatyer guiding us on how to go about this, as we had no experience in data processing. We compiled the results based on information in the questionnaires, which were returned by almost 100 interpreters from seven countries.

An interim report on our survey was presented to the FIT Congress in Mons, Belgium in 1999, and a further paper – presented at *The Critical Link 3* conference in Montreal, Canada in 2001 (which had a focus on interpreting in legal, health and social service settings) – was later published in a volume of selected papers

from the conference.\* Our findings confirmed the complexity inherent in community-based interpreting.

**Terry:** Would you like to talk about any other significant events in your T&I career?

**Lia:** In the mid-1990s refugees were arriving from Bosnia, from the war there, and there was a shortage of qualified interpreters. First, I gained NAATI Recognition, then I sat the NAATI test for the Bosnian language.

It was often hard to adhere to the AUSIT Code of Ethics when faced with the levels of human suffering and special needs that I was encountering with these newly arrived refugees, but I was able to work with many of them.

In 1998 I was nominated for an AUSIT Fellowship. When presented with the certificate I wouldn't agree to having my photo published in the AUSIT Newsletter – don't ask me why!

**Terry:** And my last question: what have you enjoyed about being an AUSIT member?

**Lia:** I've enjoyed the company of intelligent colleagues, working for the community, and the progress we slowly made for the profession.

**Terry:** I've really enjoyed our interview, Lia. Thank you very much for your time.

\* Chesher T, Slatyer H, Doubine V, Jaric L & Lazzari R (2003). Community-Based Interpreting: The Interpreters' Perspective. In: Brunette L, Bastin GL, Hemlin I & Clarke H (eds), *The Critical Link 3: Interpreters in the Community*, John Benjamins, Amsterdam, 273–292.

*If you know a longstanding AUSIT member who has made significant contributions to the organisation and/or the T&I profession and you would like to interview them for this series, get 'in touch' with our editors or an Editorial Committee member (see page 2) and we'll take it from there.*

# Machine Translation in Times of Crisis: Ethical Considerations



Local and international restrictions implemented during the COVID pandemic affected how both individuals and organisations related to and navigated the world. While machine translation (MT) seemed a useful tool in communicating information to culturally and linguistically diverse (CALD) communities, issues arose regarding quality, accessibility and ethics. Specialist legal interpreter **Christine Le** is investigating how T&I professionals will deal with these dilemmas, and the scope of their ethical responsibilities.

**A**s COVID took hold and the need to deliver essential health messages promptly to CALD communities became evident, MT assisted by integrated AI technologies seemed to many a sensible solution.

However, the quality and accessibility of the resulting translated materials proved limited and disappointing. In addition, ethical issues began to emerge alongside the development of language technologies. These include issues around data security and usage, lack of professional guidelines, and transparency of the translation modalities adopted – human translation, MT with postediting, fully automated MT and so on. As T&I professionals, how will we deal with these ethical dilemmas, and what is the scope of our ethical responsibilities within the whole ecosystem of MT stakeholders?

## Ethical impacts of MT

With the advance and adoption of digital technologies in the workflow of T&I processes, the professional codes of conduct that are

*... ethical issues began to emerge alongside the developing language technologies.*

designed to help practitioners navigate ethical decisions need to be extended to cover related ethics, such as data ethics and business ethics.

One common misconception is that technology is ethically neutral. It's true that human beings tend to be subjective; however, it doesn't follow that technological systems are objective, since each incorporates the values of both its creator(s) and the human subjects studied to generate the data on which it operates.

Nowadays, translation work is often managed through web-based platforms on which translation companies and their clients can access the input of individual translators and instantaneously monitor their activities. This

automatically grants permission to access data and potentially reuse it in the future. Given that companies and translators may not have a unified position on data protection and usage, what ethical solutions and standards can be applied to prevent data errors, bias, misuse, or reuse without permission?

On reviewing several government guidelines for providing translations to the public, we found that their position on this topic is more often 'sitting on the fence' than clearly defined. Use of machine or automated T&I tools is generally not recommended, although integration of AI tools such as text-to-speech into websites to improve accessibility is





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# Calling VIC Branch members!

(and anyone else attending the conference)

The Victorian Branch is hosting the AUSIT National Conference 2024 (Melbourne, 21–23 November), and we need volunteers to assist in all areas.

Whatever your skillset and however much time you have available, your contribution will be invaluable.

To register your interest or find out more about the roles we need to fill, fill in this [EOI form](#).

mentioned. Many of these tools integrate MT to support multilingual content (although not all community languages are available).

Unfortunately, neither the ISO standard for translation (ISO 17100) nor that for MT postediting (ISO 18587) covers the risks of MT use, nor do either set out who is ethically and legally accountable when translation work is fully or partially automated.

For example, suppose a language service provider (LSP) is awarded a government contract to deliver multilingual content to the public. The individual translators and posteditors subcontracted by the LSP will have little – or more likely no – control over whether and how AI technologies are incorporated into the overall process. Furthermore, there is little room for these individuals to negotiate the ethical and legal responsibilities they share. Yet under the current legal framework, ‘liability’ is always attributed to a human or group of humans. In other words, a person or an organisation is ultimately responsible for any injury or loss caused by a faulty translation process that fully or partially incorporates MT. Another prominent concern around MT use that runs through the reports and academic research examined is that of quality. In critical contexts such as health and legal settings, the consequences of mistranslation or misinterpreting can be significant. However, although MT use isn’t widely recommended, medical and legal professionals sometimes turn to it for a fast solution, even if it’s not a better or more reliable one.

### MT use in medical emergencies

Some research into the assessment of MT output quality when used in health settings has concluded that to ensure accuracy, web-based translation tools such as Google Translate and Microsoft Translator still need heavy post-editing. For example, one scenario-based study

investigating the quality of communication between emergency medical personnel and individuals with limited English proficiency via translation tools (such as QuickSpeak and Google Translate) in a mock emergency situation in the United States confirmed the flexibility of the MT in this context. However, numerous errors and usability issues did impact the user experience in this particular setting.

### MT use in legal settings

Legal rulings made in similar cases involving MT use can be poles apart. For example, in the following two cases that occurred in the USA, the defendants had both had drugs found in their cars after police had used Google Translate to convey search requests to them, and both argued that the request had been imprecisely rendered. In one case, the court invoked the ‘good faith exception’ – in other words, even if the search request was not appropriately or accurately rendered, any evidence obtained under it was still valid. In the other case, however, the court granted the defendant’s motion to suppress the evidence gained in the search, based on uncertainty around their comprehension of – and therefore consent to – the request.

Ethical problems involving AI technologies in real-life crises are not easy to address, not only because the technologies are still in the early phase of development, but also because of the complex correlations between them and their developers, corporate and individual users, policymakers and so on.

### Conclusions on ethical implications

In conclusion, more systematic investigations into the ethical use of MT in critical situations need to be conducted, and backed up by comprehensive industrial guidelines, before it should be introduced into real crises.

As part of this process, the ethical responsibilities of all stakeholders in the chain of an automated machine translation system – including MT developers, policymakers,

translators, posteditors and MT users – must be determined, specifically:

- MT creators must ensure data security and acknowledge data ownership
- policymakers must create appropriate guidelines on the ethical use of MT through consulting with relevant industrial codes and associated laws and regulations
- human translators and posteditors need to learn about MT and be familiar with potential issues for them
- users such as LSPs are responsible for informing both their clients, and the translators and posteditors who they employ, of the translation modalities they adopt and their potential risks.

To ensure the healthy development of MT and the sustainability of the T&I industry, ethical considerations should never be seen as ‘the icing on the cake’; instead, they should be treated as critical in reducing the risks involved in T&I projects. Language specialists must be involved in the process of MT development, alongside professional bodies responsible for industrial codes, to ensure high quality products with minimum risks to their developers and users.

***Christine Le** holds an MA from the University of Queensland and an MEd from Queensland University of Technology, and is currently a PhD candidate in media translation at Western Sydney University. She has sat on NAATI’s Technical Reference Advisory (TRAC) and Ethics committees; is a specialist legal interpreter (SLI) with over 10 years’ experience in providing T&I services in legal settings for various Australian courts and law firms; and is also a trainer at RMIT and a subtitling translator and reviewer for SBS.*

*If you would like Christine to send you a list of the references she has used in this research so far, you can contact her **here**.*

# Chief Justice and colleagues give talk on working with court interpreters

Chief Justice Helen Bowskill – the second female Chief Justice of the Supreme Court of Queensland, sworn in in March 2022 – is also Chair of the Judicial Council on Diversity and Inclusion (JCIDI), the body that published the **Recommended National Standards for Working with Interpreters in Courts and Tribunals** (the RNS, second edition, released in 2022). In April this year, the Chief Justice gathered colleagues from the legal and T&I professions to give a presentation on working with interpreters in courts. AUSIT’s Vice President for Events and PD, **Carl Gene Fordham**, attended the seminar and reports on it here.



**T**he seminar, held in the Supreme Court of Queensland’s Banco Court, Brisbane, was well attended by legal professionals and interpreters, court staff and representatives from language service providers.

The Chief Justice was joined by Judge Alexander Horneman-Wren, Deputy Chief Magistrate Anthony Gett, Magistrate Dzenita Balic, Senior Registrar Mohamed Bensghir, Punjabi interpreter Sumeet Kaur and Mandarin interpreter Liying (Lynn) Geng.

The RNS, which offers valuable guidance to judicial officers, legal practitioners and interpreters on collaborating effectively to uphold procedural fairness for individuals with limited English proficiency, was a focal point of the discussion. The guidelines for working with interpreters in courts published by Queensland Courts were also discussed in detail.

**Chief Justice Bowskill** – who last year wrote about the crucial role judicial officers play in improving procedural fairness for people from

*Her Honour pointed out that interpreters owe a paramount duty to the court ...*

diverse backgrounds – opened the seminar by discussing the essential role interpreters play in ensuring that people with limited English proficiency can remain ‘linguistically present’ during legal proceedings. She affirmed the judiciary’s commitment to the RNS, and expressed a hope that the document would soon be enshrined in legislation.

Her Honour pointed out that an interpreter’s paramount duty is to the court, regardless of who has engaged them. She went on to explain that while public funding is available for interpreting services in criminal cases, and in domestic and family violence proceedings, parties requiring interpreter services in civil matters must engage them at their own expense.

Her Honour also underscored the importance of providing interpreters with background and contextual information prior to legal

proceedings, to enable them to effectively discharge their duties as officers of the court.

**Judge Horneman-Wren SC** suggested that interpreters should take a proactive approach in addressing issues with judicial officers, as they are uniquely positioned to do so compared to other court users. His Honour stressed the importance of identifying the need for an interpreter early on in proceedings, explaining that even if a party has conversational English skills, this doesn’t necessarily mean they can comprehend complex legal proceedings or give evidence in English accurately.

His Honour suggested that judicial officers should simplify the wording they use for legal processes and procedures, in order to assist interpreters in their role. For example, instead of using technical terms like ‘arraign’ without explanation, he recommended that judicial

Left to right: Magistrate Dzenita Balic, Deputy Chief Magistrate Anthony Gett, Senior Registrar Mohamed Bensghir, Judge Alexander Horneman-Wren SC, Chief Justice Helen Bowskill, interpreters Sumeet Kaur and Liying (Lynn) Geng, and Karen Hodgson, CEO of language service provider Translationz

officers provide context by saying something like, ‘I will now read the charges to the defendant and ask them whether they want to plead guilty or not guilty.’

He also advised legal practitioners to ask questions in a straightforward manner during cross-examination, avoiding unnecessary legal jargon and complexity, as keeping questions structurally simple helps avoid breakdowns in communication.

**Deputy Chief Magistrate Gett** reminded the audience that interpreters are essential professionals in the legal system, and acknowledged that his work would be significantly more challenging without their assistance.

His Honour noted that Magistrates Courts present unique challenges compared to higher level courts, as they are often bustling with activity, with long lists of cases and noisy environments, and highlighted the difficulty of locating interpreters in such hectic settings.

He also pointed out the taxing nature of telephone bookings – on both judicial officers and interpreters – and advised that when legal practitioners book interpreters, they need to account for the time needed to brief the interpreter and administer their oath, as well as for the interpreting itself.

**Magistrate Dzenita Balic** urged lawyers to use plain language when working with interpreters, and recommended they provide documents and files ahead of time, to allow interpreters to prepare adequately before assignments.

**Senior Registrar Bensghir** provided insights from the court registry into the interpreter booking process and the common challenges that often arise. He stressed that interpreters should be booked in advance and accurately, and discussed the bailiff’s role in explaining technology and other relevant information to interpreters.

**Liying Geng**, a **NAATI-certified specialist legal and health interpreter**, pointed out that some outdated views about interpreters still



exist among legal practitioners and the judiciary, and that the ways some judges describe interpreters – for example, as ‘translation machines’ – are inaccurate and unhelpful. She explained that interpreters don’t translate word for word, rather they strive to produce interpretations that are optimal and complete.

Ms Geng also pointed out that the interpreter is not there for the non-English-speaking party only, but for all the participants in the legal process, including law enforcement, legal practitioners and judicial officers. At every stage, accurate interpreting is essential to ensure justice is properly administered.

She described the various modes and processes of interpreting, and shared some workplace health and safety issues experienced by interpreters. For example, if they are interpreting for a defendant and are not provided with a simultaneous interpreting headset, they have to interpret from inside or beside the dock, and this can cause strain to their neck, voice and/or ears. Ms Geng urged that training on how to work with interpreters be made mandatory for all law students.

**NAATI-certified interpreter Sumeet Kaur** pointed out that some judicial officers misunderstand the interpreter’s role – for example, they may ask the interpreter to explain legal concepts to non-English-speaking

users of the court – and emphasised the crucial need for clarity around role boundaries.

Ms Geng and Ms Kaur closed the seminar with a roleplay demonstrating some common problems that arise during interpreting assignments, including:

- how confusion can arise when an interpreter fails to interpret in the first person
- the importance of interpreters informing the court when seeking clarification from a non-English-speaking party
- how interpreters must accurately relate both content and manner of speech, particularly when interpreting evidence in court, to allow any hesitations, intonation, fillers and other ‘non-words’ to be interpreted into the evidence.

The event provided a unique opportunity for members of the Queensland courts’ judiciary and registry to share best practices for working with interpreters with their colleagues in the legal profession.

**Carl Gene Fordham** specialises in court interpreting (Mandarin–English) and forensic translation (Chinese>English). He also serves as AUSIT’s Vice President for Events & Professional Development, and teaches T&I part time at the University of Queensland.



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# Translation and sight translation for family law cases



Chinese-English T/I **Victor Xu** has recently been engaged to provide language services for a number of family law matters, ranging from child custody cases to domestic violence orders. He reflects here on the processes involved in sight translating affidavits, and translating digital communications for use as evidence in such cases.

**A**ccording to the Recommended National Standards for Working with Interpreters in Courts and Tribunals, an affidavit prepared for a CALD (culturally and linguistically diverse) party to a legal case should be sight translated to them by an interpreter before they sign it.

Sight translation is a hybrid of translation and interpreting: I read written information and reproduce it orally in the target language. I sight translate the draft affidavit – usually in the offices of a law firm – to the firm’s client who speaks limited or no English, to make sure that it is an accurate rendition of the client’s side of the story before the lawyers submit it to the court.

In several recent cases, when I sight translated the document back to the CALD client, they said that it didn’t reflect the facts as they had expressed them, or was logically or factually incorrect. This is not strange, as they have usually prepared the draft affidavit with the assistance of family members or friends. When talking about what are often – for the client – unpleasant or upsetting incidents, their thoughts may have jumped from one scene to another, and they may have spoken of events in a muddled and/or emotional manner.

An affidavit, however, is written evidence presented in court and confirmed by oath or affirmation to be the truth, so it should contain details that are as specific as possible. It should only be concerned with things that the author has directly experienced, and must be written in the first person, that is, from the client’s point of view and in their voice. All events should be described briefly, so the judges, magistrates or lawyers reading the affidavit can gain a clear understanding of the events.

We understand ‘technical interpreting’ to involve technical concepts such as engineering specifications, details of clinical trials or scientific protocols. In the area of family law, there are technical concepts such as ‘interlocutory order’, ‘parental responsibility’ and ‘heads of agreement’. However, for the large part affidavits are descriptions of ordinary day-to-day events – what two or more people

did or said to each other in some past situation.

The technicality involved, in these instances, is not only the legal jargon, but also ensuring corrections are made when the client disputes the contents of an account that they originally gave in a language other than English, and which was translated into English by an unqualified family member or friend.

For example, in one case, the client and her partner had maintained a joint bank account, but when their relationship deteriorated, her partner somehow managed to unilaterally change the account to a personal account, then deny her access. The draft affidavit said that her partner had previously ‘permitted me to use the account’ to pay for things, but when I orally translated this back, the client pointed out that as it was a joint account, both parties had had access, and no ‘permission’ had been required. I corrected the statement as she directed.

*The technicality involved, in these instances, is not only the legal jargon ...*



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When practising sight translation, I exercise judgment regarding the best way to convey the original content and intent; at the same time, however, I adhere to the requirement of AUSIT's Code of Ethics that a translator should preserve the 'content and intent of the source message or text without omission or distortion'. I take care not to let my own judgment regarding the importance of certain words influence my translation, and not to leave out even seemingly irrelevant elements of the content. I am also careful not to express any opinions outside of the field of language.

In today's legal landscape, a wide range of digital documents – such as instant messages exchanged through platforms like WeChat, Line, WhatsApp and Messenger – are used as evidence. They provide records of conversations, agreements, threats, admissions and other relevant pieces of information, and when the communications are in a language other than English, translation is needed.

For one case there was a great quantity of such evidence to be translated, so I asked a colleague to work with me. We decided that the most accurate way to translate digital evidence is to maintain its original format and display the original and translated pages side by side (rather than making translator's notes), retaining every part of the message, including all visual content – such as expressive characters, emoticons, images and juxtaposition – as well as text.

*Victor Xu is a Mandarin-English interpreter. Based in Canberra, he has lived and worked in China, Japan and Singapore, and has since gained over two decades of experience in interpreting – mainly legal, political and finance – for government and private organisations.*

## AUSIT Engage

Have you checked out AUSIT's exciting new online space for members, dedicated to getting together with colleagues from around Australia?

**I** f you are passionate about a specific area of T&I ...

... or want to get together with other Australian T&I practitioners who share your language pair ...

... or are a student, and want to compare notes with your peers studying at other institutions ...

... or read an interesting article in *In Touch* and would like to start up a discussion about it ...

**... AUSIT Engage is for you!**

There's a general discussion area where you can start up a chat about trending topics in our industry, or something you saw in AUSIT's publications or social media, plus many groups starting up, including the Language Divisions and other specific-interest ones. And if there's no group that suits you, why not start one up?

**How? Become a Moderator, it's very simple:**

If you'd like to contribute to AUSIT but don't have much spare time, or can't commit to regular hours, this role is ideal: it's very flexible and and takes little time.

We simply ask that Moderators:

- check your designated forum on at least a weekly basis
- contribute to the discussion occasionally
- liaise with Admin if you have any concerns about online behaviour.

You can access **AUSIT Engage** via the **AUSIT website**, or directly **here**.

To request a new group, please contact **AUSIT Admin**, and to volunteer to be a Moderator, just fill in this online **EOI form**.



# Branch PD Coordinator

In this series on the wide variety of roles that AUSIT members take on to help keep the organisation ticking over, we've covered eleven roles to date, and there are plenty more to go. In this issue we talk to **Jess Shepherd**, a translator and currently the PD Coordinator for the VIC Branch.



VIC Branch Committee on Degraives St – Jess is third from the left

Hours/week:  
around 2

Voluntary?  
Yes

AUSIT member for:  
2 years

Time in this role:  
9 months

Other AUSIT roles: Victorian Branch Committee observer (2023), National Conference Organising Committee 2024 member (since Nov 2023), mentor (2024)

## Q1. What does the role of PD Coordinator involve?

I attend monthly branch committee meetings – mostly online, but we try to meet in person sometimes too (we recently met over dinner on Degraives St – see photo!), plus bimonthly National PD Committee meetings (with the coordinators from each branch, the VP for Events & PD and the National PD Coordinator). I also organise professional development (topics, presenters, e-Flashes and Zoom links, plus moderating sessions) and social events (including monthly after-work drinks, picnics and coffee catch-ups).

## Q2. Why did you take it on?

Within six months of moving back from Paris and starting a graduate role as a project manager for Oncall, Melbourne went into lockdown, and I worked from home full time for over two years. I was lucky that I got to interact with lovely colleagues on various translation projects, but nothing beats catching up in person, and after the lockdowns, I found myself feeling professionally isolated. I attended the VIC

Branch's monthly social drinks in early 2023, joked about volunteering, and ... our secretary, Henry Lam, is very good at following up on any such 'offer', so I soon found myself attending committee meetings as an observer. I fell in love with the people on the committee, got elected at the last AGM, and the rest is history! I also felt that a lot of the PD I'd attended in the past was geared more towards interpreting than translation, so I decided to volunteer my time to turn my ideas into PD events. I'm a big believer in being a part of the change you'd like to see, rather than waiting for others to do it for you.

## Q3. What skills or qualities are needed in this role?

I don't know if nine months in the role is sufficient to define what's needed, but I'd say that a desire to learn more about the industry, a passion to improve it, professional connections, fresh ideas, a curious spirit and a collaborative approach all help (I'm very lucky to have other committee members who are happy to help moderate events and scope out onsite venues with me) – oh, and organisational skills definitely don't hurt!

## Q4. Who do you collaborate with, and why?

I collaborate closely with other branch committee members, especially the Communications Officer and Membership Liaison Officer, to promote PD and social events on our branch's social accounts (LinkedIn, Instagram, Facebook), as well as the National PD Committee to ensure we don't overlap dates and PD topics for members throughout the year. I also interact with other AUSIT members presenting or attending events, as well as industry partners like NAATI, who have kindly offered to host one of our upcoming on-site events in Melbourne.

## Q5. What advice would you give to someone who is thinking about taking on this role?

Do it, you won't regret it! If you've got ideas for future PD events, then this is the perfect role for you. Even better if you love socialising with colleagues and discussing the latest trends, technology and ethical dilemmas in the T&I industry, or even – as we often do – just how *The Simpsons* is dubbed in different languages! I have a lot of time and respect for the members who choose to volunteer. AUSIT is lucky to have so many of us ... but we always need more!

## MEMBER PROFILES



**NAME:**

Translator or interpreter (or both):

Language(s) and direction(s):

Location:

Practising as a T/I since:

Member of AUSIT since:

Main area(s) of practice:

ZHENGYU (YOYO) FRY

translator

Chinese<->English

Cairns, QLD

2010

2010

legal, medical, marketing

ALAN COCKERILL

translator

Russian>English

QLD

1991

2015

literary translation

## Q&A

### Q1

How did you come to be a translator and/or interpreter?

### Q2

Tell us about a project you have worked on that was especially interesting or challenging (within the bounds of confidentiality of course).



### A1

Growing up in regional China, in an area where more than a dozen ethnic groups lived together, I have always been fascinated by differences between cultures and languages, and how they affect communication. After completing my bachelor's degree in China, my passion for cross-cultural communication led me into working in the media and marketing industries. I then moved to Australia to focus on studying T&I at the University of Queensland. The course provided a solid theoretical foundation and valuable work experience to prepare me for becoming a translator. During my studies I joined AUSIT, and met likeminded colleagues and inspiring mentors. After completing my degree in translation, I worked as an administration officer with various government agencies in Queensland. Now I'm working solely as a translator.

### A2

Promoting regional Australia to inbound tourists has always been important for Australia's tourism industry, and localisation of marketing materials is my passion. I was therefore very excited to be selected by a marketing company as the main translator writing a Chinese version of a tourism website. The most rewarding aspect of this project was that my client understood that translating text is not just word for word, so I was given enough freedom to be able to create the most effective and beautiful Chinese text based on the original English content. It was a satisfying process, changing sentence structures and employing Chinese expressions and idioms to meet the reading expectations of the target audience.

### A1

I studied Russian language at school, and I completed a BA (Hons) in Russian language and literature at Melbourne University in 1974 and a master's in translatorship at the University of Queensland in 1986. My PhD, completed in 1994, was on the works of the eminent Ukrainian educator Vasyl Sukhomlynsky (1918–1970), who wrote in both Russian and Ukrainian. I spent 10 months studying in Moscow in 1987 and 1988, and during the Reagan–Gorbachev summit there I worked as an interpreter for the American journalist Charles Kuralt. I gained NAATI accreditation to translate from Russian to English in 1991.

### A2

In 2009 I travelled to Ukraine to conduct further research into the legacy of Sukhomlynsky (see above), who wrote inspiring accounts of his work as a schoolteacher and principal in the rural settlement of Pavlysh in central Ukraine, as well as hundreds of little stories for children. Since 2013 I've been translating these stories, and have published hundreds of them in a monthly newsletter for interested subscribers, and a short collection – illustrated by students from Ukraine and Belarus – under the title *A World of Beauty*, in English, Russian and Ukrainian, as well as in Japanese (translated by my wife) and in Chinese. I've also translated two of his major works: *My Heart I Give to Children* and *Our School in Pavlysh*, and I plan to publish a collection of about 800 of his stories and vignettes in a single volume later this year.

Listen to **Richard Fidler and Alan** discussing his work on Sukhomlynsky in 2016, on the ABC Radio National program *Conversations*, in 2016