

SUBMISSION TO THE PARLIAMENT OF AUSTRALIA - JOINT COMMITTEE

INQUIRY INTO MULTICULTURALISM IN AUSTRALIA

THE TRANSLATION AND INTERPRETING INDUSTRY AND NATIONAL SECURITY

19 MAY 2011

The following document is relevant to the inquiry's terms of reference concerning the role of multiculturalism in the Federal Government's social inclusion agenda and incentives to promote long term settlement patterns that achieve greater social and economic benefits for Australian society as a whole. It focuses on issues of communication between Victoria Police and the Vietnamese community in Melbourne particularly in relation to interviewing techniques. It is proposed that communication difficulties are not peculiar to the Vietnamese community or the Victoria Police, but are experienced between members from other CALD communities and Australian government organisations. This paper argues that better communication strategies between Australian authorities and CALD communities is required, and further supports the need for a National Security Language Initiative which has been covered in a separate submission.

Table of Contents

Abstract	1
Introduction	1
Policing the Vietnamese Community - A Matter of Trust	1 - 2
Victoria Police - Requirement to Interview	2
Victoria Police - Interview Training/Methods	2 - 3
Role of the Interpreter - Police interviews	3
Interpreter Training and Accreditation	3 - 4
Practical Barriers to Effective Interviewing	4 - 5
Cultural Barriers to Effective Interviewing	5 - 6
Conclusion	7
Future Directions	7
References	8 - 9

VICTORIA POLICE INTERVIEWING TECHNIQUES AND THE AUSTRALIAN VIETNAMESE-COMMUNITY

Abstract

This paper discusses issues relevant to information retrieval strategies used by Victoria Police during investigative interviews with non-English speaking members of the Australian-Vietnamese community. While Victoria Police have introduced modern interviewing techniques to improve the effectiveness of community policing, the application of these strategies at investigative interviews involving an interpreter are unlikely to prove effective. Practical and cultural barriers, along with distrust held by the Australian-Vietnamese community for Victoria Police, reduce the potential effectiveness of modern interviewing strategies. The development of policy and guidelines concerning the application of interview techniques mediated through an interpreter, along with appropriate police and interpreter training is required. Further practical strategies need to be introduced to improve the level of trust between the Australian-Vietnamese community and the Victoria Police.

Introduction

Victoria Police seek to continuously improve its interview practices and procedures by adopting modern cognitive interviewing techniques (Sylvester, 2007), however, these initiatives are unlikely to improve the effectiveness of information retrieval when interpreters are engaged to mediate interviews with non-English speaking members of the Australian Vietnamese community.

The establishment of trust plays a pivotal role in facilitating a free flow of information from interviewees and will determine the overall success of the interview (St Yves & Tanguay, 2008). This paper will show that, regardless of advances in interviewing techniques, operational objectives associated with information retrieval will still be thwarted by practical and cultural barriers, leaving the interviewer no choice but to resort to intuitive methods of interviewing.

Policing the Vietnamese Community - A Matter of Trust.

Australian and international studies reveal that eliciting cooperation from ethnic communities is difficult due to low levels of trust and confidence in the police (Murphy & Churney, 2010). In an effort to identify contributing factors to low levels of trust between the Vietnamese community in Melbourne and Victoria Police, a four year study is currently being conducted involving key community leaders, researchers and members of Victoria police (Meredyth, McKernan, & Evans, 2010). Meredyth et al. revealed that experienced police officers were aware of low levels of trust between the Vietnamese community and police, citing officers reporting that "They (the Vietnamese) don't like to talk much" (p. 237). This was an observation widely shared by officers who were interviewed as part of the study. The language barrier was also identified as a significant obstacle to improving relations between the Vietnamese community and police.

Part of the aforementioned study included a tour to Vietnam by two Victorian Police officers and a researcher to investigate community safety and crime (McKernan & McWhirter, 2009). While some significant cultural differences were identified, McKernan and McWhirter concluded in a written report that Victoria Police need to build new models for communicating and building trust with Vietnamese Australians.

It is clear that a low level of trust currently exists between the Australian-Vietnamese community and Victoria Police.

Victoria Police - Requirement to Interview

Victoria Police exercises the requirement to interview people as part of its central focus of carrying out effective community policing to protect the community and keep it safe (Victoria Police, 2008). Interviewees requiring the assistance of an interpreter at interview are entitled to that privilege by law in accordance with the Commonwealth Crimes Act 1914, Section 23N, and Victorian Consolidated Legislation, 2008. (Australasian Legal Information Institute, 2011).

It is common knowledge that Victoria Police regularly engage Vietnamese interpreters to assist with their investigations concerning members of the Vietnamese community. Australian research reveals that Vietnamese born people are over-represented in imprisonment statistics when compared with people born in Australia (Carcach & Grant, 2000).

Recent crime statistics by ethnicity for the state of Victoria have proven elusive to obtain from Victoria Police due to their reluctance to make public such information (Herald Sun, 2010), as has data concerning the use of interpreters for police interview purposes. However, it is evident that the crime rate associated with the Vietnamese community in Melbourne is of concern, requiring Victoria Police to frequently interview members of the Vietnamese community.

Victoria Police - Interview Training/Methods

Interview training doctrine for Victoria Police officers is developed, and instruction is delivered, at the Centre of Investigator Training at the Victorian Police Academy, Glenwaverly.

Up until the recent introduction of the PEACE model into Victoria Police interviewing strategies, police officers used a confrontational style of interviewing aimed at breaking down a suspect's resistance, and getting them to confess (Sylvester, 2010).

As Sylvester (2010) reports, the PEACE technique forms a structured approach to cognitive interviewing processes taught at the academy, and differs from previously taught methods in that it does not require the interviewer to pressure interviewees to confess. The PEACE method comprises five main steps: Planning, Engage and Explain, Account, Closure, and Evaluation, and largely focuses on encouraging the interviewee to do most of the talking.

'Engaging' the interviewee, the second phase of the PEACE method, leads into the cognitive phase of the interview, and is an important step in breaking down the barriers in anticipation of allowing the interviewee to provide a free-flowing account of events in the 'Account' phase (Milne & Bull, 1999).

Victoria Police interview training does not involve practical sessions simulating the involvement of an interpreter, nor does it provide PEACE training or familiarisation of interview technique to interpreters (A. Hanson, personal communication, February 11, 2011).

Therefore, police objectives and techniques employed to elicit a free-flow of information from the interviewee using the PEACE model, are not likely to be familiar to an interpreter.

Role of the Interpreter - Police Interviews

It is important to determine the role of the interpreter in the context of a police interview, so that the implications of applying interview techniques, in whichever form, are fully taken into consideration (Wadensjo, 1995).

The defined role of an interpreter as a 'conduit', or simply a 'machine' that translates words, has been discussed in numerous research papers (Laster 1994; Nakane 2009).

Laster (1994) argues that the term 'Communication Facilitator' more accurately describes the interpreting function. Nakane (2009) takes the argument further, and provides a case study of English-Japanese Police interpreting that concludes that interpreters are "...more than 'sound boxes' or 'conduits' and cannot be simply regarded as invisible." (p. 15).

The National Accreditation Authority for Translators and Interpreters (NAATI, 2008), describes the working environment of interpreters to be "...in 'community' situations i.e., those where the purpose of providing an interpreter is to assist communication and interaction between members of the LOTE (Language Other Than English) community..." drawing reference to "...government instrumentalities, local councils, educational institutions, hospitals, charitable organisations, and the like" (p. 3).

The term 'conduit' does not appear in any role description afforded the interpreter on the NAATI website nor on the Australian Institute of Translators and Interpreters (AUSIT) website or the AUSIT Code of Ethics (NAATI, 2011; AUSIT, 2011).

Therefore, it can be established that the role of the interpreter during a Police interview in Australia, is to convey not only the meaning of what is said, but the way in which it is said.

Interpreter Training and Accreditation

In Australia, professional interpreter accreditation is issued by the National Accreditation Authority for Translators and Interpreters (NAATI, 2008). NAATI does not provide professional interpreter training in Vietnamese.

Interpreter training is provided by various learning institutions throughout Australia, however, the Royal Melbourne Institute of Technology (RMIT) is currently the only institution authorised to accredit successful students as professional Vietnamese interpreters on behalf of NAATI (As per information available at 15 December, 2010).

The PEACE method of interviewing used by Victoria Police is not taught as part of the curriculum at RMIT on the Advanced Diploma course for Translators and Interpreters (Vietnamese) (A. Tran, personal communication, 12 February, 2011).

NAATI (2008) testing guidelines for candidates seeking NAATI accreditation at the professional level, do not assess candidates on their ability to apply modern police interviewing techniques, such as the PEACE method, during the testing process.

Therefore, one cannot expect that professional interpreters will have the skills and knowledge to apply these techniques during the interview process.

Practical Barriers to Effective Interviewing

St-Yves and Tanguay (2008) identified five rules essential to realising the success of an interview. The third rule encourages active listening, where the listener encourages the interviewee to express themselves without interruption. This is an integral part of the cognitive interviewing process.

Active witness participation, as described by St-Yves and Tanguay (2008), requires the interviewer to ask open ended questions, and not to interrupt the witness during their narrative response. It is also necessary to create a situation where the interviewee is the dominant person in the conversation.

Mediation through an interpreter is likely to present problems at this important phase of the interview process, as professional interpreters accredited by NAATI, are only tested on their ability to interpret no more than 60 words in one segment, with a maximum of 200 words in each direction of a given dialogue in accordance with NAATI testing procedures (NAATI, 2008). Consecutive interpreting is also part of the testing process, requiring candidates to interpret a passage of 300 words divided into two segments of 150 words each, however, this situation does not represent the frequent exchange of ideas between two people.

Therefore, there should be a realistic expectation that professional interpreters may need to interrupt the flow of conversation once the equivalent of 60 English words have been spoken in either direction, to enable the accurate transfer of information. This will depend on the interpreter's memory capacity and ability to render the acquired information accurately into the target language (Dimitrova, 1996).

Furthermore, interpreters are trained to control the flow of communication between the two parties involved, and will stop the flow of information to enable an accurate rendering of the intended message in one direction or the other (Lee & Buzo, 2009; Dimitrova, 1997).

As stated by Yves and Tanguay (2008), this practical requirement to stem the flow of information provided by the interviewee, may diminish the interviewer's opportunity to attend to the interviewee's behaviour uninterrupted, and presents a variety of implications as follows:

- Interpreter initiated interruptions may occur at a point where the interviewee is keen to 'vent' their mind as they recount their version of events. Should timing of the interruption cause discomfort or frustration to the interviewee, a break in the flow of information could jeopardise the potential for future recovery of relevant or critical information.
- Interpreter initiated interruptions while the interviewee is trying to express an important point, may deflate the interviewee's confidence that their story is being listened to.
- Once the flow of information is interrupted, it allows time for the interviewee to read any reaction or body language of the interviewer in response to what the interviewee has revealed thus far, and therefore, provides an opportunity for the interviewee to consider future utterances, or to formulate further deceptive measures if they are inclined to do so.
- Interrupting the interviewee heightens the risk of the interviewer intervening with yet another question in response to information recovered to that point, disrupting the interviewee's line of thought, and therefore potentially precluding the opportunity to gather all possible information relating to the preceding question.
- Frequent breaks in the flow of information increase the probability that both interviewer and interviewee will talk simultaneously as they try to get their message through. The control of who speaks and when, will depend upon the interpreter's ability to control the flow of information between all parties as stated by Dimitrova (1997).

Therefore, there are significant practical barriers to effectively realising a free flow of information when police interviews are mediated through an interpreter.

Cultural Barriers To Effective Interviewing

An integral part of Vietnamese culture, is for Vietnamese people to 'save face and honour', and not bring disrepute to the family unit (Multicultural Disability Advocacy Association (MDAA), 2011). Vietnamese community members required for interview will be mindful of the repercussions should their confidentiality at interview be breached by either the police or the interpreter. McKernan and McWhirter (2009) found that, in relation to trust and the reporting of crime, families in Vietnam never reveal if a member has been charged.

When an interview is mediated through an interpreter, the dynamics of establishing trust apply three ways: Trust between the Police officer and the interpreter; trust between the Police officer and the suspect; and trust between the suspect and the interpreter (Hsieh et al, 2010; McKernan & McWhirter, 2009; Le et al, 2009).

As established by Meredyth et al. (2010), a low level of trust exists between Vietnamese community members and Victoria police.

Trust between the interviewee and the interpreter is worth exploring, as it will also impact on the interviewee's inclination to willingly impart with information.

The results of any research conducted in the area of trust between the Melbourne Vietnamese community and Vietnamese interpreters engaged in Victoria Police interviews proved elusive. Meredyth et al. (2010) reported police observations that members of the Australian-Vietnamese community liked to keep to themselves, and were unlikely to report crimes due their scepticism surrounding the confidentiality of police community programs such as 'Crime Stoppers'.

It is worthwhile noting, that at the 2006 Census, 58,000 Melbourne residents had been born in Vietnam, and the Vietnamese community is mainly concentrated in four main areas of Melbourne (Australian Bureau of Statistics, 2006), representing a very close-knit ethnic community in which Vietnamese community interpreters reside and work. Sztompka (2011) describes this type of social distrust by ethnic societies as "ghettoisation", where a community feels it can reduce a degree of complexity and uncertainty by isolating itself as a form of "functional substitute for trust" (p. 6). While interpreters form part of a concentrated Vietnamese community population, trust plays an important role on both sides of the equation.

It is therefore assessed as unlikely, that Australian-Vietnamese community members would trust a Vietnamese interpreter who is considered to be working for the police, as they are perceived to be paid by the police (A. Tran. Personal communication, February 13, 2011), noting that interpreters mediate interviews where questions are likely to be raised that may affect the interviewee, and/or implicate other Vietnamese community members.

Furthermore, in cognitive interviewing of Vietnamese persons, should the police officer be fortunate enough to have an interpreter who is proficient in both aspects of transferring the intended meaning and the style in which it is presented, it is still likely that only a short response is received from the interviewee due to the cultural tendency of Vietnamese not to trust the police, and the Vietnamese cultural reluctance to give a direct answer (Australian Federal Police (AFP), 1998).

In a paper produced on Asian Culture and Crime Trends (AFP, 1998), AFP researchers revealed that many Asians are less direct in their communication than other cultures, and out of courtesy, many Asians will "...either say 'yes' when they mean 'no', or will express a negative response in a very roundabout way". The report also states that in "...Vietnamese communities, a 'yes' response may only mean that the person with whom you are speaking has understood what you have said, rather than actually agreeing with it." (p. 2).

Modern interview methods will prove ineffective unless multi-lateral trust and a level of cultural understanding exists between the interviewer, the interpreter and the interviewee.

Conclusion

This paper has shown that Australian 'community interpreters' called upon to interpret at police interviews, are not likely to be familiar with, or trained in the mediation of modern interview techniques applied by Victoria Police.

It is also evident that there are practical and cultural barriers associated with eliciting a free flow of information from interviewees when mediated through an interpreter.

While the aforementioned issues may be addressed through further police and interpreter training and awareness strategies, the establishment of trust between police and the Vietnamese community is a fundamental requirement to realising objectives of cognitive interviewing and, in a broader context, effective community policing.

Future Directions

In the absence of appropriate police and interpreter training, the application and potential effectiveness of cognitive interviewing techniques will continue to be adversely affected when mediated through an interpreter due to practical and cultural issues.

Until more effective trust building strategies are introduced to improve the rapport between Victoria Police and the Australian-Vietnamese community, information retrieval through whichever means of interviewing will remain problematic for police.

References:

- Australian Bureau of Statistics (ABS). (2006). *Census of Populations and Housing Tablebuilder*. Canberra: ABS, cat. no. 2065.0.
- Australian Federal Police (AFP). (1998). *Asian culture and crime trends*. Retrieved from <http://www.afp.gov.au/media-centre/publications/platypus/previous-editions/1998/march-1998/asian.aspx>
- Australasian Legal Information Institute. (2011). *Commonwealth Consolidated Acts; Victorian Consolidated Legislation*. Retrieved from <http://www.austlii.edu.au/>
- AUSIT (2011). www.ausit.org
- Carcach, C., & Grant, A. (2000). *Australian Corrections: main Demographic Characteristics of Prison Populations*. Retrieved from <http://www.aic.gov.au/documents/4/9/9/%7B499D072B-66F5-4975-A2E1-463B8B5CEB60%7Dt150.pdf>
- Dimitrova, B. (1997). *Degree of Interpreter Responsibility in the Interaction Process in Community Interpreting*. Geneva Park, Ont: John Benjamins B.V..
- Herald Sun. (2010). *Tell truth on ethnic crime*. Retrieved from <http://www.heraldsun.com.au/opinion/tell-truth-on-ethnic-crime/story-e6frfhqf-1225842538542>
- Laster, K. & Taylor, V. (1994). *Interpreters & The Legal System*. Sydney. The Federation Press.
- Le, E., Menard, N., Nguyen, N.V. (2009). *Interpreters' Identities: An Exploratory Study of Vietnamese Interpreters in Vietnam*. Retrieved from <http://ejournals.library.ualberta.ca/index.php/TC/article/view/6248/5420>
- Lee, J., & Buzo, A. (2009). *Community Language Interpreting: A Workbook*. Sydney: The Federation Press.
- McKernan, H., & McWhirter, D. (2009). *Policing communities in Vietnam: Intercultural lessons for community policing with Vietnamese Australians*. Retrieved from <http://www.tasa.org.au/conferences/conferencepapers09/papers/McKernan,%20Helen.pdf>
- Meredyth, D., McKernan, H., & Evans, R. (2010). *Police and Vietnamese-Australian Communities in Multi-ethnic Melbourne*, 4 (3): 233-240. doi: 10.1093/police/paq021
- Milne, R. & Bull, R. (1999). *Investigative Interviewing: Principles and Practice*. Chichester: Wiley.

- Multicultural Disability Advocacy Association of NSW (MDAA). (2011). *Some Vietnamese Cultural Practices and their Implications for Service Providers*. Retrieved from <http://www.mdAA.org.au/publications/ethnicity/vietnamese/vietnamese.practices.doc>
- Murphy, K., & Cherney, A. (2010). *Working Paper No 02. Policing ethnic minority groups with procedural justice: an empirical study*. Retrieved from <http://www.deakin.edu.au/alfred-deakin-research-institute/assets/resources/publications/workingpapers/adri-working-paper-02.pdf>
- NAATI. (2008). NAATI Examiners' Manual. National Accreditation Authority for Translators and Interpreters Ltd.
- NAATI. (2011). www.naati.com.au
- Nakane, I. (2009). *Myth of an 'Invisible Mediator'*. Retrieved from <http://www.ePress.lib.uts.edu.au/ojs/index.php/portal/article/download/825/1099>
- St. Yves, M., & Tanguay, M. (2008). *The Psychology of Criminal Investigations: The Search for the Truth*. Toronto, Canada: Carswell.
- Sylvester, J. (2010). *Police learn the art of gentler persuasion*. Retrieved from <http://www.theage.com.au/victoria/police-learn-the-art-of-gentler-persuasion-20100906-14y02.html>
- Sztompka, P. (2011). *Trust: A Cultural Resource*. Retrieved from <http://www.colbud.hu/honesty-trust/sztompka/pub01.PDF>
- Victoria Police. (2008). *The Way Ahead 2008-2013*. Retrieved from http://www.police.vic.gov.au/content.asp?Document_ID=48
- Victorian Consolidated Legislation. (2008). *Evidence Act 2008 - SECT 30: Interpreters*. Retrieved from http://www.austlii.edu.au/au/legis/vic/consol_act/ea200880/s30.html
- Wadensjo, C. (1997). *Recycled Information As a Questioning Strategy: Pitfalls in Interpreter-Mediated Talk*. Geneva Park, Ont: John Benjamins B.V..

SUBMISSION TO THE PARLIAMENT OF AUSTRALIA - JOINT COMMITTEE

INQUIRY INTO MULTICULTURALISM IN AUSTRALIA

THE TRANSLATION AND INTERPRETING INDUSTRY AND NATIONAL SECURITY

19 MAY 2011

The following document is relevant to the inquiry's terms of reference concerning the role of multiculturalism in the Federal Government's social inclusion agenda and incentives to promote long term settlement patterns that achieve greater social and economic benefits for Australian society as a whole. It focuses on the importance of the translation and interpreting industry to Australia's national security interests and proposes a model that will improve the security of a multicultural Australia.

What makes the Translation and Interpreting industry important for national security in Australia, and how can it be integrated into a 'whole of nation' approach to securing Australia's interests?

Introduction

The Translation and Interpreting (T&I) industry contributes significantly to realising objectives stated in Australia's first National Security Statement of 2008, and the principles contained in Australia's Multicultural Policy of 2011, particularly in relation to maintaining social cohesion and pursuing Australia's economic interests. Australia's language policies have neither proven to be sustainable nor effective in the development of a national foreign language capability. This paper demonstrates that the T&I industry is important to national security, and proposes that it can be integrated into a 'whole of nation' approach to securing Australia's interests through effective policymaking as has been demonstrated in the United States (U.S.).

The T&I industry and national security

In the National Security Statement, national security is defined as 'freedom from attack or the threat of attack; the maintenance of our territorial integrity; the maintenance of our political sovereignty; the preservation of our hard won freedoms; and the maintenance of our fundamental capacity to advance economic prosperity for all Australians.'¹ The National Security Statement also provides clarity concerning those security interests that transcend the scope of state and territory jurisdictional responsibilities, which includes 'Preserving Australia's cohesive and resilient society and the long term strengths of our economy'.²

Translators and interpreters are employed and engaged in many areas associated with the aforementioned national security objectives. The Australian Intelligence Community and other key actors of the National Security Community recruit and engage translators and interpreters from the public to carry out duties associated with national security. However, the widely recognised need to develop essential foreign language skills in Australia to meet those objectives has not resulted in a consolidated government policy statement.

Australia's national security policy

Over the past decade, Australia has focussed on producing policies to provide a better framework to support its efforts to improve national security. The most important policy document scoping security challenges to Australia's interests is the first National Security Statement that was presented to the Australian Parliament in December 2008.

The National Security Statement promulgates a range of challenges Australia currently faces and is likely to face in the future, and has established a framework to support a collaborative effort through a 'whole of nation' and 'all hazards' approach to national security. Although the National Security Statement provides essential guidance for the development of key policy documents relating to areas such as defence, counter-terrorism and organised crime, changes in Australia's security environment over the past decade have not resulted in the making of policies related to the integration of the translation and interpreting industry into a 'whole of nation' approach to national security.

¹ Kevin Rudd. "National Security Statement." 2008.

² Kevin Rudd. "National Security Statement." 2008.

Our schools provide foreign language education where resources permit³, our vocational colleges and universities provide an uncoordinated approach to delivering language courses,⁴ and our workforce comprises primarily of freelance interpreters and translators who operate in an unregulated and misunderstood T&I industry.⁵

Australia's fragmented approach to foreign language learning and capability development requires an overarching national security language policy statement in order to ensure that Australia has the foreign language capability it needs to progress its national security objectives.

Australia's language policies

Previous attempts to produce sustainable national foreign language policies have proven to be largely ineffective.⁶ Australia's language policies have seen instability and change over the past 20 years, culminating in the erosion of Australia's initial efforts to build a credible foreign language capacity.^{7 8}

Australia's first formal language policy was adopted by the Hawke Cabinet in 1987 referred to as the National Policy on Languages (NPL). The NPL was realised with bipartisan endorsement and support from all states, territories and school systems, most of which produced congruent policies capturing the collaborative direction recommended by the Senate enquiry.⁹ This policy provided the foundations for a whole of government approach to addressing foreign language learning in Australia.

The NPL was replaced by successive governments with new policies aimed primarily at language learning in schools, however, these policies fell well short of providing direction and support for a pathway into the translation and interpreting industry, and eventually shifted the focus away from foreign languages towards improving English literacy standards.¹⁰

In 2007, the Group of Eight (Go8), representing what was claimed to be Australia's leading universities, published a document titled 'Languages in Crisis - A rescue plan for Australia.' The plan projected a way forward calling for a national policy on languages, and warned that should this not eventuate, '...then Australia will jeopardise its political security, its cultural harmony and its economic and educational competitiveness.'¹¹ Similar concerns were raised in a document proposing a strategy for Asian language proficiency produced by Griffith university in 2009.¹²

³ Farrah Tomazin, "Vic Schools to Teach Bilingual Curriculum," The Age, May 15, 2011, accessed May 15, 2011,

<http://www.theage.com.au/victoria/vic-schools-to-teach-bilingual-curriculum-20110514-1enlu.html>.

⁴ University of Melbourne. "Languages and Cultures Network for Australian Universities." 2011, accessed May 12, 2011,

<http://www.languages.unimelb.edu.au/background.html>.

⁵ AUSIT: Australian Institute of Interpreters and Translators. "Inquiry into Independent Contractors and Labour Hire Arrangements." 2005. 22.

⁶ Group of Eight, "Languages in Crisis - A Rescue Plan for Australia". Canberra. 2007. 8.

⁷ Group of Eight. "Languages in Crisis" (paper presented to the National Languages Summit, National Press Club, Canberra, June 7, 2007).

⁸ Deborah Henderson. A Strategy Cut-Short: The NASLAS Strategy for Asian Languages in Australia.

Queensland University of Technology, 2007, accessed May 2, 2011,

<http://www://e-flt.nus.edu.sg/>.

⁹ Prof. Joseph Lo Bianco. "Melbourne Asia Policy Papers Number 7," May 2005. The University of Melbourne. ISSN 1448-1820. 3.

¹⁰ Department of Education, Employment and Workplace Relations. "The Historical Context of Commonwealth LOTE Programmes in Australia," accessed May 6, 2011,

http://www.dest.gov.au/sectors/school_education/publications_resources/lotte_program.

¹¹ Group of Eight, "Languages in Crisis - A Rescue Plan for Australia". 2007.

¹² Griffith University. "Building an Asia-Literate Australia." 2009, accessed May 8, 2011,

<http://www.griffith.edu.au/australian-strategy-asian-language-proficiency>

In 2011, Australia does not have a policy that provides guidance or support for foreign language learning from schooling through to professional application in the workforce, despite the publication of research papers in the past highlighting deficiencies in foreign language education and identifying the requirement for national policy guidance.

Preserving Australia's cohesive and resilient society

The T&I industry is important to national security in that it provides foreign language services that promote social cohesion and resilience in the Australian community.

In 2011, the Australian community comprises approximately 22 million people of which 44 percent were either born overseas or had one parent who had been born overseas. Australia's Multicultural Policy reveals that four million Australians speak a language other than English across 260 languages, and states that 'Australia is and will remain a multicultural society'.¹³ Cultural diversity is an important feature and seen as a strength of Australian society,¹⁴ and all Australians have the right to express their culture and beliefs within Australian law.¹⁵

As stated in Australia's Multicultural Policy (2011), 'Australia's multicultural composition is at the heart of our national identity and is intrinsic to our history and character'.¹⁶ Migrants have come to Australia with differing religions, practices, beliefs and languages, many with memories of war and distrust of authorities in their country of origin. Diverse language and support needs present a challenge for traditional police practices which presents significant challenges in relation to the establishment of trust between culturally and language diverse (CALD) communities and Australian authorities.¹⁷

The four key principles contained in Australia's Multicultural Policy express the importance of establishing trust across the Australian community which is essential to the maintenance of security. These principles are directly linked to objectives stated in the National Security Statement, particularly in relation to promoting social cohesion and advancing economic prosperity for all Australians.^{18 19} The importance of trust in relation to national security is supported by Forst when discussing long-term strategies associated with preventing terrorism. Forst points out that the relationship between tolerance and trust is reciprocal, in that 'mistrust and alienation breed intolerance, and intolerance breeds mistrust and alienation', and that intolerance arising from religious, cultural, ethnic or political differences can be attributed to most wars and acts of terrorism.²⁰

Both the National Security Statement and Australia's Multicultural Policy highlight the importance of maintaining a socially cohesive nation, yet Australia still experiences levels of distrust within its CALD communities for Australian authorities.²¹

¹³ Department of Immigration And Citizenship. "The People of Australia" - Australia's Multicultural Policy. 2011

¹⁴ Australian Bureau of Statistics. "Australia's Cultural and Linguistic Diversity." Year Book Australia, 2009-10. 2010, accessed May 11, 2011.

<http://www.abs.gov.au>.

¹⁵ Commonwealth of Australia. "Australian Life." Commonwealth Copyright Administration. Canberra. 2007.

¹⁶ http://www.immi.gov.au/media/publications/multicultural/pdf_doc/people-of-australia-multicultural-policy-booklet.pdf

¹⁷ Isabelle Barkowiak-Theron and Anna Corbo Crehan. *A New Movement in Community Policing? From Community Policing to Vulnerable People Policing*. 2010. 25.

¹⁸ Kevin Rudd. "National Security Statement." 2008.

¹⁹ Australia's Multicultural Policy. 2011.

²⁰ Brian Forst. *Terrorism, Crime, and Public Policy* (New York: Cambridge University Press, 2009), 404.

²¹ K. Murphy and A. Cherney. "Policing Ethnic Minority Groups with Procedural Justice: An Empirical Study," 2010, accessed May 8, 2011,

<http://www.deakin.edu.au/alfred-deakin-research-institute/assets/resources/publications/workingpapers/adri-working-paper-02.pdf>

Pickering proposes that the concept of community policing in Australia is an imperative to realising the success of a long-term terrorism management policy, however, it is also noted that language barriers have been identified as the most significant factor impacting on the quality of relations between police and CALD communities.²²

The translation and interpreting industry is important to preserving Australia's cohesive and resilient society by overcoming the language barrier between Australian authorities and CALD communities.

Freedom from attack or the threat of attack

The importance of maintaining and promoting social cohesion, largely achieved with the assistance of the translation and interpreting industry, is directly linked with realising freedom from attack or the threat of attack. This is clearly supported and articulated in the government policy document 'Protecting Australia Against Terrorism' (2006) where the following statement is made:

'The government recognises that measures to build social cohesion and community harmony, and to empower those who may feel disaffected or marginalised, are an important part of the broader strategy to combat terrorism in Australia.'²³

The Counter-Terrorism White Paper of 2010 further emphasises the importance to build on multiculturalism and respect for cultural diversity to enhance Australia's resilience to acts of terrorism.²⁴ The paper also states that exclusion or marginalisation of individuals or groups can affect cohesiveness and economic performance, and therefore community security and stability.

The terrorist attack on 11 September 2001, prompted increased federal involvement in law enforcement efforts to counter acts of terrorism resulting in a more interdependent policing environment.²⁵ Shusta et al also notes the importance of building relationships with multicultural communities in order to revealing '...key information, resources, and tools in dealing with the prevention of and criminal investigation of terrorism, including intelligence-gathering needs'.²⁶

Shusta et al discusses strategies used by law enforcement agencies when dealing with multicultural communities to assist with homeland security in the United States. A four pronged approach to the problem involves close contact with community leaders, the implementation of a well-developed communications plan which is particularly important when using translators and interpreters, a risk management approach to information gathering without breaching issues of trust, and the use of translators and interpreters to maintain relationships and to build trust during the information gathering process.²⁷ Cross-cultural communication between police and CALD communities in the United States is also seen as an imperative and somewhat problematic in relation to realising social cohesion and dealing with terrorism.²⁸

As both Pickering and Shuster et al note, community policing with the assistance of interpreters and translators to achieve social cohesion is essential to national security. It has therefore been established, that interpreters and translators play an important role in national security through the building of trust in the community as a preventative measure to acts of terrorism.

Counter-terrorism response and recovery

While translators and interpreters play a vital part in promoting and maintaining social cohesion in the interests of maintaining national security which aids in the prevention of terrorist acts, they also provide an essential service in response to, and recovery from acts of terrorism.

²² Pickering, McCulloch, Wright-Neville. Counter-Terrorism. 2008. 81.

²³ Protecting Australia Against Terrorism. 2006. 20.

²⁴ Commonwealth of Australia. "Counter-Terrorism White Paper." 2010.

²⁵ Sharon Pickering, Jude McCulloch, David Wright-Neville. Counter-Terrorism Policing. *Community, Cohesion and Security*. Springer. 2008.

²⁶ Robert M. Shusta. Deena R. Levine. Herbert Z Wong. Philip R. Harris. *Multicultural Law Enforcement - Strategies for Peacekeeping in a Diverse Society* (New Jersey: Pearson Prentice Hall, 2005) 303.

²⁷ Shusta et al. *Multicultural Law Enforcement*. 2005. 325.

²⁸ Shusta et al. *Multicultural Law Enforcement*. 2005. 283.

Shusta et al points out that police as 'first responders' to acts of terrorism need to be equipped with cross-cultural language skills in order to communicate the principles for effective action and response within CALD communities, especially in the event of terrorist attacks that involve weapons of mass destruction (WMD).²⁹

Initial considerations in the aftermath of a terrorist incident occurring in an area populated by CALD community members in relation to perimeter control will also be a challenge for police officers trying to secure the affected area if they are not equipped to communicate effectively with members of an affected CALD community. In addition to this, public safety and protection considerations may require police to evacuate all threatened and affected persons, again requiring the assistance of interpreters to effectively communicate with non-English speakers.³⁰

Shusta et al also recognise the critical importance of using ethnic and multicultural media as a means of keeping the public informed of events related to a terrorist incident in order to alleviate any unnecessary fears or concerns, and that the availability of translators and interpreters are the key to ensuring that appropriate responses are made. It is further noted that good media relations enable critical incident information to be passed on to the communities served by law enforcement agencies again requiring the services of translators and interpreters.³¹

The provision of qualified interpreters is likely to be required where a terrorist incident has involved non-English speaking members of a CALD community.³² It has been established that translators and interpreters play an important role in the preparation, prevention, response, recovery and resilience aspects associated with acts of terrorism, which makes the T&I industry important to national security.

U.S. initiatives on foreign Languages and national security

Since U.S. President George W. Bush introduced the National Security Language Initiative (NSLI) in 2006, the U.S. has rapidly rolled out policies and programs aimed at increasing foreign language learning and capabilities to support US national security objectives.³³

The U.S. Government launched the NSLI aimed at supporting existing foreign language programs and increasing the number of U.S. residents learning, speaking, and teaching critical-need foreign languages. This initiative was introduced in recognition that these skills are essential for engaging foreign governments and, among other reasons, are recognised as being fundamental to the economic competitiveness and security interests of the nation.³⁴

The NSLI is an inter-agency effort coordinated by the White House and launched by the secretaries of state, education, defence, and the director of national intelligence. The initiative provides clear policy direction and a strategy to achieve its goals of increasing the number of speakers of foreign languages by providing foreign language education commencing at kindergarten through to postsecondary education and into the workforce.³⁵

The departments of state, education, defence and the Office of the Director of National Intelligence Programs are each responsible for program areas under their portfolios that support the NSLI, and form a 'whole of nation' approach to national security through the development and provision of foreign language resources.

²⁹ Shusta et al. *Multicultural Law Enforcement*. 2005. 289.

³⁰ Shusta et al. *Multicultural Law Enforcement*. 2005. 292.

³¹ Shusta et al. *Multicultural Law Enforcement*. 2005. 283.

³² Shusta et al. *Multicultural Law Enforcement*. 2005. 301.

³³ U.S. Department of Education. "Enhancing Foreign Language Proficiency in the United States: Preliminary Results of the National Security Language Initiative." August, 2008.

³⁴ U.S. Department of Education. Foreign Language Proficiency. 2008.

³⁵ U.S. Department of Education. Foreign Language Proficiency. 2008.

A National Security Education Program (NSEP) augments the NSLI and enhances the national security of the U.S. by increasing the capacity to deal with foreign cultures and languages.³⁶

Commensurate with the NSLI, the U.S. National Foreign Language Centre (NFLC) was established with the mission to improve the capacity of the U.S. to communicate in Languages Other Than English (LOTE), and in 2008 it produced a white paper in relation to building the foreign language capacity the U.S. needs.³⁷ The White Paper entitled 'Building the Foreign Language Capacity We Need: Toward a Comprehensive Strategy for a National Language Framework' clearly articulates a long term strategy to meeting the need for central coordination and accountability of the required foreign language capacity. The paper states that 21st century economic globalisation and international terrorism have brought about an urgent need for Americans to communicate effectively in foreign languages. The paper also emphasises the importance of translators and interpreters to federal agencies charged with protecting national security, particularly in the aftermath of 9/11.³⁸

The U.S. intelligence community increased its foreign language capacity following the events of 9/11 which highlighted an acute shortage of linguists.³⁹ Former Secretary of State, Condoleezza Rice, stated that:

'...[the Critical Language Initiative] will press forward to bring people into the Foreign Service and into the Defense Department and into our intelligence agencies, who are competent in those languages.'⁴⁰

The need for interpreters and translators to support national security objectives was enshrined in the USA PATRIOT Act of 2001, Title II, Sec. 205.⁴¹

Australia's intelligence agencies currently source their foreign language specialists with professional accreditation from either within the public service, Department of Defence, or the community. Intelligence agencies such as DSD, ASIO, and ASIS have all advertised widely in an effort to recruit qualified 'linguists' from the community to perform roles associated with national security.⁴²

Australia has yet to acknowledge the importance of our foreign language resources and needs to identify Australia's foreign language capacity requirement in order to support national security objectives stated in the National Security Statement. The development of an Australian National Security Language Initiative (ANSLI) will enhance the suite of policy instruments Australia has produced to enhance its national security capabilities.

³⁶ National Security Education Program. "Mission and Objectives," accessed May 6, 2011, <http://www.nsep.gov/about/mission>.

³⁷ NFLC website, accessed May 9, 2011, www.nflc.org.

³⁸ Frederick H. Jackson. Margaret E. Malone. "Building the Foreign Language Capacity We Need: Toward a Comprehensive Strategy for a National Language Framework," June 2009, accessed May 7, 2011, http://www.nflc.org/policy/national_language_capacity.

³⁹ Martha Cordero-Esquivel and Gelacio M. Cordero. "Forensic Transcription/Translation of Evidentiary Recordings." Manuscript outline, accessed May 8, 2011, <http://www.forensic-transcription-translation.com/home.html>.

⁴⁰ U.S. Department of Education. Foreign Language Proficiency. 2008. 14.

⁴¹ CRS Report for Congress. "Terrorism: Section by Section Analysis of the USA PATRIOT Act, 2001," accessed May 8, 2011, <http://www.epic.org/privacy/terrorism/usapatriot/RL31200.pdf>.

⁴² ASIO website, accessed May 4, 2011, <http://www.asio.gov.au>.

Australia's 'whole of nation' approach to national security

While the importance of foreign language services to national security has been demonstrated, the need for a 'whole of nation' approach integrating the translation and interpreting industry is barely achievable in the absence of clearly focussed and robust policy direction.

Australian language policies have left both foreign language education and the translation and interpreting industry to determine their own destinies, however, the U.S. has recognised the importance of establishing a cohesive approach to building its foreign language capability to further its national security interests and has taken decisive policy at a national level.

The U.S. NSLI concept provides a model that can be adapted in Australia without the need to significantly restructure existing arrangements. An ANSLI would consolidate and provide focus to foreign language education for our schooling system through to the workforce and therefore better support national security objectives into the future.

An ANSLI structured in much the same way as the US model, would not only provide coherence to building Australia's foreign language capability, but further enhance opportunities to pursue mutual cooperation within compatible structures and share scarce foreign language resources with our closest ally in areas of education, domestic and national security.

However, in the absence of a national policy statement providing guidance for the development of foreign language resources, the present status of the T&I industry in Australia is fragmented, unregulated and poorly resourced. While policies are currently directed at providing a basic level of foreign language tuition in a few languages in some areas of primary and secondary education^{43 44}, there is insufficient policy direction and strategy to support the progression and maintenance of foreign language skills through to the workforce. The U.S. has produced a clear and strong policy direction supported by appropriate resources to ensure that its national security objectives will be more effectively realised through the NSLI.

Australia's T&I resources can be integrated into a 'whole of nation' approach under a similar model to that of the NSLI through the delivery of an appropriate government policy document on building Australia's foreign language resources to meet national security objectives.

Summary

The T&I industry is important to national security because it significantly contributes to a broad range of objectives stated in the National Security Statement, particularly in relation to social cohesion, pursuing our economic interests and playing an important role in a 'whole of nation' approach to countering and responding to acts of terrorism.

In an increasingly multicultural society, Australia does not currently have a national language policy that provides direction for the development, provision and maintenance of foreign language resources to meet Australia's national security interests into the future. Lack of strategic policy direction supporting the T&I industry and its relevance to national security increases the risk of broadening and deepening Australia's vulnerabilities, retarding progress associated with important issues such as social cohesion, and will impede Australia's global economic competitiveness.

An Australian policy statement on foreign languages similar to that of the U.S. NSLI is achievable and is necessary to effectively integrate the T&I industry into a 'whole of nation' approach to securing Australia's national security interests.

⁴³ Commonwealth of Australia. Department of Education, Science and Training. "National Statement for Engaging Young Australians with Asia in Australian Schools," 2006, accessed May 2, 2011, www.leaderslead.edu.au.

⁴⁴ Australian Government. Department of Foreign Affairs and Trade. "Australia in Brief - A Diverse People," accessed May 6, 2011, www.dfat.gov.au/aib/society.html.

Conclusion

This paper has shown that the T&I industry is important to national security as it is the conduit by which national security objectives are communicated and realised.

Until a comprehensive and effective national security language policy is produced and appropriately resourced, Australia will continue to grapple with a broad range of national security challenges both internally and externally due to insufficient foreign language human resources available at the professional level.

The T&I industry can be integrated into a 'whole of nation' approach to national security through the introduction of a comprehensive and sustainable national language policy as demonstrated by the US NSLI model, designed to complement existing policies aimed at realising national security objectives.

Bibliography

ASIO website. Accessed May 4, 2011,
<http://www.asio.gov.au>.

Australian Bureau of Statistics. "Australia's Cultural and Linguistic Diversity." Year Book Australia, 2009-10.
Accessed May 11, 2011.
<http://www.abs.gov.au>.

Australian Government. Department of Foreign Affairs and Trade. "Australia in Brief - A Diverse People."
Accessed May 6, 2011,
www.dfat.gov.au/aib/society.html.

Australian Institute of Interpreters and Translators, "Inquiry into Independent Contractors and Labour Hire Arrangements." 2005.

Australia's Multicultural Policy. "The People of Australia". 2011.

Barkowiak-Theron, Isabelle and Corbo-Crehan, Anna. *A New Movement in Community Policing? From Community Policing to Vulnerable People Policing*. 2010.

Commonwealth of Australia. "Australian Life." Commonwealth Copyright Administration. Canberra. 2007.
Accessed May 8, 2011.
http://www.immi.gov.au/media/publications/multicultural/pdf_doc/people-of-australia-multicultural-policy-booklet.pdf.

Commonwealth of Australia. "Counter-Terrorism White Paper." 2010.

Commonwealth of Australia. Department of Education, Science and Training. "National Statement for Engaging Young Australians with Asia in Australian Schools," 2006. Accessed May 2, 2011,
www.leaderslead.edu.au.

Cordero-Esquivel, Martha and Cordero, Gelacio M. "Forensic Transcription/Translation of Evidentiary Recordings." Manuscript outline. Accessed May 8, 2011,
<http://www.forensic-transcription-tranltaion.com/home.html>.

CRS Report for Congress. "Terrorism: Section by Section Analysis of the USA PATRIOT Act, 2001."
Accessed May 8, 2011,
<http://www.epic.org/privacy/terrorism/usapatriot/RL31200.pdf>.

Department of Education, Employment and Workplace Relations. "The Historical Context of Commonwealth LOTE Programmes in Australia." Accessed May 6, 2011,
http://www.dest.gov.au/sectors/school_education/publications_resources/lotte_program.

Department of Immigration And Citizenship. "The People of Australia" - Australia's Multicultural Policy. 2011

Forst, Brian. *Terrorism, Crime, and Public Policy*. New York: Cambridge University Press, 2009.

Griffith University, "Building an Asia-Literate Australia." 2009. Accessed May 8, 2011
<http://www.griffith.edu.au/australian-strategy-asian-language-proficiency>.

Group of Eight, "Languages in Crisis - A Rescue Plan for Australia". Canberra. 2007.

Group of Eight. "Languages in Crisis," paper presented to the National Languages Summit, National Press Club, Canberra, June 7, 2007.

- Henderson, Deborah. A Strategy Cut-Short: The NASLAS Strategy for Asian Languages in Australia. Queensland University of Technology, 2007. Accessed May 2, 2011, <http://www://e-flt.nus.edu.sg/>.
- Jackson, Frederick H., Malone, Margaret E. "Building the Foreign Language Capacity We Need: Toward a Comprehensive Strategy for a National Language Framework," June 2009. Accessed May 7, 2011, http://www.nflc.org/policy/national_language_capacity.
- Kevin Rudd. "National Security Statement." 2008.
- Lo Bianco, Joseph, "Melbourne Asia Policy Papers Number 7," May 2005. The University of Melbourne. ISSN 1448-1820.
- Murphy, K. and Cherney, A. "Policing Ethnic Minority Groups with Procedural Justice: An Empirical Study," 2010. Accessed May 8, 2011, <http://www.deakin.edu.au/alfred-deakin-research-institute/assets/resources/publications/workingpapers/adri-working-paper-02.pdf>.
- National Foreign Language Centre website. Accessed May 9, 2011, www.nflc.org.
- National Security Education Program website. "Mission and Objectives." Accessed May 6, 2011, <http://www.nsep.gov/about/mission>.
- Pickering, Sharon, McCulloch, Wright-Neville, David. Counter-Terrorism Policing. *Community, Cohesion and Security*. Springer. 2008.
- Protecting Australia Against Terrorism. 2006.
- Shusta, Robert M., Levine, Deena R., Wong, Herbert Z., Harris, Philip R. *Multicultural Law Enforcement - Strategies for Peacekeeping in a Diverse Society* New Jersey: Pearson Prentice Hall, 2005.
- Tomazin, Farrah. "Vic Schools to Teach Bilingual Curriculum." The Age, May 15, 2011. Accessed May 15, 2011, <http://www.theage.com.au/victoria/vic-schools-to-teach-bilingual-curriculum-20110514-1enlu.html>.
- University of Melbourne. "Languages and Cultures Network for Australian Universities." 2011. Accessed May 12, 2011, <http://www.languages.unimelb.edu.au/background.html>.
- U.S. Department of Education. "Enhancing Foreign Language Proficiency in the United States: Preliminary Results of the National Security Language Initiative." August, 2008.