

Ensuring interpreting quality in legal and courtroom settings: Australian Language Service Providers' perspectives on their role

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ABSTRACT

In today's multicultural landscape, opportunities for interpreters to acquire professional competence through formal training in order to work in legal settings, including court, remain limited, especially in the so-called 'rare languages' of recent migrant communities. Ensuring high quality interpreting services is largely the responsibility of interpreting agencies — Language Service Providers (LSPs). This article explores the ways in which eight major Australian LSPs address the challenges of providing interpreting of a quality required in legal settings, including courts. In-depth interviews with LSPs' management reveal an uneven pattern of initiatives undertaken to address interpreter training and legal/court expertise. To mitigate risk, some LSPs, especially those employing interpreters in the Aboriginal and the so-called new & emerging languages of recent migrants, refugees and asylum seekers (Stern 2018), have undertaken capacity building and assumed a trainer's role not historically expected of them; most report imparting information that can benefit interpreters, and encouraging them to pursue professional development. While the scope of these initiatives remains limited and the pattern uneven, most LSPs have identified the necessary steps for interpreter upskilling, even if they remain aspirational.

KEYWORDS

Interpreting agencies, language service providers (LSP), legal interpreting, court interpreting, training, accreditation, certification, professional development (PD), interpreting quality, new and emerging (N&E) languages, Aboriginal languages.

1. Introduction

There has been a long-standing tension, in Australia and internationally, between the growing demand for professional interpreting in legal settings, including courts and tribunals, and a shortage of qualified interpreters. For the purpose of this article, "legal interpreting" will refer to interpreting in a wide range of domestic legal settings, including police interviews, lawyer-client meetings, tribunals, court hearings, and trials, with the focus on judicial (court and tribunal) settings (Hale 2006; Stern 2011). The term "legal interpreting" will thus include "interpreting in courts and tribunals."

The international multilingual and multicultural picture has become more complex since the early 1990s, with migrants, asylum seekers and refugees coming from countries that had not previously had historical connections with their host countries. This notion of "superdiversity", whereby numerous smaller communities have become part of a multicultural society (Vertovec 2010) applies to Australia, with over 160 languages being spoken, including

the so-called “new and emerging” (N&E) community languages (Stern 2018: 401), a term introduced in 2007 by the then Australian Department of Immigration and Settlement to indicate communities originating from Afghanistan, Sudan, Somalia, Ethiopia, West Africa, and other community languages new to Australia.

Providing interpreters for such a large number of languages has proven to be an enormous challenge, creating a risk to the outcomes of interpreted matters. In legal settings inadequate interpreting quality can have a damaging impact on case outcomes and access to justice (Berk-Seligson 2002; Hale 2004; Hale *et al.* 2017). Incompetent interpreting was the basis for appeal in 287 Australian cases during the period 1991–2008 (Hayes and Hale 2010: 122), as well as for an appeal to the United Nations High Commissioner for Human Rights (*Katsuno and Ors v Australia* 2006). In 2017, a manslaughter conviction was overturned in Western Australia owing to incompetent interpreting (ABC 2017).

In its 2012–2018 overhaul of its certification system, the National Accreditation Authority for Translators and Interpreters (NAATI) introduced requirements for mandatory pre-certification training and continuous professional development (PD). However, formal training opportunities for both novice and practising interpreters remain limited, and non-existent in the large majority of languages, including the N&E and Aboriginal languages, in which interpreting is required in Australia. Specialised courses in legal interpreting are only offered in three universities, in a limited number of international and community languages (Stern and Liu *forthcoming*).

This shortage of formal interpreter training for legal settings in times of growing demand appears paradoxical, especially because court interpreter training had a successful precedent as far back as the 1945–46 Nuremberg Trials by the International Military Tribunal (Gaiba 1998). And while post-WWII international organisations, conference and business circles enjoyed the provision of interpreters trained in these fields, training interpreters in domestic courts did not become an expectation until recently. Even today many international interpreting schools and university faculties focus on conference and business interpreting. Formal interpreter training for community settings (public service interpreting), usually including a legal component, remains limited. While court interpreting is considered to have achieved professionalisation in the 1970s (Roberts 2002 in Ozolins 2010: 199) and is seen as somewhat privileged in some countries (as opposed to interpreting in extra-judicial legal settings), Ozolins argues that in many countries, in Europe and elsewhere, where employing ‘sworn interpreters’ is required, neither certification nor training is essential (Ozolins 2010: 199). Moreover, some researchers point to the de-professionalisation of legal interpreting and translation in the EU by LSPs who disregard the need for legal

interpreting and translation training when recruiting (Katschinka 2016: 16-17). In Australia, this field is only partially regulated and shows considerable inconsistency in working conditions, qualifications and NAATI credentials level of legal/court interpreters (Stern *et al.* 2015). While many educational institutions in the EU and the USA offer courses in legal translation, when it comes to interpreting, training only sometimes includes interpreting in legal settings and courts, and most limit such training to modules. While there are some specialised courses in legal interpreting, there are very few dedicated programmes at tertiary level, such as the Master's Degree in Legal Translation and Judicial Interpreting offered by the Universitat Autònoma de Barcelona (Stern and Liu *forthcoming*).

In the EU, several initiatives to improve the quality of legal interpreting have come from supranational institutions. In 2010, the European Parliament adopted Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, leading to the project TRAFUT (Training for the Future), with a wide range of EU members. International organisations, such as the European Legal Interpreters and Translators Association (EULITA), DG Interpretation (SCIC) and DG Criminal Justice addressed the need for the adequate interpreter qualifications and training in collaboration with partner universities across several EU Member countries. Grotius project (1998-2000, <http://eulita.eu/wp/grotius-i-project/>), Improving Police and Legal Interpreting (<http://eulita.eu/wp/impli-improving-police-and-legal-interpreting/>), Qualitas (2014, supported by DG Criminal Justice, <http://www.qualitas-project.eu/>), TrailLLD (Training in Languages of Lesser Diffusion, 2013-15 by DG Justice, http://www.ciuti.org/wp-content/uploads/2015/06/TraiLLD_KULeuvenAntwerp_Ljubljana_Bologna.pdf), and other projects have advocated for high linguistic standards for legal interpreters, adequate qualifications, accreditation and training in academic and professional settings.

In Australia, too, despite the lack of legislation, the Federal, state and territory governments have played an important role in setting standards and guidelines through NAATI, and monitoring outcomes (Ozolins 2010: 198). There is general agreement between employers (LSPs) and legal interpreting users, including courts and tribunals, that before entering the profession interpreters need to achieve professional competence through formal training, and there are expectations of high quality interpreting, especially in courts and tribunals (Stern and Liu *forthcoming*). To ensure the quality of interpreting in police and legal settings, the Australian Attorney General's Department, the Australian Federal Police and other bodies (e.g. the Department of Justice of New South Wales) have signed agreements, including Memorandums of Understanding, with some LSPs who undertake to provide interpreting services of a required quality and meet the Key Performance Indicators set by the

client. Furthermore, as part of NAATI's overhaul of its certification system, effective as of 2018, interpreters who wish to acquire specialised credentials as legal interpreters, "Certified Specialist Interpreter (Legal)," should complete specialised training in a tertiary institution.

However, formal training opportunities in Australia remain limited: existing courses do not cover all the languages in areas of need, even in established international and community languages, not to mention the N&E and Aboriginal languages; access to training can be difficult, especially in rural and regional Australia. Of seven Australian Universities that train interpreters, only one offers interpreter training in the N&E languages; and among ten vocational institutes (TAFE) only one is dedicated to Aboriginal languages interpreting (Stern and Liu *forthcoming*). Unless a programme is funded by the government, to run an interpreting course for novice interpreters, or for practising interpreters who wish to upskill or acquire a higher NAATI certification in migrant languages, this TAFE depends on a minimum student enrolment.

The question therefore arises as to whether there are other training opportunities, in particular in languages where there is no formal training. The authors of this article identified those stakeholders who bear responsibility for ensuring the quality of interpretation in legal settings, and those who have demonstrated a commitment to do so. We have established that, unlike in some courts outside Australia (e.g. international courts and tribunals (ICTs), and some domestic courts in the USA), Australian legal institutions, courts and tribunals do not provide pre-employment interpreter induction, training or testing¹. Instead, their criteria for engaging freelance legal interpreters through an LSP are based on interpreters' NAATI credentials. However, of over 170 languages that are in demand in Australia, interpreters in only some 60 languages can become credentialed through NAATI examinations. How can interpreters' competence and suitability for court interpreting be assessed in the remaining languages, many of them N&E and Aboriginal languages, and what can be done to ensure the quality of their work?

Our previous research and long-term engagement with the Australian interpreting industry helped us identify three groups of organisations that have addressed this challenge. One group includes professional interpreting agencies, LSPs, both government-funded and private, that are responsible for supplying interpreters in a large number of languages. These LSPs are bound by the requirements of their clients — courts and other legal institutions — to provide interpreting services of professional quality. In the absence of credentialing and training in all languages, these LSPs face the problem of employing unqualified and unaccredited (uncertified) interpreters to work in legal settings and court. A second group includes two professional associations, AUSIT (Australian Institute of Interpreters and Translators) and

ASLIA (Australian Sign Language Interpreters Association). They have been developing and offering PD seminars and short courses for experienced and novice interpreters. The third group involves tertiary institutions, universities (Monash University, RMIT) and TAFE (TAFESA), which provide non-degree courses for novice and practising interpreters to help them to acquire additional skills and/or obtain NAATI credentials, and contribute to their PD.

In this article we will focus on the first group, LSPs, because of its responsibility for ensuring the quality of interpreting services and its accountability. Among the questions we raise are these:

- How does the lack of formal training opportunities in many languages affect LSPs' approaches to the recruitment and quality assurance of interpreting services they provide?
- What in-house mechanisms do LSPs have available to ensure the quality of interpreting in legal settings and how do they implement these mechanisms?
- What are LSPs' views regarding the effectiveness of these mechanisms in fulfilling the requirements of the legal sector, including courts?

We argue that because there is a lack of adequate interpreter training for legal settings in many languages that are in high demand in Australia, LSPs have taken upon themselves some additional functions, which in a different environment would be the responsibility of educational institutions and professional associations. Our aim is to examine the way in which LSPs view these functions, and to thus expand our knowledge of the changing role of LSPs.

2. Literature review

As mentioned in the Introduction, the quality of interpreting in legal settings, including courts, is associated with pre-employment training as a pre-requisite for professional interpreting. However, in most countries training is often unregulated and offered outside academic settings (Kalina 2002; Kelly 2003). Despite the recommendations, for example, by the European Commission's DG Interpretation (2009: 12), that legal/court interpreters in the EU be trained at the minimum of a BA in interpreting, there has been an acceptance in some EU member states, until recently, that legal interpreters were untrained and had no legal competence (Bajčić and Dobvić Basanež 2016: 2). Against the backdrop of increasing demand for interpreting of quality, courts and tribunals, and LSPs have been playing a critical role in ensuring quality by training legal interpreters.

2.1. International short courses and workshops for court interpreters

There has been a history of ICTs training interpreters, in recognition of the need to achieve a high level of quality in court interpreting. This model originates from the Nuremberg trials of major Nazi war criminals (1945-46), conducted by the International Military Tribunal (IMT), where court interpreting in four languages was required. A thorough international selection process took place, to screen, test and train both bilinguals with no interpreting experience who demonstrated interpreting aptitude, and very few trained consecutive interpreters recruited from the limited number of interpreting schools (e.g. the Faculty of Translation and Interpreting at the University of Geneva) (Gaiba 1998: 40-47, 140). The successful recruits underwent intensive in-house training in simultaneous interpreting before being given access to court interpreting in booths. The quality of interpretation was monitored by a full-time monitor (Gaiba 1998: 77-78).

Modern-day ICTs followed the system of recruitment, training and quality control. At the International Criminal Tribunal for the Former Yugoslavia (ICTY), where the perpetrators of the 1990s Balkan conflict were put on trial, interpreters in Bosnian/Croatian/Serbian (BCS), Macedonian and Kosovar Albanian were required to have tertiary degrees, including in T&I. Some ICTY translators and consecutive interpreters were trained in booths by the Chief of Language Services to make a transition to SI; conference interpreters with BCS/French or English combination made the transition to court interpreting (Stern 2001; Elias-Bursać 2015). These interpreters acquired a sound understanding of the court environment and structure, applicable legislation and courtroom interaction. The International Criminal Court (ICC), where interpreters in the languages of the country of the conflict ('situation languages') are recruited internationally, also conducts pre-employment interviewing and screening by testing and up to a year of full-time training for successful candidates. The syllabus includes knowledge acquisition about international law and trial systems, SI skills, bilingual development (coining new terminology and phraseology, etc.), and discourse management skills. The training is delivered by in-house ICC Language Services Section (LSS) trainers who are themselves court interpreters, by lawyers, and also by some external trainers who speak both training languages. The training uses the collaborative learning approach in which trainees are expected to contribute to the learning process, for example by developing their own terminological resources and conducting peer-assessment of interpreting performance. The ICC's training programme has been effective in enabling communication between the speakers of the 'situation languages' and the court (Balogh *et al.* 2016). Final testing of trainees assesses their readiness for court interpreting and grants them court interpreting accreditation. Monitoring of interpreters'

performance emphasises early error-identification and reporting (Stern 2011: 336).

In contrast, while domestic courts worldwide have been increasingly relying on interpretation in “rare” languages, they have not shown the necessary awareness, commitment and ability to implement change to employ trained legal interpreters, or themselves provide the necessary training (Stern *et al.* 2015). Interpreter training for legal settings has been provided in different formats: formal education and training offered at Higher Education (HE), and training at Vocational Education and Training (VET) levels (Stern and Liu *forthcoming*). Informal training — such as pre-service induction and on-the-job training offered by private training institutions, prospective employers or professional organisations — introduces basic interpreting skills and work ethics (Lee 2015: 192-193). While such training is generally perceived positively by the participants, it has been repeatedly proven insufficient to secure quality courtroom interpreting: for example, a two-day non-language-specific orientation workshop for court interpreters conducted in the USA by the National Center for State Courts (Mikkelsen and Mintz 1997). Even longer purpose-built short courses, for example a pilot programme to train interpreters for the courts dealing with domestic violence (Abraham and Oda 2000), have shown limitations, despite definite merits and positive feedback from participants. Once again it was found that short training is not sufficient to equip trainees with adequate contextual knowledge and the terminology needed in interpreting. This is particularly true of training for court interpreting: following a ten-day training course for novice legal interpreters working at the South African Truth and Reconciliation Commission (Lotriet 2002), encouraging feedback was received from the service users of the trainee interpreters. However, this training was unable to improve the trainees’ English language proficiency and their ability to handle the emotional pressure in court. During hearings, interpreters were found to struggle with high-register legalese, especially in fast-paced cross-examination. While these short courses are valuable in many ways, most of them were found to be inadequate in preparing trainee interpreters for the profession.

Similarly, the University of Bologna in collaboration with the University of Palermo offered four orientation courses for practising interpreters who work in legal domains without the relevant training or qualification (Rudvin 2014). The weekend training courses covered theoretical and professional aspects of legal interpreting, including key concepts of discourse analysis, interpreting theories and techniques, and codes of ethics. Like many other short courses, this training received very positive feedback from its participants, who expressed their desire for more professional training; however, it was not sufficient to produce fully qualified and competent legal interpreters. The second edition of the course (2015–2016) focused on “Languages of Lesser

Diffusion” (Rudvin 2016: 184). The entry requirement was a high-school diploma and sufficient Italian demonstrated by C1 certificate or at the interview. The training in law and interpreting covered knowledge ranging from legal terminology to the code of ethics. Trainees were assessed by means of a written test and a role play in which their theoretical knowledge and practical skills were tested. However, the 10-month training, the author suggested, was again not sufficient to train qualified legal interpreters and translators.

The University of Bologna also offered a 54-hour course for legal interpreters working in Italy, mostly non-Italians with neither academic background nor T&I training (Preziosi and Garwood 2017), offered on nine consecutive Saturdays. The course was multilingual with the requirement that at least two trainees share the same language combination. The four modules in the course covered the enhancement of linguistic competence in the legal domain, interpreting techniques, legal knowledge, and a professional code of conduct. The course adopted the learner-centred approach, with activities including back translation, memorisation and note-taking, multi-tasking activity, and role-play. This course, as the authors put it, although not adequate to fully train professional legal interpreters, achieved “discernible improvement” in trainees’ interpreting performance in an “imperfect world” (Preziosi and Garwood 2017: 217).

Legal institutions also offer training opportunities. In the USA, court interpreter training is often offered by the judiciary, more specifically by individual State offices, in the form of workshops (Kelly 2003). Training is also offered by professional associations for legal interpreters and translators to build skills, through continuing professional development (PD) (Bajčić and Dobvić Basanež 2016: 15). In some EU countries, attending PD is part of the requirements for recertification and the renewal of membership as a legal interpreter and translator in an association (Katschinka 2016:15). PD is not only important to keep professionals updated about the new areas of interpreting in the legal field, and new technology, but also to make up for the lack of training (DG Interpretation 2009: 14). For example, in Slovenia the Court Interpreter Section of the Association of Translators and Interpreters organises regular PD seminars that are designed to fulfil court interpreters’ training needs (Kutin and Ivelja 2016). Despite the active role that professional associations play in providing training for legal interpreters, there have been few reports or discussion on these short courses in academia.

2.2. Australian short courses for legal and court interpreters

In Australia, alongside limited formal training of legal interpreters, other forms of pre-employment training for aspiring interpreters, or continuing training for practising court interpreters, have been equally scarce. Pre-employment

interpreter training and/or testing, practised in ICTs and by courts in the USA (Feuerle 2013), is not available in Australia.

Short courses of a general nature are mainly designed for practising interpreters who aim to improve their interpreting skills and/or gain accreditation/certification. One short course to train N&E language interpreters in Sydney consisted of a one day training on domestic/family violence issues, and 40 hours of interpreting skills training (Hale and Ozolins 2014). The course received positive feedback from the trainees, and the pre- and post-intervention tests revealed progress in trainees' contextual knowledge and ethical awareness; however, it has proven ineffective in preparing the trainees for the NAATI Paraprofessional accreditation test, with only four out of 14 candidates passing the test (Hale and Ozolins 2014: 15). As the authors concluded, among the main reasons was the lack of admission testing to test the candidates' English proficiency and no language-specific feedback was provided throughout the course. While that study suggests that non-language-specific courses may be useful for students' acquisition of theoretical (contextual and ethical) knowledge, they are insufficient in training students to succeed in passing industry interpreting examinations.

2.3. Responsibility taken by non-educational institutions

Literature on the role of non-educational institutions in quality assurance and professionalisation in the interpreting and translation industry, including legal interpreting, is very limited. In one of the few articles about translation agencies, Biel (2008) advises novice translators how to work for translation agencies. She indicates that one difficulty faced by novice translators is that the entry requirement for the profession is "at least 2 to 5 years' experience (in addition to a language degree and specialist knowledge)." The requirement does not apply for the recruitment of legal interpreters, which quite often requires only that a person have no criminal record and a proficiency in two languages.

Ozolins (2007) outlines the significant de facto role played by interpreting agencies (LSPs), who have a growing capacity to provide jobs to an increasing number of free-lance community interpreters. Private agencies also play an active role in offering training and setting accreditation standards, as exemplified by an American private language service, Language Line (Ozolins 2010). However, LSPs are often inadequate in providing professional support (such as compulsory training programmes) or supervision.

In contrast, as mentioned earlier, Katschinka (2016: 16-17) suggests that in the EU, some agencies play a deprofessionalisation role by employing untrained legal interpreters and translators. The consequences can be found

in a handful of news reports on legal interpreting agencies, mostly criticising their inadequate role, leading to chaos in the courtroom.

3. The study²

Considering the limited training opportunities in legal/court interpreting, especially in the N&E and Aboriginal languages, we examined the role that LSPs play in ensuring the quality of the interpreting services they provide to legal settings and to courts. Our study investigates what initiatives LSPs undertake in this regard, including induction and training, quality assurance, and any other form of support.

For this study we have selected eight major Australian LSPs that provide interpreting services to police, legal, tribunal and court settings, including five government and three private LSPs. We only invited those who have agreements with the relevant legal or judicial clients, such as Australian Federal Police (AFP), Attorney General's Department, Department of Justice of NSW, etc. Only one LSP employs full-time or part-time staff interpreters. Most interpreters work freelance, or as employees on a casual contract. Seven LSPs provide interpretation in migrant languages, including N&E languages, and one specialises in Aboriginal languages.

As regards methodology, we collected data mostly by conducting semi-structured telephone interviews with senior LSP personnel (mostly senior managers and directors), based on a questionnaire that would assist us in answering our research questions. In-depth interviews were chosen to provide more nuanced and detailed information than could be gained in a survey; this enabled us to focus on the LSPs' views about their responsibility with regard to quality assurance and limitations, and the way they operate in an environment where their ability to control the quality of interpreting services is limited. Notes were taken during the interviews. One of the limitations of this study is the difficulty of triangulating our results, because this study includes only the views the LSP management, and not those of practitioners.

Some additional limited data comes from LSPs' websites. However, to maintain the anonymity of the respondents' LSPs, we do not provide the URL to their websites. Limited in-house and protected-access online documents were made available to us by three LSPs on condition of confidentiality. They will help to triangulate some of the interview data.

The topics of the interview questions were informed by the ICTs' approaches to recruitment and quality assurance, outlined in section 2.1 (Gaiba 1998; Stern 2001). Table 1 below shows the list of topics we used in the interviews.

| No. | Topics |
|------------|--|
| 1 | Requirements for joining the LSP panel of interpreters |
| 2 | The screening process |
| 3 | Availability and duration of induction/orientation |
| 4 | Induction/orientation content and provision of a legal component |
| 5 | Provision of mentoring/support for new interpreters |
| 6 | Interpreting quality control |
| 7 | Professional Development |
| 8 | Open comments |

Table 1. Topics of the interview questions

Question 1 aims to determine the professional requirements for an interpreter to be employed by these LSPs, for example, their language skills, qualifications and NAATI credentials. Question 2 enquires whether there is a screening process, which may include an interview or interpreting examination, as in ICTs. Once interpreters are recruited, does the LSP offer an induction or orientation, and if so, how long does it last (Question 3)? Question 4 enquires about the content covered in the orientation/induction, including the availability of a legal interpreting component. We also wished to explore those mechanisms that would help with interpreters' PD in legal settings, such as whether employers provide mentoring or other forms of support for novice interpreters (Question 5), what methods of interpreting quality control LSPs pursue (Question 6), and what actions LSPs undertake to ensure that all interpreters maintain the requirements of the industry through ongoing PD (Question 7). Question 8 was allocated to any follow-up and additional comments.

Thematic analysis was used for the data collected from the interviews to reveal management perceptions of LSP management about interpreters' preparedness for interpreting in legal settings; LSPs' approach to quality assurance, and whether quality assurance mechanisms exist in the selected LSPs and if so, of what kind; how they address the industry's pressing need for quality legal interpreting. From this data, we identified the similarities and differences in the initiatives to improve quality offered by different LSPs. We

paid particular attention to the LSPs' reports about their recent initiatives to fill the gap in education/training available to interpreters, and provision of their ongoing professional support. We are aware that our data are based almost exclusively on the accounts of LSP personnel and therefore reflect the perceptions of the LSPs.

Limited additional data available on LSP websites, and other documents list recruitment criteria and explain the employment application process. Employment criteria are largely limited to statements about the required NAATI credentials, proof of right to work in Australia, the Police and other checks. Some LSPs outline the stages that follow the application process for successful applicants. Some information posted on the promotional pages of these websites must be treated with caution. These and other sources, including confidential in-house documents, will be used to triangulate the interview-based data.

4. Findings: the perspectives of LSPs on their roles

In this section we present and discuss the results of data based on information provided by ten respondents from eight major LSPs. We have followed the topics outlined in Section 3, also presented in the subheadings below.

4.1. Requirements for joining the LSP's panel of interpreters

During the interviews, all seven providers of interpreting in migrant languages have listed the following professional employment requirements: NAATI credentials, tertiary qualifications, preferably in T&I, and demonstrated professional experience. These professional requirements complemented the background requirements, including Australian citizenship or permanent residence status, possessing a work permit in Australia, and police and other checks. NAATI accreditation at the highest level available, preferably at the Professional Interpreter level (prior to 2017), remains the main criterion in migrant languages. Lower levels of NAATI credentials are accepted in areas of unmet demand and in geographically remote areas with a shortage of interpreters. Online information supports the requirements about NAATI credentials and providing proof of the right to work in Australia as compulsory employment criteria. All the LSP online information, except that of the Aboriginal LSP, states that NAATI credentials are mandatory: "NAATI Certification at the highest level available for their language" (*link anonymised*).

With regard to the N&E languages of numerically small, recently formed migrant communities, applicants may be accredited at Paraprofessional level as the highest level available (Nepali, Dinka, Nuer, Rohingya), hold Recognition (Kurdish Feyli, Chaldean, Fur, Fulfulde), or even no Recognition in

languages where it is not available (Afar, Tibetan). Online information supports this; for example, a private LSP website states that applicants have to be “a native speaker for a language that currently does not hold NAATI accreditation” (*link anonymised*). One government LSP provides a safety net by stating that “where NAATI certification is not available” it requires a NAATI Recognised Practising Interpreter credential (*link anonymised*). All aspire for unaccredited interpreters in the N&E languages to eventually gain a NAATI credential when a language becomes credentialed.

The Aboriginal LSP requires neither NAATI credentials nor education level as requirements for recruitment — these consist of listening and speaking proficiency in English and an Aboriginal language. This is also posted on the LSP’s website inviting applicants to become an interpreter; in addition, this LSP informs applicants about a pathway to becoming credentialed by NAATI through formal training and acquiring a qualification (Diploma).

During the interviews the respondents stated that LSPs place work experience very high on the list of recruitment criteria. One government and one private provider stated that they do not employ interpreters without prior experience (cf. Biel 2008) but they take into account proof of voluntary interpreting and non-interpreting “humanitarian” work, in Australia and overseas, for example, in nursing or other community-based occupations. Some LSP websites support these statements by requiring “relevant and current work experience” (*link anonymised*), and the LSP that specialises in legal interpreting lists interpreting work experience in legal settings as “highly desirable” (*link anonymised*). Most expect proof of any interpreting experience including reference letters (*link anonymised*). However, approximately one half of all LSP websites do not list employment experience as a mandatory requirement.

All seven LSPs in migrant languages report tertiary qualifications as a recruitment criterion, which is consistent with ICT requirements. Stating their preference for qualifications in T&I, they qualify this statement by saying that in practice, tertiary qualifications are treated as desirable rather than mandatory because the level of qualification is dependent on the language and the training opportunities available in that language. At least three providers explained that in languages where the pool of potential interpreters is small, they accept any educational qualification that may be relevant to the profession of community interpreter. At least six LSPs out of eight spoke about the aspiration of making educational qualifications mandatory and linking them to the prioritisation of job allocation.

The LSP websites vary in the statement of educational qualifications required. One government LSP requires “professional qualifications e.g. University degrees or diplomas where available” (*link anonymised*), with a copy having to be attached to a job application. “For rare or emerging languages with no

NAATI acceptance” applicants have to document their skills and experience (*link anonymised*). Some websites require applicants to provide “relevant professional qualifications documentation” without specifying whether it is in T&I or another discipline (*link anonymised*). A private LSP website describes its interpreters as “Qualified, Accredited and Experienced” yet there is no explanation what qualifications are required (*link anonymised*). The website of the national LSP that recruits interpreters in the N&E languages requires that the applicants “have the required qualifications for the language [they] ... wish to interpret in” (*link anonymised*). At least two private LSPs do not include any educational qualifications in their requirements. A private LSP, in describing its “highly qualified interpreters” as “trained linguists,” lists requirements such as “availability, NAATI level, distance, special skills, experience” but excludes educational qualifications (*link anonymised*).

When an accredited interpreter is unavailable, or an interpreter is accredited at a level below the required one (e.g. Paraprofessional or Recognition), or where the credentials in a required language do not exist, at least two LSPs spoke about contacting the client (the court and the police) to seek their preference as to whether an interpreter accredited at a lower level should be sent. At least one of the LSPs also spoke of the constraints of providing accredited interpreters in remote areas, even in established languages.

4.2. Screening process

During the interviews, all eight LSPs reported that they screen applicants, usually during an interview, and that screening precedes the offer of employment. Six out of eight LSPs conduct face-to-face interviews, and two a telephone interview. Four government LSPs and one private LSP described their screening and selection process as rigorous. Unlike ICTs, none of the LSPs tests the applicants’ interpreting skills or knowledge during the screening.

The scope, content and format of the screening interviews vary from one LSP to another. As respondents reported, during the interview LSPs evaluate the applicants’ background, English language competence, the clarity of pronunciation, interpersonal skills, ability to respond adequately to questions and conduct a conversation on different topics; in some cases, they assess the applicant’s motivation and professional conduct. At least five LSPs evaluate the applicants’ knowledge of and ability to apply the AUSIT Code of Ethics (CoE), which is also listed as a requirement on their websites. Four LSPs assess the knowledge of the CoE through either a scenario-based role play or in a written test. Three government LSPs, including two migrant languages and one Aboriginal languages LSP, assess the applicants’ linguistic skills in both English and LOTE.

The screening process as described by the respondents adopts different formats, has a different level of detail, and leads to different outcomes.

- A state LSP conducts a staggered screening process whereby the applicants' English and LOTE proficiency, and CoE application are assessed in separate stages by different staff members.
- A national LSP's interviewing process includes initial checking of the educational qualifications in the country of origin, professional experience in Australia, and English language skills level. A liaison interpreter conducts a screening interview and some testing, writes a report supporting or rejecting the recruitment, or puts the application on hold, or recommends that the applicant complete a short course. An applicant who has limited interpreting experience or is unsuitable for immediate recruitment may be put on the panel with the proviso that a liaison officer conducts mentoring.
- The Aboriginal LSP requires no educational qualifications as a prerequisite but conducts language assessment, listening and speaking exercises, and a dialogue interpreter test. The website states, "If you pass your language test, you will be given training to become an approved interpreter" (*link anonymised*).

Following the screening, successful applicants proceed to an induction, where available.

4.3. Induction/orientation: availability and duration

All the respondents reported that successful applicants receive an induction or orientation. This is also stated in the online information, however with no detail.

According to the interviews, the duration of induction ranges significantly. The shortest induction offered by a private LSP to staff with no prior experience takes up to one hour. Two LSPs, one government and one private, conduct inductions of four hours, sometimes in a group of interpreters. Another government LSP that specialises in legal/court interpreting offers a full-day induction — in the 1980s, this LSP conducted a dialogue interpreting admission test followed by a three-day induction for newly recruited legal/court interpreters. Another government provider offers a multi-stage three-day induction and training. The Aboriginal LSP offers a three-day training. The national provider does not conduct a conventional induction but offers a gradual training process over a period of several months.

4.4. Induction content and provision of legal component

This section is based entirely on the interviews and has no supporting sources. Most inductions are reported to include a generic content that covers employment conditions and LSPs' (employers') and clients' (end users') expectations. Some inductions provide information about interpreting requirements, procedures and the clients' environment, ethics and professional conduct; some provide specific information about legal and medical settings. The information on ethics includes the requirements of professional conduct, punctuality, accuracy, confidentiality and impartiality.

Four out of eight LSPs state that their induction does not constitute training. The other four LSPs, that offer interpreting in Aboriginal and N&E languages, describe their induction as training. At least four LSPs of migrant languages do not offer any training to linguistically empower interpreters or provide additional skills. One government LSP qualified this by stating that most interpreters recruited would have a higher education qualification and that legal/court interpreting would have been part of their course, and that no interpreter without experience would be recruited. This agency provided no clarification as to how it acts with regard to interpreters in the N&E languages where no training is available.

While acknowledging that LSPs are not training institutions, three government LSPs have included training of various degrees in their induction, especially for interpreters in N&E and Aboriginal languages. For example:

- One LSP conducts a three-day induction, which includes some training on one of the days, including a role play. Training is customised for interpreters in those languages that are not NAATI accredited and who have no professional experience.
- The national LSP described its induction as a long-term process to gradually build capacity in languages where training and certification are unavailable. Prospective interpreters' skills are developed as part of an ongoing process, with training and support being provided through various channels (mentoring, electronic newsletter); eventually the prospective interpreters will join the panel and work in legal settings.
- The Aboriginal LSP trains novice interpreters, enabling them to progress to higher levels (four in all). The initial three-day induction includes an introduction to the interpreter's role and the CoE, and a meaning-based approach to interpreting, with memory exercises and an explanation of the types of interpreting assignments to expect. Training concludes with an informal assessment whereby interpreters have to demonstrate competent

performance in an interpreting role play and the ability to apply the CoE. This is the only LSP to administer end-of-training testing.

Only four LSPs include a legal component in their induction. Two LSPs out of eight stated that no legal component was included in the induction. Among the other six LSPs, two explained that the legal component was limited to the explanation of the legal/court environment and expectations of interpreter's conduct. Two LSPs spoke of the interpreters having to observe a hearing before being sent to interpret in court or tribunal. A private provider that offers an induction to new recruits over the phone may provide some court-related information to interpreters who are booked to go to court for the first time; this may explain the who's who in courts, and give some links to literature, for example, some articles on court interpreting if and when they request legal information.

Providing a legal component follows different models:

- The provider with specialisation in legal/court interpreting offers a one-hour lecture by a court expert/educator about courts, with tips on court interpreting. Other contributors, clients/end users from the Justice Department, the Independent Commission Against Corruption (ICAC), the State Police, cover client organisations' needs and expectations. An Induction folder includes copies of the CoE. An in-house schedule shows that the 6¼ hour training dedicates approximately 2 hours and 20 minutes to legal interpreting.
- A government provider that offers a three-day induction for novice interpreters combines lectures by guest speakers (a legal expert who presents information about the court structure, jurisdictions and protocols) with a tour of the courts. This training provides some linguistic empowerment by developing an English-language monolingual glossary of legal and courtroom terms (not available to the researchers).
- Another government provider imparts information about courts through its e-news: topics include professional dress and demeanour in court, ways of requesting case-related information, tactics for interrupting the proceedings for clarification, etc. This provider also designs thematic legal modules, for example on domestic violence. (Some sample newsletters with educational materials were provided to the researchers.)
- The Aboriginal LSP novice interpreters undergo a three-day police and legal/court training after they have worked for a certain number of hours and progressed to the second level of training. It includes contextual knowledge about the legal system, police and magistrates' court interpreting, with all the stages of the criminal process, from arrest and caution by the police officers to sentencing in court, with all the stages in the magistrate's court (plea,

interpreting for the defendant, bail papers). Teaching materials and resources include a course booklet (the legal interpreting training handbook is available online), in which information about the legal system and magistrate's court is outlined step by step in "plain English"; legal dictionaries provide the explanations of terms. The legal component concludes with an informal assessment of trainees by the trainer and is followed by observation and shadowing of practising interpreters in court. Trainers include staff, lawyers and invited guests; trainers travel to deliver training to student interpreters in remote communities. Website information states that ongoing training, including legal, is provided to practising interpreters.

4.5. Provision of mentoring and support for novice interpreters

Only two of the eight LSPs provide novice and practising interpreters with mentoring or other forms of support. One government provider offers post-induction mentoring and support by experienced liaison interpreters who will regularly communicate over the phone for three months to follow up on the novice interpreter's experience, discuss issues arising, and answer questions. The online newsletter also supports interpreters with no or little professional experience to develop skills. (Their website supports this).

The Aboriginal LSP includes mentoring during which trainees observe experienced interpreters on the job, and post-training where an interpreter is paired with a mentor (preferably in the same language); he or she shadows the mentor for six hours and is accompanied by a trainer to the first job for observation and debriefing. The online information describes on-the-job observation of practising interpreters as part of the ongoing training, and mentions legal topics.

The remaining four LSPs do not offer mentoring or support to new recruits although they find it useful. Two of these LSPs indicated that mentoring used to be part of their practice. In one case, it was discontinued when the organisation stopped employing full-time staff interpreters. Other reasons for being unable to provide mentoring included not having enough interpreters of sufficiently high standard to provide adequate mentoring.

LSPs reported some external activities to substitute for the lack of in-house mentoring:

- directing novice interpreters to PD sessions and short courses offered by educational institutions or the professional associations;
- encouraging new recruits to observe court proceedings;
- making tribunal observation mandatory before the first tribunal/court interpreting assignment.

Of these, only observation is mandatory.

4.6. Quality control

At least four LSPs spoke of their increased responsibility to provide high quality interpreting services to courts. While plans to employ NAATI credentialed interpreters, provide PD, make T&I qualifications compulsory and increase support for interpreters remain aspirational, LSPs all expressed concern about their limited ability to ensure quality resulting from a large increase in demand for interpreting new languages.

Only two LSPs, both government, observe and evaluate novice interpreters' performance, including in court. The Aboriginal LSP arranges observations by the trainers for all beginner interpreters during their first assignment in court for monitoring and debriefing. For the interpreter to progress to the next level, a recommendation by a judicial officer or client is required. With the second LSP, observations of interpreters' performance are made possible in court where two interpreters are present.

All eight LSPs rely on the clients' feedback about interpreters' performance. Most solicit it, which is corroborated by the online information. One government provider invites clients to provide online feedback on its interpreting services and encourages them to discuss "any issues that may arise directly with the interpreter" or to contact the provider, with a special section of the invoice for feedback (*link anonymised*). Another government LSP has its Client Services Department staff member regularly meeting with clients (fortnightly, monthly) to seek feedback.

The respondents report that they receive mostly negative feedback, and that most comments are made when something goes wrong, rather than offering praise. Critical comments include non-adherence to professional conduct, lack of punctuality (late arrival, failure to attend), taking telephone calls during assignment, inaccuracy. In the experience of the national LSP, 25% of feedback is positive and includes interpreter providing excellent service, showing good management, acting professionally, being pleasant to client and demonstrating accuracy.

Most LSPs report that they find the clients' feedback mechanism effective. One LSP receives a court manager's or diversity officer's comments regarding their interpreter's first assignment to verify how they act with regards to punctuality, general performance, interpersonal skills, etc. A government LSP with specialisation in court interpreting plans to encourage feedback about its services and client satisfaction not only from courts but also from non-English speaking clients. Another government LSP communicates criticisms and complaints to the interpreters whose performance (professional conduct,

punctuality, accuracy) requires improvement and to educate them in the client's expectations. This provider publicises feedback which is complimentary about the quality of interpreters' performance in its newsletter, in order to showcase best practice, share it among practitioners, and encourage positive change.

One respondent expressed reservations about the clients' criticisms, stating that interpreters are often treated poorly in courts: interpreters are harassed, even bullied, and spoken down to, in particular by court administration; interpreters are blamed for a range of reasons, including difficulties that arise in court. This view is consistent with Hale (2011: 23-27, 52), as well as this respondent's observation that senior staff (judicial officers) have a better understanding of the interpreter's role than the administrative.

4.7. Professional Development

Since NAATI introduced revalidation in 2012 (as of 2018, "recertification"), Professional Development (PD) became a mandatory condition for recertification. The public sector is obliged to employ interpreters with NAATI credentials, and as part of their obligation to the public and the clients, and the government (e.g. Department of Justice, Courts and Tribunals), government LSPs are required to employ NAATI-credentialed interpreters (this is done by all the respondents in this study). In support of this requirement, LSPs, educational institutions, and professional associations (AUSIT and ASLIA) conduct short courses and seminars, including in legal interpreting, which constitute PD. This section highlights the LSPs' approaches to ensuring that interpreters on their panels are involved in their PD.

All eight LSPs report that they encourage interpreters to attend PD events, and four offer in-house PD activities. However, no LSP has made it mandatory, or linked interpreters' attendance at legal seminars to allocation of legal assignments.

To answer the question as to how LSPs encourage interpreters to maintain their PD, the four providers that do not offer any in-house PD replied that they encourage interpreters to follow external opportunities; they assist interpreters by circulating information about events offered by other organisations, promote courses offered by educational institutions (e.g. RMIT and Monash university) and AUSIT; one LSP rebroadcasts the AUSIT sessions (for example, on working for the AFP). At least two of these LSPs described their practice as unsystematic, by supporting isolated interpreters and groups who show motivation. Another LSP explained the importance of PD for the purpose of revalidation (2012–2017) and recertification (from 2018), without which interpreters lose their credentials and cannot be employed by this LSP. This LSP reported having developed its own in-house training unit to help

interpreters gain a higher credential level; it has also developed a distance mode of delivery to help interpreters gain revalidation (recertification) points. Another LSP's aspiration is to invite experienced court interpreters to speak to novice interpreters.

Of the four LSPs that offer in-house PD, three are the same ones that incorporate training for novices in the N&E and Aboriginal languages in their induction. One of these LSPs that specialises in legal interpreting, both provides some modules in-house (e.g. on sexual assault and on domestic violence) and supports interpreters to do external PDs.

We now turn to the LSPs who provide both in-house PD and encourage interpreters to attend external events, and outline each case, with a focus on their philosophy, delivery format and content, as reported in the interviews.

- A national LSP believes that it bears a responsibility to provide PD in the languages that are required by the government. Its philosophy consists of building capacity in the N&E languages' interpreting through ongoing PD; it does so while protecting the areas of need from employing unprofessional and untrained bilinguals, such as family members, friends and other unprofessional speakers of the language. Activities are delivered through online tools: a monthly newsletter with a PD section includes a variety of topics, resources, terminology and other content, changing monthly (some issues have been provided to the researchers). With regard to legal interpreting, this service encourages interpreters to undertake external PD in legal interpreting and it advertises Legal Aid and AUSIT workshops on legal interpreting. It also offers scholarships to encourage and support interpreters in further training.
- The Aboriginal LSP conducts monthly PD training for interpreters in remote areas delivered face-to-face by the LSPs' trainers, who travel to these areas. Interpreters are given training in new technology, for example, as preparation for the introduction of the video interpreting service (AVL) in 2016, interpreters underwent training in remote interpreting (*link anonymised*).
- One LSP conducts regular PD sessions because, like the other provider listed above, it reports the shortage and the high cost of external training events ("a smattering at high prices"). This provider has opted to invest in its own workshops, offered at no cost at a convenient time for interpreters (Friday 2–4 pm). The respondent reported on groups of 20–25 interpreters attending, with the successful format including discussion and forum. The workshops cover general topics, ethics, and legal and medical settlements, and change to attract different interpreter groups. The legal interpreting is the most required area which combines the imparting of knowledge (understanding of different jurisdictions and processes, the court participants and their roles, including the interpreter's role) with skills acquisition to empower interpreters (skills to

interrupt proceedings in order to perform their task, and the awareness of when and how to act). The respondent expressed disappointment about the lack of joint efforts amongst different LSPs.

Several providers observed that novice interpreters, including recent graduates, welcome further training and PD opportunities, while the older generation and experienced interpreters are reluctant to participate in training and PD. A strong incentive for interpreters to attend PD sessions has been NAATI's requirement of mandatory PD for recertification. At least three government LSPs provide an incentive by funding interpreters to attend courses. Several LSPs plan to link PD to job allocation to encourage interpreters' commitment to PD. All LSPs agree that training is essential to interpreting competence, and at least seven out of eight providers aspire to improve PD availability, especially in N&E and Aboriginal languages. In the absence of language-specific training and certification in many N&E languages, and the inability of interpreters in remote and rural areas to attend courses, they seek alternative solutions.

4.8. Open questions

LSPs expressed a shared concern about being placed under an increasing obligation to provide interpreting services of high quality and to take responsibility for them. All eight LSPs spoke about challenges associated with the provision of competent interpreters to courts and other legal settings. Seven out of eight providers shared observations about the complex environment, the large number of new languages, a lack of training opportunities, and the challenges of providing interpreting in these languages of need (one provider offers almost 170 languages to meet the government's requirement). The need to offer more support to interpreters falls on the LSPs who have to employ interpreters without qualifications and credentials.

The clients' high expectations place the LSPs in a difficult situation where, with limited resources and little external support, they have to find solutions for problems they are not designed to resolve.

5. Discussion

Despite the limited number of LSPs (eight) interviewed in this study, the ten respondents (two staff members at two LSPs) provided a wealth of detailed information. They showed quasi-unanimity of opinion about their challenges and directions in some answers, and significant differences in the others. Their responses, although not all, have been supported by the information on their websites and some in-house documents.

All the LSPs reported on the complexity caused in the interpreting industry by a large number of N&E languages, the risks they take by recruiting untrained and often non-credentialed interpreters, and the need to act responsibly in providing clients, primarily courts, with professional interpreting services and quality assurance. All the respondents reported implementing changes to improve the delivery of interpreting services. To date, all the LSPs have used the NAATI accreditation/certification or recognition as a yardstick for interpreting competence. The LSPs have shown an awareness that expectations are limited for NAATI credentials and educational requirements in N&E languages. However, they demonstrated significant differences with regard to pre-employment screening, approaches to induction and training, interpreter support and PD.

5.1. Recruitment requirements

Approaches to recruitment requirements reveal a divide between the providers' theory and practice, and the need for flexibility. All LSPs agree that recruitment criteria for legal settings should include the highest NAATI credentials level available, tertiary education and work experience – but in practice this is only achievable in the “established” international and/or community languages as only some 60 languages are NAATI-certified, and interpreters in most languages are unlikely to hold specialised T&I qualifications, not to mention legal specialisation. LSPs show flexibility in areas of unmet demand, for example, no pre-employment education or credentials is required by the Aboriginal LSP, and LSPs employ interpreters who have lower credentials than is required in legal settings, or who hold no credentials. While education/training is an employment criterion for most providers, all agreed that making it a mandatory employment condition and linking it to job allocations remains aspirational.

5.2. Screening

Distinctions in pre-employment training opportunities between the “established” and the N&E and Aboriginal languages may explain the reasons why the screening process ranges widely among the LSPs.

Most LSPs screen applicants during a pre-employment interview to evaluate their professional competence, a step that was reported in interviews but not listed on the websites. While several LSPs describe screening as rigorous, they evaluate limited skills such as English proficiency and familiarity with the CoE. Despite the applicants' frequent lack of relevant credential level, limited or even non-existent education/training, and lack of relevant work experience, no LSP tests the applicants' interpreting skills.

By testing the applicants' bilingual proficiency, the Aboriginal LSP aims to assess their aptitude for interpreter training rather than competence. The same is reported by two other LSPs who select untrained bilinguals in languages for which there are no NAATI credentials, who are credentialed at a lower level and/or have little or no training: the focus of the screening is on the evaluation of the applicants' aptitude and potential rather than competence.

5.3. Induction/orientation and support

Interview reports, supported by some online statements and in-house documents, show a significant discrepancy among the LSPs practices, ranging from a very short induction to a training-based approach of several months. The courts' requirements of the quality of interpreting services led some LSPs to re-introducing the induction with elements of training. However, the significant discrepancy in the ways in which different providers approach induction and its duration, scope, and content, reflects the way they see their own role. While there is a natural expectation that interpreters should have professional skills at the time of the recruitment, some LSPs have responded to the changed multicultural environment by assuming the role of a trainer.

In addition to imparting administrative information, there is much focus on the interpreters' adherence to the CoE and professional conduct. Only a small proportion of LSPs involved with the N&E and Aboriginal languages have explicitly assumed the role of trainers and, as can be evidenced from their websites, conduct training-style workshops to develop the interpreters' skills and empower novice and practising interpreters as professionals.

Training materials reveal a mostly generic content of inductions. The inclusion of legal content is uneven, ranging from none to contextual knowledge about courts and the legal system. Legal information is provided through lectures and printed or electronic materials; some LSPs have developed innovative online and face-to-face mechanisms of training delivery. While one half of the LSPs describe their induction and the imparting of legal knowledge as training, in fact the interviews and in-house documents lead to other conclusions. Only three LSPs empower interpreters linguistically, preparing them for legal and court work and demonstrating a creative method of delivering legal and linguistic content (e.g. though an e-letter with varying content). One, the Aboriginal service, provides interpreters with structured training and legal interpreting materials — it is the only LSP that conducts an evaluation at the end of the induction and offers progression to higher levels throughout training. Mentoring and other forms of support to novice interpreters remain limited, with only two LSPs providing it. All other LSPs agree that mentoring is useful, but cite a lack of human resources and skilled professionals, or discontinued mentoring through workplace change.

5.4. Quality control

All the LSPs share concern about quality control, especially in N&E languages. However, almost no direct quality control by LSPs takes place with the exception of the Aboriginal interpreting provider. The main source of quality monitoring is feedback about interpreters' performance provided by end users, such as court administration. This feedback, mostly critical, bears on the interpreters' professional conduct and ethics, but the users are unable to assess the quality and accuracy of interpreting. Such an evaluation mechanism that relies on a single source — the expectations and satisfaction of client organisation — is thus limited, and must raise doubt as to its reliability. While most LSPs seem to take this feedback at face value, one provider critically points to the users' lack of understanding of the interpreter's role and the interpreting process. To try to make this assessment more reliable, another provider spoke about making feedback more multifaceted, including a greater variety of users, including non-English speaking ones. One LSP uses clients' positive feedback as a constructive mechanism of motivation and panel improvement.

5.5. Professional Development

LSPs' responses show unanimity with regard to the importance of PD in a profession where pre-employment education is limited or lacking in most languages. However, LSPs' approaches to implementing PD differ: some offer their own PD sessions, some refer interpreters to external events, and some combine the two. Those providers that offer some in-house PD are the same ones that train interpreters. Most PD is of a general nature, intended for untrained interpreters, aiming either to minimise risk or to help interpreters upgrade their level of NAATI credentials. There is little evidence, however, that PD training has raised interpreters' credentials level. Only some PD modules are in legal interpreting. Despite their support for PD, none of the LSPs has rewarded interpreters for completing PD, for example by linking it with job allocation.

6. Conclusion

We embarked on this study with the aim of examining the ways in which major Australian LSPs see their role in ensuring the quality of interpreting in legal settings, including court, and what steps they have undertaken in this respect. Unsurprisingly, the study confirms that all the LSPs involved in this study aspire to provide interpreting services that satisfy the requirements of their clients, including legal institutions and courts. Most, if not all, have described some steps to achieve this.

The lack of formal training opportunities and the beginner status of interpreters in a large number of languages, including N&E and Aboriginal languages, has been reflected in the LSPs' approach to recruitment and quality assurance. Unlike in ICTs, where court interpreters' positions have been advertised internationally, in Australia it has been unrealistic to make pre-employment education mandatory, considering the small pools of potential interpreters from migrant and Aboriginal communities. It is unrealistic to expect the highest level of NAATI credentials in all languages as a condition of recruitment. Similarly, despite expectations that staff should have previous work experience, and unlike the situation in translation (Biel 2008) and the international courts, many Australian new recruits are interpreting novices with little or no prior experience. In contrast with ICTs, interpreters in Australia have no opportunity for in-house training.

Because of these limitations, some Australian LSPs have developed mechanisms to ensure interpreters' suitability for (legal) interpreting, for example through screening and induction — not unlike the practice of ICTs. However, despite such mechanisms, this study has revealed limited evidence that LSPs have been able to provide sufficient training in legal interpreting and to ensure quality control. Despite a variety of introductory stages, and monitoring of interpreter performance by two providers, imparting knowledge about the system in which interpreters operate has been mostly delivered in a generic form, with limited, if any, information about legal interpreting. Ensuring that interpreters abide by the CoE and act professionally remains a priority for LSPs, and leaves open the question as to whether, by the completion of the induction, applicants are ready to work as professionals. This situation is in stark contrast to the ICC, where the "situation languages" interpreters undergo specialised training in court interpreting for up to a year, concluding with testing and accreditation (Stern 2018: 405). However, it corroborates Ozolins' (2010) observations about the limitations of language services in providing training. Further, linguistic empowerment in legal interpreting has been limited to less than one half of the LSPs. Those providers that offer the most extended training through induction and follow-up PD work, mostly work with interpreters in N&E and Aboriginal languages who have demonstrated aptitude and require training that cannot be achieved during a standard, very short induction. Imparting general knowledge and introductory interpreting and professional skills understandably takes priority over legal interpreting specialisation. It is therefore doubtful that mechanisms that include screening, induction and even a short training are sufficient to fulfil the needs of the legal sector, which requires advanced interpreting skills. Our literature review shows that short and very short courses are insufficient to prepare interpreters to work competently in court, and improvement can only be expected through specialised training over a prolonged period of time (Liu 2018: 195-197; Liu and Hale 2018: 313-315).

Despite this, our study shows that, far from deprofessionalising the interpreting profession (Katschinka 2016: 14-16), the LSPs surveyed share the good will and aspiration to provide interpreting services of a standard required by legal practitioners and courts. At least half endeavour to prepare interpreters for the legal sector, and some have undertaken the non-traditional function of quasi-trainers. These endeavours are coupled with their concern about their own responsibility in providing interpreting services of poor quality. This understandable concern has further resulted in actions aimed at risk mitigation and management, and capacity building in languages that have no T&I training and/or credentialing opportunities. Even when assuming this new role as trainers, these LSPs cannot realistically be expected to fulfil the functions of educational institutions, or those performed by international courts.

By undertaking this study, our aim was not to put the above initiatives to a rigorous test; neither did we aim to explore the views of interpreters and clients as to whether these mechanisms fulfil their requirements. Instead, we have expanded our knowledge of a previously unexplored area: that of the perspectives and evolving roles of major Australian interpreting agencies who, in the absence of adequate interpreter training opportunities, have attempted to manage the complex multilingual legal environment. We have established that some of these providers have contributed to the professionalisation of the industry by undertaking new initiatives. These LSPs have assumed roles traditionally not expected of interpreting agencies: they have supported and delivered interpreter training and encouraged NAATI credentialing; some, through innovative strategies, have aspired to raise the bar in a large number of languages, and have worked closely with clients. While the LSPs admit to limitations and to being unable to fill all the gaps, their contribution to this study has helped to articulate the necessary steps toward legal interpreter professionalisation. The calls of these LSPs for combined efforts, with the participation of professional associations and educational institutions, will no doubt assist in this regard.

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Biographies

Ludmila Stern is a Professor and the founder of the Masters Program of Interpreting and Translation at UNSW Sydney, Australia. She is the author of articles and book chapters on interpreting in domestic and international courts, including in war crimes trials; the monograph *Western intellectuals and the Soviet Union, 1920-40. From Red Square to the Left Bank* (2007; London/New York: Routledge) and the edited volume (with S. Hale and U. Ozolins) *Interpreting in the Community – a Shared Responsibility* (2009; Amsterdam/Philadelphia: John Benjamins).



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Notes

¹ At the time when this article was finalised, the Department of Justice of NSW and the Legal Aid NSW developed and delivered a training course for novice court interpreters *Practical training for Interpreters new to Working on Courts* 5 September 2018. https://ausit.org/AUSIT/Eflash/180905_Practical_training_interpreters_in%20courts.html

²This project has received ethical approval from UNSW Human Research Ethics Advisory (HREA) Panel B: Arts, Humanities & Law Ethics approval, HC16295.