



THE AUSTRALIAN INSTITUTE OF INTERPRETERS AND TRANSLATORS INC.
www.ausit.org

Wednesday 29th June 2005

Mr. Robin Wong
Ms. Kim Huynh
Senior Analysts
The Allen Consulting Group
Level 4, 128 Exhibition St, Melbourne 3000
Telephone: 9654 3800
Facsimile: 9654 6363

C.c. Ms. Barbara Mountjouris
Victorian Office of Multicultural Affairs
Level 3, 1 Treasury Place, Melbourne 3002

Dear Sirs and Madams,

I attended a meeting with you approximately one month ago with Ms. Eva Hussein, on behalf of AUSIT VicTas Branch, where we discussed the "Proposed Quality Standards in Purchasing Arrangements for Language Services". At this meeting you confirmed that the document was published and available for public comment.

I have perused the Consultation Paper and the attached Proposed Quality Standards and I would like to offer the following comments, which have received general approval from the National Council of AUSIT.

I hope the comments are useful. I would be more than happy to expand on these comments either in writing or in person.

Yours sincerely,

Chris Poole 9391 0899

Principal Delegate to National Council
VicTas Branch
PO Box 134, Elwood 3184 VIC



Executive summary

1. Notwithstanding the title of this document, it is almost completely silent on the subject of “quality of language services”.
2. It is based on a number of assumptions which are not necessarily sound:
 - That LSP’s representations regarding their ability to supply services in a particular language, are an accurate representation of the actual availability of practitioners in those languages.
 - That clients are qualified to judge the quality of the language services they are receiving.
3. The draft standard would reinforce certain market conditions that currently frustrate the raising of quality standards. The review is an opportunity to make a positive contribution to this situation.

In detail and by reference to the document

Quality of language services

Except for a reference, on page six, to the difficulty of determining quality of language services, the document seems to completely avoid the issue of actual quality of the language services.

As noted correctly in the opening passages of the document language services are vital to the accessibility of essential community services.

The benchmark against which access is measured in this context is the experience of a person fluent in English. In other words the role of the T&I practitioner begins and ends with the removal or lessening of disadvantage suffered by a person who isn’t fluent in English, and this disadvantage will be manifested in the production or reception of spoken language, or the production or reading of text. The removal or lessening of the disadvantage will therefore be a function of how well that speech or text is translated. That surely is what the word “quality” in the title of this document must seek to describe.

In colloquial terms therefore quality is all the attributes of the actual words produced by T&I practitioners that restore, as far as is possible, to a NESB person and the other person or text with whom or which they are interacting, the experience of speaking or reading the same language.

To venture even further into the technicalities, those attributes can be divided into two broad headings: “accuracy” and “faithfulness”.

I will take the liberty of ensuring that in this document at least, these two terms, and two others they refer to, are construed in a specific way. (Definitions reproduced below from the AUSIT glossary of translation terminology)

accurate *adj.* Property of a translation where all *information* contained in the Source Language (SL) text, speech or sign, has been reproduced in the Target Language (TL) text, speech or sign.

information *n.* Features of the SL text, speech or sign, the existence of which are generally accepted without dispute, including but not limited to: number, identity, date, name, order, orientation, hierarchy, and subject – object – agent, hypernym, hyponym and other syntactic and logical relationships.

faithful *adj.* A faithful *translation*, apart from conveying the *information* contained with the SL speech or text, also reproduces the *style* of, and functions the same way as, the SL speech or text, including having the same effect on the receptors of the translation as would be experienced by the receptors of the SL speech or text, by reproducing all the *pragmatic features* of the SL.

style *n.* Attribute of SL text or speech other than *information*. Including but not limited to lexis; density and type of figurative language; sentence structure; prosody; rhetorical aims and effects. Overlaps significantly with *pragmatic features*.

Further to the last term here the faithful reproduction of all the stylistic attributes of a SL text or utterance, including those pragmatic features such as emotional indicators, body language, etc approaches “functional equivalence” of the translation.

The key word here is “functional”. In accessing government services, or being dealt with by a government agency, people are trying to *do* things, and they are trying to do so with a facility that approaches that of an English speaker. It is only by the provision of *functionally equivalent* translation that they are able to do so. That is the definitive element of “language services”.

The draft standard deals almost exclusively with matters *peripheral* to this question, matters which are likely to be found in any agreements governing the purchase, by the government, of almost any other time-based and unpredictable service.

In purchasing “language services” the government is not purchasing “The holding of meetings” or “the conduct of a survey”, or “response time to bookings”, or a “percentage of successful attendances”, or the possession of certain credentials by certain individuals, or the assignment of those individuals to bookings a certain percentage of the time, they are not even purchasing the skills and knowledge required to perform the specific tasks required of them at a booking. Indeed an LSP and the practitioners they engage could perform all the duties set out above and a practitioner could still completely mistranslate the speech of a NESB person on the day, thus denying them access to government services.

What the government is purchasing is strings of words that display the attributes explained above. The “language service” they are purchasing is the actual, specific performance, on each and every occasion, of translated speech and text that meets standards based on these attributes.

These arguments would not be in the least bit controversial were they applied to any other type of thing that the government purchases, be it catering, legal services or the construction of roads. In each of these instances, the finished product or service will be defined to a certain standard of quality, and if not delivered or performed to that standard then the contractual obligations will not have been fulfilled.

Recommendation That the Victorian government and Allen Consulting ensure that sufficient use is made of the expertise necessary to develop actual “quality standards for languages services” and develop methods of monitoring and reporting that can be realistically incorporated into purchase agreements, and reframe the bulk of *this* document, more appropriately, as provisions governing supply and other operational matters, and that are purely accessory to the core agreements governing the purchase of the services to a specified standard.

Assumptions

LSP ability to supply equalling availability.

Apart from the reference to the objective test of whether NAATI actually offer accreditation in a particular language, the draft standards seems to rely on the assumption that a LSP's ability to supply is synonymous with the availability of accredited practitioners per se. This is highly debatable. It is known anecdotally that some practitioners register with all or many agencies, and other choose to work with a limited number, even one, agency, and they make these decisions for a variety of reasons, not all of them reasonable. This tends to throw into doubt the reliability of a LSP's assertions regarding "availability" as they are not likely to report to their client that "There are lots of practitioners in that language but they refuse to work for us".

It should also perhaps be noted that while the draft standard acknowledges elsewhere that the market is dynamic and subject to sudden changes in demand, it seems a little unfair that an agency may suddenly fail to meet one of the percentage targets incorporated into their supply agreement for reasons which are not their fault (i.e. sudden increase in demand due to some external event), and pertinently, have nothing to do with the quality of the work that they *do* supply.

Usefulness of client satisfaction surveys

The draft standards incorporate client satisfaction surveys as a useful indication of "quality". This is problematic for the following reasons.

This industry is notable for the very wide range of a conflicting expectations regarding the role and standards of the T&I practitioner, and sadly this is evident amongst practitioners themselves. Notions of what can and should be expected of an interpreter can extend to matters quite outside the proper role of an interpreter and to an extent that actually frustrates the execution of duties and the raising of standards.

Examples include the expectation that simply being an interpreter confers the skill and authority to comment on cultural matters; that a non-native speaker of English acting as interpreter will naturally be aligned politically or emotionally with the NESB person and can be expected to be (or alternatively be falsely suspected or accused of) acting as broker or advocate in some sense; that it is acceptable and normal that non-native English speaking interpreters speak very poor English; that practitioners don't need to be briefed with as much contextual information as they say they need. This is but a short selection of some of the very unfortunate misconceptions that typify this industry and frustrate the improvement of standards.

A survey of people embracing these ideas will tell the surveyor nothing about the quality of services being provided, and indeed is likely to be highly misleading.

In response to the specific question asked in the Consultation Paper: "What are the alternative approaches that can be used to determine client satisfaction?" I can but paraphrase Mrs. Beaton: "First, educate your client".

Market forces

The Paper mentions the decision by SCIMA to recommend against implementing legislation-based regulation on the grounds that it would restrict competition¹, but what is the Victorian Government's position on this decision? Apart from maximising the efficiency with which resources are allocated, it is also argued that competition aids in balancing supply and demand and in driving quality upwards. There is currently great difficulty in supplying a demand for certain

¹ A conflicting account of this decision is described in my paper on regulation. See attached.

languages in Australia, and the fact that these standards exist indicates that the government considers quality and its maintenance and improvement important.

If the arguments for competition are valid, there are a number of structural changes or trends in the T&I industry that would result, or be strengthened, by the adoption of this draft standard that would be significantly at odds with the benefits of competition. There are two areas that I will mention here: specification versus performance based standards; and credentialism.

Specification versus performance based standards

Over the past ten years or so, in many industries in many countries there has been a trend from “specification-based standards” to “performance-based standards”. This has been particularly notable in the building materials industry.

Put simply and using building as an example, in the old days standards-setting bodies took it upon themselves to define exactly how something should be built, down to defining the materials and dimensions of a beam for example. This was “specification-based”.

By contrast a “performance-based standard” simply states that to span a particular distance a beam must be able to bear a particular load, and it leaves the determination of the materials and dimensions of a beam that will perform to this standard, up to the industry.

Clearly this relieves standard setting bodies (normally funded by tax payers) of an enormous burden; it addresses more directly the purpose of setting standards in the first place; and it returns the practical problem of how to do things to the competitive and commercial world, where there are much more powerful incentives (profit) to develop new, more efficient, and higher quality ideas to solve those problems. It is a key factor in development.

To see the draft standards in the light of these two philosophies helps to understand some of its flaws. The draft standard seems to lean heavily towards the former.

A “performance based standard” would deal purely with the issues raised above. It would simply define what accurate and faithful translation is, and it would leave it up to suppliers to work out how to deliver that or be in breach of their supply agreement.

The draft standard however seeks to tell suppliers how it is they will be able to deliver that, but does so (as I have indicated above) only by reference to the most indirect elements of that supply.

In short it seems those with the least knowledge of how to supply, are seeking to dictate how best to supply.

Credentialism

Further, the draft standard takes a strongly “credentialist” stance. To explain what I mean by these terms I beg your indulgence to quote further from the AUSIT glossary:

credential *n.* anything that purports to be evidence of competence or proficiency in general (e.g. Qualifications, resumes, accreditation, certificates, reputation etc).

credentialism *n.* the substitution of *credentials* as proof of quality of T&I work, in place of direct evidence that the specific work in question is *accurate* and *faithful* and otherwise meets the requirements of the *client*.

Specifically the draft standard seeks to reinforce the system of accreditation that NAATI maintains in Australia. This is of concern for a number of reasons.

Credentialism makes it even harder to focus on specific performance and seriously retards the development of quality. It rests, in this instance, on the assumption that the NAATI system of

accreditation is realistic in conception; effectively implemented; and is a guarantee of specific performance on each job. None of these three things are currently true, and the third never will be.

It therefore will strengthen the trend in this industry to expect reward simply on the basis of holding a particular credential rather than on the basis of having delivered something of demonstrable value. This is otherwise known as “rent-seeking behaviour” (the reliance on credentials for income rather than quality of specific performance) and it is a particularly unfortunate element of a specification-based approach in that it will significantly constrain industry initiatives to explore and develop means of supplying T&I services of higher quality.

It must be acknowledged at this point, that the reason it will have this effect is because so many practitioners already adopt a credentialist stance and will welcome any developments that enhance the prospects of being rewarded simply for holding a certain qualification, rather than for delivering a service that meets a certain standard of quality. The historical reasons for this are also relevant and should be mentioned.

Due to the relative youth of this industry there is no established, clear and strong articulation of the core skill set and the value of its contribution to business and government activity. In lieu of this, many misconceptions prevail (mentioned above) for reasons explored further below, T&I services are treated like a commodity, which cause a great deal of resentment and disaffection amongst many individual practitioners. (“Commodity” in this context means specifically that one is like another and there are no qualitative differences between practitioners).

Their response to this feeling; that as individuals they are not respected, is to perceive prospects of improvement as being linked to a more collective stance, which unfortunately entrenches the perception that people have of T&I services as a commodity. The unifying and legitimising element of such a collective body of practitioners (i.e. the only thing that they can legitimately claim to all have in common) is the credential, and in Australia that is NAATI accreditation.

Linking “quality” to this credentialist view is a serious impediment to the operation of market forces. This is of specific relevance to the problem of supplying language services in the so-called “emerging languages”.

There’s no mystery to the motivation of people. People in all walks of life and in all sectors of the economy are motivated by the prospect of reward and recognition and demand is successfully supplied when those people with the capacity to do so are rewarded and acknowledged.

“Reward” is most commonly expressed as monetary income, and “recognition” by the relation of that income to a defined, named, acknowledged and respected role.

The only thing that LSPs can offer to the market that an individual practitioner can’t, is the guarantee of supply, in all (or at least a large number of) languages, 24 hours a day. This is no small offering, indeed it is hard to imagine how else the police, courts and health sector could otherwise be serviced. But it does mean that LSPs depend on maintaining a long list of practitioners available for work. They therefore rely to some extent on the goodwill of that list of people who must remain willing to work for the LSP. Many of them take the credentialist view that NAATI accreditation itself and without further qualification entitles the person to a certain level of reward and recognition.

This is clearly a contributing factor to the commodification and devaluing of T&I services by society in general, and specifically it limits the opportunity to employ the most effective means by which undersupply could be addressed, which is varying pricing according to language.

Currently this method of responding to demand is available to LSPs only at the risk of causing major unrest amongst the very people on whose good will they depend in order to provide a service in the first place. Interpreters will object to other interpreters getting paid more than they do, because they perceive their entitlement to a certain level of income to be based on the holding of a specific credential rather than having the quality of their work (which does vary between individuals), and their particular language, being subject to varying evaluation by exposure to the actual demands of the market.

With specific reference to the problem “emerging languages”, unmet demand (in any language) may most effectively be redressed by exposing the value of particular languages to market forces.

On the other hand, the prominence given to NAATI accreditation in this draft standard, (which I realise is likely to be considered the next best thing to actually understanding whether or not words have been accurately and faithfully translated), simply reinforces this situation, where all languages are assumed to be of equal value.

It is not for me to say whether LSPs would choose any of these strategies in order to respond to market demand, but currently they are clearly not free to do so if they so choose, which must be seen as a serious structural impediment to competition.

Recommendation That the Allen Consulting Group treat this review as an opportunity to implement changes that will make it easier and more likely that LSPs can employ flexible pricing policies as a strategy of responding to demand.

Further comment

There is likely to be a backlash against the requirement:

“The Draft Standards propose that all practitioners be required to hold and present NAATI identification cards. ID cards are issued currently, but accredited practitioners are not compelled to present it.”

The use of the word “issued” here is somewhat misleading. They are available for sale, and practitioners can be quite vocal about NAATI’s revenue-raising activities. It will be worse when they see one part of the government forcing them to purchase something from another part of the government.