



Language and the Law III

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A Supreme Court judge is stuck in China trying in vain to get justice after breaking a law she was not aware of.

The English language is put on trial by Aboriginal interpreters.

The way language used in by those in the court system can sound like a fairly dry topic, but a recent conference showed it can be anything but that.

The third Language and the Law Conference was in April, with the proceedings held in Alice Springs for the first time. More than 160 people from the NT and elsewhere in Australia attended, making it a sell-out event.

The judge in China was Justice Judith Kelly, who took part in a role-play that was actually at the NT Supreme Court in Alice Springs, where she was interrogated by a police officer played by a member of the Interpreting and Translating Service NT.

"It was fun," Justice Kelly later said of the experience.

"These role-plays have been a popular part of each of the three Language and the Law Conferences that have been conducted by the Court."

"They serve to illustrate, in an amusing way, the difficulties experienced by people who are required to take part in court proceedings in an unfamiliar language and culture. It really can be daunting!"

Cultural and linguistic difficulties came to the fore and showed clearly how important being able to communicate is when seeking justice.

The way a judge understands these difficulties can impact on the way proceedings are conducted, and these factors are also useful to lawyers questioning people on the stand.

When the third Language and the Law Conference was held in April expectations were high that some of these thorny issues could be tackled.



The conference focused mainly on difficulties faced by Aboriginal Australians who appear in court, but also examined other groups, such as new immigrants as well.

Academic Ben Grimes from Charles Darwin University played a clip from the movie *Once Were Warriors* to highlight research that showed how differently the same event could be interpreted by Aboriginal Australians compared to others.

He told the conference that story-telling by witnesses is important in court, and people who speak different languages are likely to tell their story in different ways.

This can impact how a jury considers guilt.

The Aboriginal Interpreter Service also had those who attended in fits of laughter as they staged a mock trial that put the English language on trial, with salient points on how difficult it can be to translate to people with different cultural and linguistic backgrounds.

Feedback from those who attended showed that 97% said it met their expectations and that based on their experience of the conference they would return to the next one.

As well as discussing language issues the conference gave attendees first-hand experience of Aboriginal culture, with Indigenous caterers incorporating



bush tucker into their dishes and the Ntaria Choir from Hermannsburg providing entertainment.

An earlier Language and the Law Conference saw the creation of interpreter standards, used by the Judicial Council on Cultural Diversity in devising national standards for courts in working with interpreters.

These have recently been released along with model rules, which are proposed to be implemented in all courts across Australia.

As High Court Justice Stephen Gageler told the conference in his keynote address, "it's impossible to separate language and the law." ■



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The Law Society NT would like to congratulate Vanessa McConville, pictured above, on receiving the Ted Rowe Memorial Prize for Outstanding Academic Achievement in Legal Process – presented by Chief Justice Michael Grant.

Not present in photo, joint winner Lena Korn.