



# LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

## Standing Orders Committee

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**Report on Consideration of the Speaking of Languages other  
than English during proceedings of the Legislative Assembly  
of the Northern Territory**

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**April 2016**



## **Legislative Assembly of the Northern Territory**

### **12<sup>th</sup> Assembly Standing Orders Committee**

#### **Report on Consideration of the Speaking of Languages other than English during proceedings of the Legislative Assembly of the Northern Territory**

##### **Committee Members**

Hon John Elferink MLA (Chair)  
Hon Kezia Purick MLA  
Hon Gary Higgins MLA  
Mr Gerry Wood MLA  
Ms Natasha Fyles MLA  
Ms Lauren Moss MLA

##### **Committee Secretary**

The Clerk of the Legislative Assembly

##### **Introduction**

The Legislative Assembly of the Northern Territory has transacted its daily routine of business in the English language since coming into existence in 1974. There is nothing in the existing Standing Orders to assert English is an 'official' language; however the practice has been to conduct proceedings in English except for where leave is sought and granted for a person to speak in the Assembly in a language other than English (LOTE).

On Wednesday 16 March 2016 the Member for Stuart referred a proposed draft Standing Order to the Assembly. The Assembly has referred the matter to the Standing Orders Committee for consideration and report back by Thursday 21 April 2016.

The Member's proposed Standing Order is framed as follows:

*STANDING ORDER 23A*

##### ***Speaking in a Language other than English***

*A Member may rise to speak in any language other than English so long as an oral translation is provided in the English language by the same Member immediately subsequent to the words spoken in the language other than English or a written translation is tabled (without the need to seek leave) immediately at the conclusion of the contribution by the Member who was speaking in the language other than English.*

## Background

On Wednesday 2 December 2015, the Legislative Assembly was considering a motion on school funding. The Member for Nhulunbuy (Ms Walker) was speaking in debate; the Member for Stuart interjected and was called to order.

*Ms WALKER: Madam Speaker, we on this side of the House know that education is an incredibly important subject to our constituents and Territorians. We on this side of the House know that those opposite, the Country Liberal government, have stripped resources shamefully in the past three years and three months. I am deeply concerned that they have had oversight of the removal of 160 teachers from the education system...*

*Mrs Price interjecting.*

*Ms WALKER: ... decided that for the last two years he had done the wrong thing by not acknowledging the need for an Indigenous Affairs portfolio in Cabinet.*

*Mrs Price interjecting.*

*Ms WALKER: One-hundred-and-fifteen Indigenous staff in the Department of Education have been ripped out, and most of them women.*

*Mrs Price interjecting.*

*Ms FYLES: A point of order, Madam Speaker! Standing Order 20 – I ask you to ask the member for Stuart to stop interjecting. It is quite rude.*

*Mrs Price interjecting\*.*

*Madam SPEAKER: Member for Stuart, please be seated.*

*Madam SPEAKER: Honourable members, if we could listen to the debate in relative quiet. It is an important debate, which you all acknowledge, so it would be nice to have a little quiet under Standing Order 20.*

This last interjection\* was made in the Warlpiri language.

As the debate continued, the Member for Nhulunbuy foreshadowed a request to the Speaker about the content of the words used by the Member for Stuart.

*Ms WALKER: I withdraw. I am not sure what is offensive but I would like to know what words were used in language by the member for Stuart directed at the member for Nightcliff. I will ask to review the video and have an interpreter with me so we can see whether or not what the member for Stuart said was offensive....*

The Speaker was subsequently approached by Members who expressed concern that the interjection in Warlpiri was possibly offensive because of the meaning of the words used.

Standing Order 33 states: *When the Speaker's attention is drawn to specific words the Speaker will determine whether or not the words are offensive or disorderly.*

On the morning of Thursday 3 December 2015 the Speaker made the following ruling:

*Honourable Members, last evening the member for Nhulunbuy raised the matter of the member for Stuart speaking in Aboriginal language by way of interjection, and alleged the tone and usage was potentially offensive and disorderly. Interjections are always disorderly, no matter what language they are in.*

*From time to time, with leave of the Assembly, a Member will speak in language other than English. That has occurred in this parliament on numerous occasions, particularly when Members give their inaugural speech and wish to reflect upon their heritage and culture in an authentic manner. However, for the transaction of everyday business the language of the Assembly is English. On that basis, should a Member use a language other than English without the leave of the Assembly, it will be ruled disorderly and the Member will be required to withdraw the words.*

*It is not desirable for the Assembly to enter into the business of seeking translation and interpretations to determine if words used were offensive or disorderly. It is desirable for good order to be observed by all Members. Disorder is not permitted and the use of words in a language other than English to interject, or during debate, will be ruled disorderly and required to be withdrawn. If not withdrawn the consequences of disorder in chapter four of the Standing Orders will be the next step.*

The Member for Stuart later on the same sitting day made a personal explanation pursuant to Standing Order 26 where she advised the Assembly that the Warlpiri words used were not rude or offensive, she also withdrew the words. The Member said:

*Mr Deputy Speaker, I wish to explain the use of my first language yesterday in the Chamber. I naturally defaulted to using my first language. Whilst I do not apologise for using my first language, I wish to interpret what I said and withdraw.*

*[Member speaking in Warlpiri language]*

*This says 'Hear yourself; we always, every time, hear you talking'. It is interpreted as, 'We always hear you talking all the time'. That is what I said, Mr Deputy Speaker, and I withdraw.*

On 12 February 2016 the Member for Stuart wrote to the Speaker referring to the Speaker's ruling of 3 December 2015 and requesting the ability to speak in the Assembly in the Warlpiri language without the need to seek leave from the Chair or the Assembly.

The Speaker responded to the Member by letter dated 13 February advising that the matter could only be determined by the Assembly itself and the Member may wish to approach the Standing Orders Committee to consider the proposal.

The Standing Orders Committee gave brief consideration to the matter at its March 2016 meeting.

## **Matters for Consideration**

The Committee has considered ten variations on the theme of the language or languages which may be approved for use in the Legislative Assembly of the Northern Territory as follows:

1. The Legislative Assembly transacts all business in English only
2. The Legislative Assembly transacts all business in English with Members able to speak in any LOTE upon request (by leave) and the Member provides the spoken interpretation of what was said
3. The Legislative Assembly transacts all business in English with Members able to speak in any LOTE upon request (by leave) and the Member provides the spoken interpretation and written translation of what was said
4. The Legislative Assembly transacts all business in English with Members able to speak in any LOTE as a matter of course without a need to seek leave or make a

request and the Member provides the spoken interpretation and written translation of what was said

5. The Legislative Assembly transacts all business in English with Members able to speak in any Northern Territory Aboriginal language and the Member provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English
6. The Legislative Assembly transacts all business in English with Members able to speak in any Northern Territory Aboriginal language and the Assembly provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English
7. The Legislative Assembly transacts all business in English with Members able to speak in only one nominated Aboriginal language and the Member provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English
8. The Legislative Assembly transacts all business in English with Members able to speak in only one nominated Aboriginal language and the Assembly provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English
9. The Legislative Assembly transacts all business in English with Members able to request an interpreter to translate into a nominated Aboriginal language for them to have greater access to the spoken words used every day in the Assembly
10. The Assembly provides both interpreters and written translation services from English into a range of nominated Aboriginal languages and vice versa on a daily basis

### **Aboriginal Languages Spoken in the Legislative Assembly**

The Committee acknowledges that from time to time Members have spoken in an Aboriginal language; however there has been no formal or consistent approach to managing the procedure.

The practice has been that with leave from the Chair, a Member has been allowed to deliver their speech in LOTE and the practice has not always been that a written translation is provided for the purposes of the parliamentary record.

It has been the practice of the Assembly to accept the written word from a Member for Hansard publication where provided, and where not provided to only record the words in English.

Hansard transcribers and the editor of debates employed by the Legislative Assembly do not have the skills to transcribe in LOTE or to translate the language into English for the purposes of the record.

The following Members of the 12<sup>th</sup> Assembly have spoken in their Aboriginal language in the Assembly at some time during their term:

- Ms Alison Anderson (Luritja)
- Mrs Bess Price (Warlpiri)

Other Members of Aboriginal heritage have not sought to speak in LOTE. The inaugural speeches of the Members for Arnhem and Arafura were entirely in English.

On 29 June 2005 the Member for MacDonnell, Ms Anderson spoke in Luritja and the parliamentary record shows the text in the English language as follows:

Madam Speaker, [spoken in Luritja]:

*My language skills will help people understand what happens in parliament. My aim in this House is to be honest and truthful. We have a good team led by Clare Martin.*

*I come here today to join four other Aboriginal members: two Aboriginal brothers; two Aboriginal sisters. They share with me a special moment in the history of the Northern Territory and this parliament.*

*We continue a tradition which began on the Labor side of this Chamber with the election of Wesley Lanhupuy and Stanley Tipiloura. Both died, tragically, well before their time. I am conscious of their legacy to this parliament.*

*I am happy to be here and very proud to represent the people of Macdonnell.*

The Member continued in the English language to deliver the remainder of her inaugural speech.

On the 23 October 2012 the Member for Stuart, Mrs Price spoke in Warlpiri and the parliamentary record shows (provided) text in Warlpiri as well as English:

*Mr Deputy Speaker, to show my respect to my parents, my sister and my family and my people, I will first speak in Warlpiri. Then, to show respect to the members of this Assembly and to all other Territorians who do not understand my language, I will translate my words into English.*

*Yuwayi. Jalanguju wardinyi-nyayirnirna kujakarna karrimi nyampurla mapirri yapa manu kardiya government-rla. Ngali-parlu mapirrili government-rla yungurlipa ngurrjuman Northern Territory panukujuku.*

*I am very proud to be here today standing together, blackfellas and whitefellas, in government. All of us as one can make the Northern Territory a better place for everybody.*

The Member provided the written words for the Hansard editor to insert the written Warlpiri into the parliamentary record.

The recent example or where Aboriginal language was spoken by way of interjection on 2 December 2015 and ruled out of order as disorderly resulted in media commentary concerning the use of LOTE in the Legislative Assembly.

The Speaker of the Legislative Assembly, the Hon Kezia Purick MLA stated in correspondence to the Member for Stuart dated 13 February 2016 that the practice of the Assembly has been

*....that order is maintained by all Members speaking in English except for where leave of the Assembly is granted for other languages to be used.*

*The Assembly has transacted its business in the English language since its inception in 1974 and all Australian parliaments have the same practice....*

*With the number of Aboriginal languages and dialects within the Northern Territory if we were to permit speaking in Aboriginal languages as a matter of course during the routine of*

*business, we could not choose to be just bilingual; it would be a multi lingual parliament where every Aboriginal language could be spoken freely.*

*... As you are aware, and as I said in my ruling, there is no prohibition on any Member from time to time using the Warlpiri language with the leave of the Chair and in context. To be fair to all Members, including others of Aboriginal heritage who may not speak Warlpiri, the Assembly transacts its business in the English language as all Members, as well as the general public will have more access to an open and accountable Assembly if we all use a common language.*

*However, should you wish to pursue an option for Members of the Legislative Assembly to speak in languages other than English the following approach will be necessary...(The Speaker outlined an approach to the Standing Orders Committee).*

The Committee notes that the Member for Stuart has proposed a new Standing Order which is now the subject of the referral to the Committee.

## **Aboriginal Languages Spoken in the Northern Territory**

The Aboriginal Interpreter Service of the Northern Territory nominates the following as the most widely spoken Aboriginal languages in the Northern Territory with the caveat that *this information is not intended to be exhaustive of all languages and dialects spoken in the Territory.*

<b>Region</b>	<b>Language</b>
<b>Tiwi Islands</b>	
Milikapiti	Tiwi (Modern and Traditional)
Pirlangimpi (Garden Point)	Tiwi (Modern and Traditional)
Wurrumiyanga (Nguui)	Tiwi (Modern and Traditional)
<b>West Arnhem region</b>	
Gunbalanya (Oenpelli)	Kunwinjku
Maningrida	Burarra, Ndjebbana, Kunwinjku, Yolngu Matha
Minjilang (Croker Island)	Iwaidja, Kunwinjku
Warruwi	Maung
<b>East Arnhem region</b>	
Angurugu (Groote Eylandt)	Anindilyakwa
Galiwin'ku	Yolngu Matha (Djambarrpuyngu, Galpu, Golumala, Rirratjingu)
Gapuwiyak	Yolngu Matha (Djambarrpuyngu)
Gunyangara (Ski Beach)	Yolngu Matha (Gumatj, Dhuwaya, Galpu, Rirratjingu)
Milingimbi	Yolngu Matha (Djambarrpuyngu, Gupapuyngu)
Milyakburra (Bickerton Island)	Anindilyakwa
Ramingining	Yolngu Matha (Gupapuyngu, Djambarrpuyngu, Djinang)
Umbakumba (Groote Eylandt)	Anindilyakwa
Yirrkala	Yolngu Matha (Gumatj, Dhuwaya, Galpu, Rirratjingu, Djapu, Djambarrpuyngu)

### Victoria Daly region

Kalkaringi/Daguragu	Gurindji, Westside Kriol
Naiyu (Daly River)	Ngan'gikurrunggurr, Kriol
Nganmarriyanga (Palumpa)	Murrinh Patha, Ngan'gikurrunggurr, Kriol
Peppimenarti	Ngan'gikurrunggurr, Kriol, Murrinh Patha
Pine Creek	Kriol, Mayali
Timber Creek	Westside Kriol
Yarralin	Ngarinyman, Westside Kriol
Wadeye	Murrinh Patha

### Roper Gulf region

Barunga	Eastside Kriol
Borroloola	Yanyuwa, Garrwa, Eastside Kriol
Bulman	Eastside Kriol
Jilkminggan/Mataranka	Eastside Kriol
Manyallaluk	Eastside Kriol
Minyerri	Eastside Kriol
Ngukurr	Eastside Kriol
Numbulwar	Eastside Kriol, Nunggubuyu
Wugularr (Beswick)	Eastside Kriol

### Barkly region

Ali Curung	Warlpiri, Wumpurrarni English*
Alpurrurulam	Alyawarr
Ampilatwatja	Alyawarr
Arlparra (Utopia)	Alyawarr, Anmatyerr
Elliott	Kriol
Tennant Creek	Warumungu, Wumpurrarni English*, Warlpiri, Alyawarr
Wutunugurra	Alyawarr

\* Wumpurrarni English is a variety of Kriol

### Central Desert region

Lajamanu	Warlpiri
Laramba	Anmatyerr
Nyirripi	Warlpiri
Pmara Jutunta (Ti Tree)	Anmatyerr, Warlpiri
Willowra	Warlpiri
Yuelamu	Anmatyerr, Warlpiri
Yuendumu	Warlpiri

### MacDonnell region

Amoonguna	Eastern/Central Arrernte, Western Arrarnta
Apatula (Finke)	Pitjantjatjara, Yankunytjatjara, Luritja/Pintupi
Hermannsburg (Ntaria)	Western Arrarnta
Kaltukatjara (Dockert River)	Pitjantjatjara, Ngaatjatjarra, Yankunytjatjara
Ltyentye Apurte (Santa Teresa)	Eastern/Central Arrernte, Western Arrarnta



Utju (Areyonga)	Pitjantjatjara, Luritja/Pintupi, Western Arrarnta
Walangurru (Kintore)	Luritja/Pintupi
Watiyawanu (Mt. Liebig)	Luritja/Pintupi
Warumpi (Papunya)	Luritja/Pintupi

The Aboriginal Interpreter Service (AIS) notes: *The Northern Territory is one of the most linguistically diverse areas of the world. More than 100 Aboriginal languages and dialects are spoken in the Territory. In remote NT communities, English is not the first language children grow up speaking, and adult levels of English vary greatly. According to ABS census data, over 60% of all Aboriginal Territorians speak an Aboriginal language as their home language*

The Assembly has from time to time engaged the AIS for Committee proceedings and outreach information work. The 2010 Legislative Assembly Statehood Steering Committee project which conducted outreach with 50 community forums across the Northern Territory prioritised translation and interpretation services for these forums in the following Aboriginal languages:

1. Alyawarre
2. Amatjere
3. Anindilyakwa
4. Burarra
5. Eastern Arrente
6. Kayteye
7. Kriol
8. Kunwinku
9. Luritja
10. Murrinh-Patha
11. Nunggubuyu
12. Pitjantjara
13. Warlpiri,
14. Warumungu
15. Western Arrente
16. Yanyuwa
17. Yolngu

The interpreters used for these forums were required to attend in service pre forum training on context and content to ensure a greater mastery of complex constitutional matters to be interpreted.

### **Status of LOTE in Australian and other Commonwealth Parliaments**

The Committee is cognisant of the arrangements in other Australian jurisdictions as follows:

<b>Australian State/Territory</b>	<b>Languages Hansard is published in</b>	<b>Other languages allowed during debates?</b>
NT	English	By leave
VIC	English	By leave
WA	English	By leave
SA	English	By leave
TAS	English	By leave
ACT	English	By leave

QLD	English	By leave
NSW	English	By leave

The Committee further noted that a key recommendation of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Report in 2012 was:

*Recommendation 3 - Parliamentary recognition of Indigenous languages*

*The Committee recommends the Commonwealth Parliament demonstrate leadership in the recognition and valuing of Indigenous languages by:*

- *considering how to incorporate Indigenous languages in the Parliament House building and in the operations of the Parliament, and*
- *encouraging all Members of Parliament to:*
  - *be aware of and recognise the Indigenous language groups local to their electorate*
  - *where, possible and appropriate, acknowledge traditional owners and utilise language names for places and landmarks, and*
  - *support schools and community groups in their area to recognise, value and where possible utilise Indigenous language names.*

On 18 March 2013 the House of Representatives Speaker responded that these matters were agreed and referred a reference to the Standing Committee on Procedure on how to best respond to all aspects of the recommendation.

On 23 February 2016 the Deputy Clerk of the House of Representatives advised the Clerk of the Legislative Assembly of the Northern Territory:

*The Procedure Committee is aware of the matter but hasn't formally adopted an inquiry. We aren't in a position to say whether the committee is likely to adopt an inquiry in the foreseeable future.*

As referred to in a letter from Minister Price to the Northern Territory Speaker on 12 February 2016, on Wednesday 10 February, the Prime Minister, in his opening words of a ministerial statement on 'Closing the Gap' spoke in the local (to Canberra) Ngunnawal language.

The Deputy Clerk further advised that *our Hansard has recorded the words in the language as spoken without translation. Other members, notably the member for Lingiari, on occasion have spoken some words or sentences in an indigenous language, and they have been recorded, again without translation.*

The Hansard records:

**Mr TURNBULL** (Wentworth—Prime Minister) (10:07): *Yanggu gulanyin ngalawiri, dhunayi, Ngunawal dhawra. Wanggarra lijinyin mariny bulan bugarabang. Today we are meeting together on Ngunawal country and we acknowledge and pay our respects to the elders.*

*I rise today to deliver the 2016 Closing the Gap statement. I pay my deep respects to the Aboriginal and Torres Strait Islander custodians who have cared for this country, and to the elders who continue to hold the knowledge of their rich and diverse cultures.*

Country	Language Hansard is published in	Use of languages other than English
South Africa	Afrikaans, English, Ndebele, Northern Sotho, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa and Zulu.	House Language Office works to translate debates from prominent African languages to English
UK (House of Commons)	English	Witnesses to Committees may testify in Welsh, MP's can take post-election oath in English, Welsh, Scottish Gaelic or Cornish
India	English and Hindi	Members can use English or Hindi in the Chamber. Article 120 of the Indian constitution allows for a member to address the House in another language*if he or she cannot confidently express themselves in English or Hindi (the Member must seek the permission of the Speaker)
Singapore	English	Members are permitted to speak any of Singapore's four official languages: Malay, English, Mandarin and Tamil
Hong Kong	English	All Chamber business conducted in Cantonese
Ireland	English and Irish	TD's (MP's) switch to Irish during debates
Canada	English and French	Each Member's chair has an easily accessible headpiece for translation on the fly

\* (i) Assamese; (ii) Bengali; (iii) Kannada; (iv) Maithili; (v) Malayalam; (vi) Manipuri; (vii) Marathi; (viii) Nepali; (ix) Oriya; (x) Punjabi; (xi) Sanskrit; (xii) Tamil; (xiii) Telugu; and (xiv) Urdu.

### The Experience in Nunavut, Canada

When looking for jurisdictions with similar experiences it is difficult to find like for like given the remoteness and the diversity of Aboriginal languages in the Northern Territory, however the Committee was made aware of the practices in the Canadian territory of Nunavut which provided some interesting comparisons given it is remote and large and there are two Inuit languages commonly used in the jurisdiction.

The website of the Legislative Assembly of the Territory of Nunavut in Canada is available in four languages. These are Nunavut's official languages.

The *Official Languages Act for Nunavut* recognizes Inuktitut, Inuinnaqtun (the two Inuit languages), English and French as the official languages within the territory.

The 2006 Canada census shows 64% of respondents in Nunavut reported using an Inuit language in the home, even though it is the mother tongue of 83% percent of the population. Interestingly this reportedly represents a 12% decline in ten years. This is partly due to a



- 3 Is there a simultaneous translation service in place or is it a delayed translation?

*We provide simultaneous interpretation services. From time to time, we have hosted special events in the Chamber at which 3 or more languages have been used ... in such circumstances, relay interpretation has been used ... this occurs most commonly when French is used: we have Inuktitut/English interpreters and English/French interpreters, but no Inuktitut/French interpreters. So, if someone speaks in French, the English/French interpreter will interpret the person's words into English ... and then the English/Inuktitut interpreter will interpret the English into Inuktitut. (note that French has only been used during such special public hearings held in the Chamber and only when we are dealing with the Official Languages Act....no French is spoken in the House by Members as no French speaking individual has ever been elected as a Member of our legislature)*

4. Are Hansard transcribers all multilingual?

*No. I am attaching a document which depicts the current set-up for our Hansard shop ... you'll note references to transcribers and language proficiencies.*

- 5 Are Members permitted to speak in another language other than the four official languages?

*Our Rules do not explicitly prohibit a Member from speaking in a language other than any of the official languages. However, for obvious reasons, no interpretation services are provided for languages other than the official languages. In the (extremely hypothetical) case where an MLA tried to speak at length in, say, Japanese, I suppose that the Speaker could call him or her to order on the grounds that nobody understood what was being said ... we have had a small handful of Members over the years utter a small handful of words in "other" languages (for example, in the first Assembly, a Chinese-Canadian MLA said a few words in Chinese ... Hansard simply rendered the (very brief) intervention as "Member spoke Chinese").*

- 6 Do all Members speak and understand one common language?

*No. The majority of Members in our current Assembly are fluently bilingual in both the Inuit language (which includes both Inuktitut and Inuinnaqtun) and English. We have a handful of MLAs who are unilingual English-speakers and two MLAs who are unilingual Inuktitut-speakers.*

## **The Experience in New Zealand**

While the Māori language (Te Reo Māori) has different dialects, unlike distinct and unrelated Australian Aboriginal languages, a fluent Māori speaker may be likely to comprehend other dialects of the same language.

When Te Reo Māori is spoken in the New Zealand Parliament, Parliament TV provides a simultaneous English translation which is used via the appropriate language option available on the television. Parliament TV is available on both free to air and subscription channels.

Each provider has two audio channels:

- English and Māori: you only hear what is spoken on the floor of the House

- English only: you hear English live from the floor of the House and a simultaneous English interpretation when Te Reo Māori is spoken

As well as television available to all New Zealanders, both audio channels are available as a live stream over the internet of the House's proceedings.

Members in the House and visitors in the public galleries may also listen to simultaneous interpretation using earpieces. Radio New Zealand's AM Network broadcasts the untranslated audio direct from the floor of the House.

The Hansard is recorded as spoken. For example:

*EUGENIE SAGE (Green): E Te Māngai e Te Whare, tēnā koe. He mihi nui ki a koutou. I am very pleased to take a call on the Building (Earthquake-prone Earthquake Buildings) Amendment Bill for the Green Party, and I would certainly like to acknowledge the 185 individuals who died nearly 5 years ago today.*

### **Disorder and Interjecting in any Language**

The Committee notes that the Northern Territory Assembly's Standing Orders adopt the procedure outlined by the Speaker of the House of Commons on 22 January 1693 when the Speaker said:

*To the end that all Debates in this House should be grave and orderly, as becomes so great an Assembly; and that all Interruptions should be prevented; Be It Ordered and Declared, that no Member of this House do presume to make any Noise or Disturbance, whilst any Member shall be orderly debating, or whilst any Bill, Order or other Matter, shall be in reading or opening: And, in case of such Noise or Disturbance, that Mr Speaker do call upon the Member, by Name making such a Disturbance: And that every such Person shall incur the Displeasure and Censure of the House.*

The *Rules of Debate* in Chapter three of Standing Orders and rules concerning *Disorder* as provided for in Chapter four of Standing Orders are the modern manifestation of this ruling as it applies in the Legislative Assembly of the Northern Territory.

The rules apply to all languages as being 'noise or disturbance' as contemporary Standing Order 20 still retains those 323 year old words as follows:

*When a Member is speaking other Members must not make any noise or disturbance.*

### **The Difference between Interpreting and Translating**

The words 'interpreter' and 'translator' are often used interchangeably. For parliamentary debate purposes it would be reasonable to require an interpreter to be able to translate in both directions on the spot, without using dictionaries or other materials.

Interpreters require extraordinary listening abilities, especially for simultaneous interpreting.

Simultaneous interpreters need to process and memorise the words that the source-language speaker is saying, while simultaneously speaking in the target language those words said 5-10 seconds ago. Interpreters must also possess the intellectual capacity to instantly transform idioms, colloquialisms and other culturally-specific references into analogous statements the target audience will understand.

A text only translator has the luxury of time and is usually only translating text to text, not speaking on the spot.

Because the Committee considered both spoken word in debate and the written parliamentary record, it determined that both skills would be likely to be required, however finding people who can readily do both may be difficult.

Understanding of context and to some extent the subject matter is also beneficial for the interpreter.

### **Consideration of the Options in Detail**

For completeness the Committee gave consideration to all the possible options, even though the Member for Stuart's proposal was not for a simultaneous translator service or other similar arrangements.

#### **1. The Legislative Assembly transacts all business in English only**

This is not the status quo. Members are able to speak now in Aboriginal languages and other languages by prior arrangement.

This option was not supported by the Committee.

#### **2. The Legislative Assembly transacts all business in English with Members able to speak in any LOTE upon request (by leave) and the Member provides the spoken interpretation of what was said**

This occurs now.

#### **3. The Legislative Assembly transacts all business in English with Members able to speak in any LOTE upon request (by leave) and the Member provides the spoken interpretation and written translation of what was said**

Members do not always provide a written translation. Whether a language is able to be written is also a factor. The Committee noted the proposed new Standing Order would require an option of written or spoken translation.

#### **4. The Legislative Assembly transacts all business in English with Members able to speak in any LOTE as a matter of course without a need to seek leave or make a request and the Member provides the spoken interpretation and written translation of what was said**

This is the approach proposed by the reference to the Committee. Contemporaneous or proximate comprehension by other Members and the capacity to record the content in the parliamentary record will be accommodated.



The Member for Stuart has proposed the following new Standing Order:

#### STANDING ORDER 23A

##### ***Speaking in a Language other than English***

*A Member may rise to speak in any language other than English so long as an oral translation is provided in the English language by the same Member immediately subsequent to the words spoken in the language other than English or a written translation is tabled (without the need to seek leave) immediately at the conclusion of the contribution by the Member who was speaking in the language other than English.*

The Committee notes that if the Assembly agrees to this approach the onus is on the Member speaking to provide the translation and a question arises as to whether the translation aspect is additional speaking time or part of the speaking times already provided for pursuant to Standing Order 43.

The Committee has in this context considered if a Minister delivers a second reading speech in LOTE whether they would have an additional 45 minutes to present the English translation and determined that this would not become the practice and proposes the new Standing Order clarify that.

The Member for Stuart has proposed the new Standing Order be placed within Chapter Three which is the relevant chapter for the orders relating to the Rules of Debate.

Placement after existing Standing Orders 21-23 which relate specifically to speaking, being heard, and explaining speeches, is a logical location for a new Order relating to the language used.

The content in the proposed Standing Order concerning tabling the translation without the required seeking of leave was considered redundant given the proposed Standing Order provides the *requirement* to table.

Given this approach is the recommended option it is proposed the Standing Orders be amended to clearly reflect the procedure the Assembly wishes to follow which is outlined in the final recommendation below.

- 5. The Legislative Assembly transacts all business in English with Members able to speak in any Northern Territory Aboriginal language and the Member provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English**

This variation restricts Members to only Aboriginal languages not any LOTE and is not the preferred option.

- 6. The Legislative Assembly transacts all business in English with Members able to speak in any Northern Territory Aboriginal language and the Assembly provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English**

This option places the onus on the Assembly service itself to translate the words which contemplates employment of additional resources and raises the question of technology enhancements.



The Committee takes the view that this approach is not necessary given the frequency of sittings and use of LOTE and would only be considered in the future if the situation were to change.

**7. The Legislative Assembly transacts all business in English with Members able to speak in only one nominated Aboriginal language and the Member provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English**

This variation assumes a Member has prioritised the Aboriginal language they will speak. The Member could not then move from one to another. For example a Member nominates Luritja, they would not then have approval to break into Warlpiri or Arrrente.

The Committee did not pursue this option any further as it was not the preferred approach.

**8. The Legislative Assembly transacts all business in English with Members able to speak in only one nominated Aboriginal language and the Assembly provides the spoken interpretation and translation for the Parliamentary Record of the written words from the Aboriginal language into English**

This proposal is similar to Option 6 but contains the restrictions of Option 7 and has not been considered further.

**9. The Legislative Assembly transacts all business in English with Members able to request an interpreter to translate into a nominated Aboriginal language for them to have greater access to the spoken words used every day in the Assembly**

This variation only provides for a spoken service on the floor which would be either simultaneous or not depending on the will of the Assembly, but it is the other way. It means that a Member is receiving the translation from English into an Aboriginal language.

This proposal does not achieve the outcome of Members being able to speak in Aboriginal language, only to receive a translation. On that basis this option was not supported by the Committee.

**10. The Assembly provides both interpreters and written translation services from English into a range of nominated Aboriginal languages and vice versa on a daily basis**

This is the most comprehensive and resource intensive option as it includes two way translations from Aboriginal languages into English and vice versa for Members.

Every Member would be permitted to speak in English or a nominated Aboriginal language at will and every other Member listening would receive the translation into their nominated language.

In this model, Member A could speak in debate in Pitjantjara. Member B could receive the translation in English, Member C could receive the translation in Arrrente, Member D in Yolngu, Member E in Tiwi and Member F in Kriol. The Hansard would be printed in all the nominated languages so far as is possible.

The option would be very resource intensive. The Committee determined not to pursue this approach as it was not requested by the Member for Stuart or any other Member.

## **Recommendation**

The Committee recommends the Assembly adopt the following new Standing Order:

### *STANDING ORDER 23A*

#### ***Speaking in a Language other than English***

*A Member may rise to speak in any language other than English so long as an oral translation is provided in the English language by the same Member immediately prior to the words spoken in the language other than English and a written translation is tabled immediately prior to the contribution by the Member speaking.*

*Apart from existing arrangements for extensions of speaking times, no allocation of additional speaking time is provided for translation purposes.*

*When the language spoken is a language other than English, the Member speaking will also make the original text language available for incorporation into the Parliamentary Record alongside the English language text.*

**Hon John Elferink MLA  
Committee Chair**

April 2015