



**GUIDELINES – EXEMPTION
FROM PAYMENT FOR
LANGUAGE SERVICES**

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**Community Relations Commission
For a multicultural NSW
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A. INTRODUCTION

The Community Relations Commission (“the Commission”) is committed to provide efficient, high quality interpreting and translating services to its customers. To enable services to be provided at the appropriate level it is vital that limited resources are managed effectively to ensure the best possible use of these resources.

Interpreting and translation services are generally provided by the Commission on a fee for service basis. In some exceptional instances, fees for some services may be waived depending on resource availability and budget constraints at the time.

It must be noted that there are differences in the criteria for exemptions relating to fees for interpreting services and those relating to translation services and that exemptions are only available at the Commission's discretion and subject to the availability of resources. In the event of any change of circumstances affecting the exempted individual or organisation, or changes in resource availability, including budget constraints, the Commission may revoke the exemption at any time.

B. INTERPRETING

1. Individuals

- 1.1 Interpreting services required by individuals in dealings with NSW Government departments or agencies are the responsibility of the NSW Government. It is Government policy that agencies provide interpreter services free of charge to clients.
- 1.2 In dealing with NSW Government departments or agencies, the request for an interpreter must be made and paid for by the relevant department or agency.
- 1.3 In other cases involving emergency or severe hardship the matter will be assessed on an individual basis.
- 1.4 Exemptions may be sought by an individual approaching the organisation directly or through an organisation which is registered with the Commission.
- 1.5 Exemption may be granted for interpreting services in civil legal matters before a Court within the jurisdiction of NSW in cases where the applicant must meet all of the following conditions to qualify for free service:
 - Applicant must be a defendant.
 - Applicant must produce a copy of relevant court papers which identify the subject of litigation.
 - The matter is within the jurisdiction of NSW.

- The matter is not a worker's compensation case.
- The matter is a civil matter, however:
 - If a Family Law Court matter, the applicant should approach the Department of Immigration and Citizenship.
 - If a criminal matter, the applicant should apply to the court who will arrange for an interpreter.
- Applicant is unrepresented in the matter and is supported by a letter from the Court to that effect.
- Applicant is unemployed AND in receipt of Government financial benefits as evidenced by documentation.

2. ORGANISATIONS

2.1 The Commission will place on its register, organisations which satisfy the following criteria:

- (a) is non profit making and sharing;
- (b) is non government and solely community based;
- (c) is engaged in providing services to people from a non English speaking background in NSW; and,
- (d) in the Commission's view:
 - Does not have access to appropriate interpreter services free of charge (e.g.) through the Translating and Interpreter Service (TIS) or Department of Health;
 - Does not have access to an appropriate funding allocation for language services (through funding by a State or Federal Government)
 - Is not the primary funding responsibility of either the Commonwealth, or Local Government

2.2 Unless otherwise determined by the Commission, a project administered by a registered organisation and funded by a NSW state government agency will not attract an exemption as the payment for language services is the responsibility of the funding agency.

2.3 Registration for the granting of exemptions means that some limited exempt services may be provided on strictly case-by-case basis to requesting organisations for some services or activities which relate to NSW State Government activities or services only. These services are only provided for interview type situations (not workshops, information/education sessions or conferences). Free services are not provided for the following:

- Equity issues such as someone involved in suing for damages as this is a private matter

- Workers compensation, third party compensation or other compensation matters as these are paid for by either WorkCover or the insurer
 - Social security matters and family court matters (i.e. Custody, divorce and property matters) as these are the responsibility of the Federal Government.
 - Issues which are not within the immediate jurisdiction of the Government of New South Wales
 - Issues arising from non payment of debts and meeting other responsibilities to financial institutions or credit unions.
- 2.4 Organisations seeking registration will need to apply to the Director, Operations. An appropriate form, available from Language Services by telephoning: 8255-6737 must be completed. Renewal of registrations is required annually.
- 2.5 Organisations will be advised in writing of the success or otherwise of the initial application to register. If successful, organisations will receive a copy of the Guidelines – Exemption from Payment for Language Services.
- 2.6 Registration by an organisation does not mean exemption from the payment of fees each and every time interpreting services are requested. Exemptions are provided on a strictly case-by-case basis. Each request for free interpreting will first need to be assessed against the Commission exemption criteria, and the availability of resources (both interpreters and budgetary funds) at the time.
- 2.7 When an organisation is registered as eligible it will be necessary for them to complete an appropriate request form each time interpreting services are required and an exemption from the payment of fees is sought. As much advance notice as possible must be provided, at least five working days is the minimum required and the more the better.
- 2.8 Organisations should not automatically assume that an exemption has been granted each time a request for an exemption for interpreting services is submitted and they do not hear from the Commission that this request has been approved. The onus is on the organisation to confirm that approval has been granted. Organisations should be aware that because of the daily volume of requests and the Commission's objective to meet requests, it is quite probable for staff to process a request for an exemption as a normal application for a paid assignment. In such cases an interpreter will be allocated as if this is a normal assignment and the organisation would be invoiced. It is the responsibility of the organisation to always check before the assignment to confirm whether or not an exemption has been approved. This can be done by checking online or telephoning 1300 651 500

If an application is processed as normal and approval has not been granted, payment for the service will be required, regardless of the circumstances.

3. COMMUNITY LEGAL CENTRES

3.1 The Commission defines a Community Legal Centre ("CLC") as any organisation that is a recognised member of the Community Legal Centre Combined Group ("CLCCG"). The CLCCG biannually advise the Director, Operations of the list of CLCs and request renewal on behalf of CLCs. Community Legal Centres may be exempt from the payment of fees for some interpreting services. Limited exempt services are provided for cases which relate to NSW State Government activities or services only. These services will usually only be provided for interview situations. Workshops, information/education sessions or conferences will be considered on a case by case basis, depending on resource availability at the time.

Free services are not provided for the following:

- Equity issues such as someone involved in suing for damages as this is a private matter
 - Workers compensation, third party compensation or other compensation matters as these are paid for either by WorkCover or the insurer
 - Social security matters and family court matters (i.e. Custody, divorce and property matters) as these are the responsibility of the Federal Government.
 - Issues arising from nonpayment of debts and meeting other responsibilities to financial institutions or credit unions for court appearances.
 - Children's Care and Protection: Interpreter services re this matter has to be charged to NSW Department of Family and Community Services.
 - Consumer Complaints: as this should be the responsibility of the NSW Office of Fair Trading.
 - Wills and Estates.
- 3.2 However, the Commission is aware that matters brought to CLC's may initially be unclear in terms of their jurisdiction, or have elements that fall into both Commonwealth and State Jurisdiction.

In keeping with the Commission's commitment to the needs of disadvantaged clients for access to legal support, the Commission will provide some flexibility in the application of the exemption policy in 3.1 as follows:

In a CLC case where the issues are complex and a preliminary interview is needed to clearly establish jurisdiction, the Commission will provide an interpreter free of charge for this interview.

In a CLC case where jurisdiction overlap, the Commission will undertake to provide interpreters free of charge.

4. MEMBERS OF PARLIAMENT AND MINISTERS OF THE STATE OF NSW

- 4.1 Members of the NSW Parliament, including Ministers other than a Minister whose portfolio includes the Community Relations Commission and Principles of Multiculturalism Act will be exempt from interpreting fees for interpreting used during face to face discussion with the Member in person within the precincts of the Parliament House in Sydney.
- 4.2 Interpreting services will be available to a Minister whose portfolio includes the Community Relations Commission and Principles of Multiculturalism Act as detailed in 4.1 and for all other matters which relate directly to the administration of the Community Relations Commission and Principles of Multiculturalism Act,

C. TRANSLATIONS

1. INDIVIDUALS

- 1.1. Subject to condition outlined in these guidelines, exemptions from the payment of fees may be given to individuals for the following standard personal documents for translation into English only
 - a) Birth Certificate
 - b) Baptismal Certificate
 - c) Death Certificate
 - d) Divorce Decree/Certificate
 - e) Driver's Licence
 - f) Extracts from Passport
 - g) Family Entry
 - h) Identity Document
 - i) Marriage Certificate
 - j) Military Service Record
 - k) Police/Penal Record
- 1.2 A limit of two personal documents within the categories listed in C.1a-k provided each of them does not exceed 300 words relating to an individual will be provided free of charge, provided that the individual concerned:
 - i. Does not have access to other appropriate translation services free of charge; and
 - ii. Has been a permanent resident of Australia for two or more years by providing evidence of this e.g. passport or certificate of Australian Citizenship; and
 - iii. Meets the Commission's means test by producing a valid Centrelink Health Care Card or evidence of receiving New Start Allowance. In the case of students, evidence of being in receipt of Austudy or Abstudy.

2. FEDERAL COURT PROCEEDINGS

Documents required for Federal Court proceedings including the Family Court are not exempt e.g. custody, divorce and property matters.

3. MEMBERS OF PARLIAMENT AND MINISTERS OF THE STATE OF NSW

3.1 Members of the NSW Parliament including Ministers other than a Minister whose portfolio includes the Community Relations Commission and Principles of Multiculturalism Act will be exempt on application for translations of incoming correspondence addressed directly to the MP and where the issues relate to the Member's Parliamentary duties excluding newsletters, circulars, stationery, leaflets and media releases whether in print or electronically.

3.3 The Minister whose portfolio includes the administration of the Community Relations Commission and the Principles of Multiculturalism Act will be exempt from translation fees relating to matters outlined in 3.1 and in addition, the Commission will provide further translation services to that Minister for the following:

- Any media releases which relate directly to the work of the Commission or an initiative of the Minister to be implemented through the Commission.
- Any correspondence which directly relates to the Commission, either involving the Commission's work or about the role and the functions of the Commission.

Note: Translations for Ministers other than the Minister who is responsible for the administration of the Community Relations Commission and Principles of Multiculturalism Act, which is not covered under 3.1 above but which relate to ministerial functions, initiatives of work by agencies or departments within their administrative responsibilities, should be paid for by the relevant agency.

For example, translations of a media release about speed cameras should be paid for by the RTA as part of their responsibilities under the Multicultural Policies and Services Program.