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new language varieties and new interactions in legal contexts

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Research Brief

Issue 01, 2016

Communication Matters: new language varieties and new interactions in legal contexts.

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RESEARCH AIM

This exploratory research sought to identify important issues in cross-linguistic and cross-cultural interactions in legal contexts in the Northern Territory for further investigation. The research was funded by NT Law Society Public Purposes Trust. This research brief identifies two areas that would improve practice with further research.

KEY FINDINGS

Two key matters arose as significant:

- The needs of speakers of traditional languages are reasonably clear, in terms of provision of interpreter services and a range of new multimedia resources, however, the needs for speakers of new contact languages are not. The language situation in many sites in the NT is dynamic, with younger speakers adopting and adapting new language varieties. Research is required on the needs of speakers of contact languages in legal interactions.
- There are a range of new means of increasing the capacity of participants in legal settings (legal officers, professionals and clients), such as books, electronic resources, websites and outreach services. Research is needed to evaluate these resources and programs, to consider how to best maximise their reach and impact.

I. Introduction

Australia is a linguistically diverse nation, with Indigenous and migrant languages. With respect to Indigenous languages, the 2011 census reported some 60,550 Aboriginal and Torres Strait Islander Australians speak or know some of their heritage language. 170 languages are named reflecting a diverse and fragile language ecology (Biddle, 2012). Of the traditional languages still passed on and used as the first language of children, most are spoken in the Northern Territory (NT) of Australia (Marmion, Obata & Troy 2014, p. 8). In the NT, in addition to traditional languages, new language varieties are developing, the outcome of language contact and the formation of new social identities (Meakins, 2008; Morrison & Disbray, 2008; O'Shannessy, 2011, 2015). This changing language ecology has implications for communication in legal contexts and the way services respond to communication needs. This is the first of two key topics addressed in this paper.

Existing research has drawn attention to issues of communication in legal contexts with respect to Aboriginal and Torres Strait Islander Australians. Diana Eades has pioneered this work focussing on Aboriginal ways of using English (Eades, 1992, 2010, 2013). Through her forensic linguistic work Eades has also investigated the ways that Australian law and legal process exercise neo-colonial control over the Indigenous people (Eades, 2008a). This work is situated mainly in urban contexts in New South Wales and Queensland. Informed by this, other research has recognised and described means of addressing disadvantage due to communication matters through, for instance, the Anunga guidelines (Douglas, 1998), Aboriginal sentencing courts and judicial bench books (Clare, 2009). In her study, Biber (2010) has considered epistemological differences with respect to knowledge and truth across cultures, and the differential impact the rules of evidence have as a result on many Indigenous people in court settings. The study poses implications for how Evidence is taught in tertiary education courses.

Research from the NT, with its diverse linguistic ecology, has stressed the importance of the interpreters in court room interactions involving first language speakers of traditional languages (Cooke, 1995; Goldflam, 1995, 2012), highlighting that the right to an interpreter for many Aboriginal people is crucial in allowing an accused a fair trial (Goldflam, 2012). Indeed in critical face-to-face court interactions interpreters are essential in facilitating communication between speakers who do not share the same language mastery or language repertoires. An Aboriginal advocate recently described Aboriginal Interpreters as the 'heavy lifters in courts' and other communication contexts, and this is certainly true (ABC, 2013).

However, in a myriad of ways other than interpreter services, legal services and other organisations in the NT are seeking to improve communication, and with it legal process and access, in and out of courts. These include resources for lawyers and legal professionals, recordings of the police caution in traditional languages for suspects, community legal education programs, pod and vodcasts on legal matters and e-books in traditional languages to explain parole condition*. In doing so they **spread the communicative load**, the second topic addressed. This paper considers two aspects of the communicative load in NT legal contexts, first by discussing new language varieties and their 'invisibility'. It begins with some terminology related to

new languages, then discusses the range and spread of these in the NT and draws implications for legal communication (section 2). Section 3 then examines innovative ways to improve communication in legal contexts, primarily for speakers of traditional language, but also for speakers of new language varieties. The goal is to consider evaluation and development of these programs and resources and to prioritise future research.

2. Contact languages & new varieties

2.1 Terminology

Contact languages or varieties

In sociolinguistics the term variety is useful for talking about languages, dialects, registers or styles. The term language is often associated only with a standard language, as a very clearly bounded entity. On the other hand, dialect is often associated with a region and/or is often less prestigious or "correct" than the standard. Variety avoids these associations. The term contact language or variety categorises such a code by its history and development. As the name suggests, contact languages are the product of contact between speakers of different languages. These generally first emerge in contexts without widespread bi-/ multilingualism among different groups and where there is little opportunity or will to learn the other's language fully. This is often in contexts with power difference between language speaker groups (eg. plantations, colonies, and in the NT - on stations, in stock camps, dormitories). Contact languages may be short lived or enduring. Features from both 'parent' languages appear in the new variety, but one language is dominant, in terms of the words/lexicon, this is called the lexifier language. The grammatical structure is simplified or streamlined.

Pidgin

This technical term refers to a relatively early stage in language contact. Pidgins are systematic but not fully-expressive varieties used for a limited range of interactions and are no one's first language. With continued contact and broadening contexts for use a pidgin may expand and begin to stabilise as speakers, particularly young speakers come to use it for a greater range of purposes. In Australia, English-lexified pidgins influenced by varieties such as Melanesian Pidgin English were used from the time British colonist arrived. Varieties were used in stock camps, cattle stations, missions and the settlements across the country (Simpson, 2000).

Creole

A pidgin arises early in contact and when this earlier speech variety expands and stabilises as it becomes the first or main language of a generation of users (gradually or abruptly) develops into a 'creole'. When a creole and one of its source or its 'lexifier' languages stay in close contact, and there is a shift towards the source or lexifier, this is a process of decreolization, in the 'post-creole' variety(s) there is often a good deal of variability in the ways that people speak (a 'creole continuum' from 'light' to 'heavy' styles) (Siegel 2000: 4). African American Vernacular English and Aboriginal English might be considered post-creoles.

Linguists use terms such as pidgin and creole as technical terms to refer to types of languages. Lay people, on the other hand use them to refer to particular languages or styles/varieties they know or hear: “Pijin” and “Station Pijin” (to refer to styles of English spoken by older people) and “Kriol” in the NT or “Kimberly Kriol”.

Two major English-based creoles are spoken in Australia, north Australian Kriol and Torres Strait Creole. Across north Australia from western Cape York (Queensland) to Broome (West Australia), across the Top End of Australia and south to Tennant Creek (Northern Territory) contact varieties of English are spoken as a first language by up to 30,000 Aboriginal people. These can be described collectively as “Kriol”, although in the NT this term is generally used by Aboriginal people to only refer to the Roper River Kriol, and so local terms such as ‘Wumpurrarni English’ may be used (Morrison and Disbray, 2008). There are some local differences in pronunciation, structure and lexicon, and often words and other features from local traditional languages are inserted. However, they share many similarities and are mutually intelligible (Meakins, 2014, p. 375). Only areas of coastal Arnhem Land and the Daly River region are excluded from the reach of Kriol in the north.

Mixed languages

More recently linguists have found a number of NT languages to be mixed languages, new varieties that combine elements of two or more languages which are in close contact in a speech community. Examples include ‘Light Warlpiri’, spoken at Lajamanu, and the speech style of young adults at Kalkaringi, ‘Gurindji Kriol’ (Meakins, 2008; O’Shannessy, 2011, 2015). They differ from pidgin and creole languages in that they come about as a product of expressive rather than communicative needs, as is the case for pidgin and creole languages. They are created in situations where a common language already exists and communication is not an issue, but they serve rather as an expression of an altered identity (Meakins, 2011, p. 36). Speakers make use of the grammatical resources of both languages in innovative ways, and often in these mixed languages there is a fusion of the two systems, rather than the streamlining we see in pidgins and creoles.

Naming & recognising contact languages

The agency of young people is an important part of language change and innovation in the NT. Long term research on these new varieties shows that young people do not ‘grow out of’ these varieties, but that they can become the peer language of a generation, which is then passed to children, providing scope for re-innovation. Contact languages are important in thinking about spreading the communication load in domains such as law, as it is increasingly clear that when younger people shift from speaking traditional languages in traditional ways, they don’t shift to Standard Australian English. Good communication means keeping up with changing language repertoires. However, the low status and, relatedly, low visibility of these new varieties represents a challenge to this (Marmion, Obata, & Troy, 2014). Often there is no official name for individual contact languages, or the term used by local and non-local linguists and language workers doesn’t have wider currency in the community. New contact languages don’t have the formal recognition that establishes them as ‘languages’, things like texts and dictionaries. In some contexts they have

low prestige and there are negative or ambiguous attitudes towards them within and outside of the speech community. Interpreters and language workers may see them as substandard varieties, be reluctant to acknowledge them, or may not wish to show their knowledge of these varieties. These matters may raise intergenerational shifts and tensions.

For legal practitioners and other non-speakers these varieties may appear as simply poor English or some impoverished ‘light’ or ‘new’ baby-talk variety of a traditional language, rather than an innovated system used by people of different ages as a language of everyday communication. For younger speakers, the variety they speak may be viewed as a variety of the traditional language (‘Light Warlpiri’, or as many young Lajamanu people say – Warlpiri ‘Lajamanu style’). This raises issues of authenticity, ‘real’ and ‘correct’ language, and such prescriptivism can be unhelpful in effective communication. In addition, with English-lexified varieties, English language speakers are more likely to overestimate the commonalities between the contact variety and speech practices of their own Standard Australian English variety. These factors contribute or re-enforce what linguist Denise Angelo and her colleagues have called the ‘invisibility’ of contact languages, evidenced by low reporting, little recognition in languages policy and in education settings, and lack of attention to the learning needs of students as learners of English as an additional Language/Dialect (Angelo & Carter, 2015; Malcolm, 2011; Sellwood & Angelo, 2012).

Certainly the NT Aboriginal Interpreter Service has formal recognition of Katherine region Kriol (East side Kriol & West side Kriol) and Modern Tiwi, with resources and training in these languages. However, there are many varieties and styles that do not have this recognition or resourcing.

Aboriginal English, Aboriginal Ways of Using English & the Aboriginalisation of English

Unlike terms such as Gurindji Kriol or Wumpurrarni English, ‘Aboriginal English’ has wide currency. Indeed the work of Diana Eades has drawn attention to Aboriginal English and its use by speakers in Queensland and New South Wales generally and in legal contexts (Eades, 2013). This work has shown that Aboriginal people speak varieties of English in urban areas that are not dramatically different from other ways of speaking English, superficially at least. However differences in cultural and speech pragmatics (ways and norms of using language) are brought into sharp relief in high stakes interactions, such as those in the criminal justice system. The features that come to the fore in this work include the semantics of Aboriginal English, the conventions and pragmatics of questioning, including ‘gratuitous concurrence’ (answering questions with the perceived preferred response to appease a questioner) and the use of silence. Important also are differences between story-telling in everyday life, in courts and cross-culturally, expressions of and attitudes to time, and broader cultural practices such as loyalty to family and perspectives on private versus public space (Eades, 2013). These matters are clearly important in the NT, though very little similar research has been carried out.

Eades’ work characterises ‘Aboriginal English’ and also recognises the very dynamic nature of the varieties and styles speakers use, which is at odds with the idea of a clearly bounded linguistic

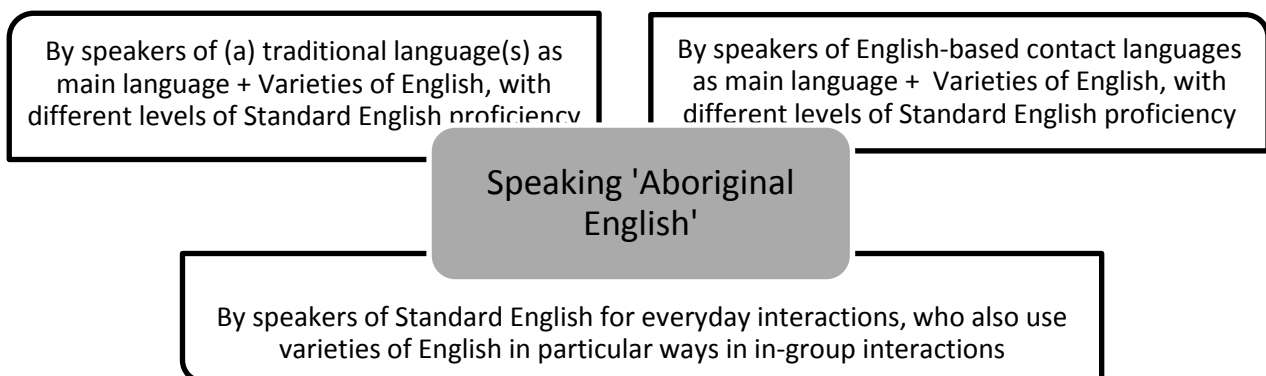
entity. The term ‘Aboriginal English’ implies a single language or style associated with a social group, in fact potentially all Aboriginal people, but this is not the intention and does not reflect the linguistic reality. By using terms like Aboriginal Ways of Using English (Eades, 2013) and the Aboriginalisation of English, Eades has allowed a characterisation of language practices that more accurately capture the dynamic and variable nature of the ways that language is used, reflecting language styles. This is important to the NT context, the topic we turn to now.

2.2 Languages and language varieties in the NT

Aboriginal Ways of Using English in the NT

Many Aboriginal people in the NT don’t speak one single style of English. The styles people use vary depending on a range of factors: the language spoken at home in their childhood home and in later life; the speaker’s age; education and employment experiences; and other language spoken. The slipperiness of the term Aboriginal English is clear when we consider what ‘Aboriginal English’ might mean, by testing it against different speakers and their repertoires. The sort of ‘Aboriginal English’ or ‘Ways of Using English’ we could expect among the following speakers would sound significantly different.

Figure 1. Speaker Profiles and Aboriginal Englishes



2.3 Language repertoires – some recent research

From 2003-2007 the Aboriginal Child Language Acquisition project, a 3 year longitudinal study of child language development investigated children’s language in three sites, Tennant Creek and Kalkaringi in the NT, and Yakanarra in the Eastern Kimberly, plus a linked study at Lajamanu, NT. In 2008 a new project started, with a number of further sites in the NT , including Murray Downs, near Alekarenge in Central Australia. The studies looked at a range of issues in child language development, but more importantly for this paper, they provided insight into new language varieties and developing speech repertoires amongst young Aboriginal people in remote NT communities (Simpson & Wigglesworth, 2009). Examples 1-4 give just a sense of these new varieties spoken in Lajamanu (Light Warlpiri), Kalkaringi (Gurindji Kriol), Tennant Creek (Wumpurrarni English) and Murray Downs (Alyawarre English). Lexical features from English/Kriol are italicised.

1. Light Warlpiri (Lajamanu) (O'Shannessy)

Kurdu-pawu-ng i-m pud-um leda na watiya-wana

The child is putting (the) ladder against (a/the) tree.

2. Gurindji Kriol (Kalkaringi) (Meakins)

Man(-tu) (i) bin jarrwaj (im) det guana karnti-yawung

The man speared a/the goanna.

3. Wumpurrarni English (Tennant Creek) (Disbray, 2009)

Pikka-pikka i bin pudum leda na tree-kana

(A/The) child put (a/the) ladder against (a/the) tree.

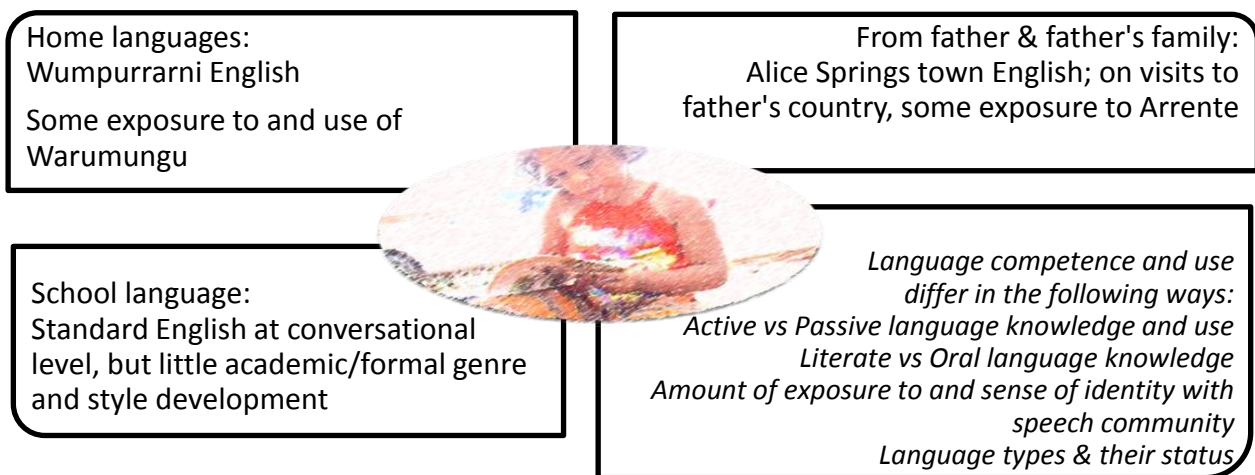
4. Alyawarre English (Murray Downs) (Dixon, 2013, p. 310)

Themab hebim mwetek. Ola gel-rnem hebim loli

They all have (a/the) car. All the girls have (a/the) lolly(s).

The research also provided information on speech repertoires, which were found to be varied and dynamic, as children develop an array of skills in different languages. In some contexts some children do have the opportunity over time to learn the traditional language as it is spoken by the generations above them, but in many, the language of new generations is significantly different to that of older speakers. The speech report as depicted for one Tennant Creek child, is mapped in figure 2.

Figure 2. Language repertoire of one child in the ACLA study



The points in the bottom right cell (in italics) raise implications for decision making about what language and what medium are best used to establish good communication in settings, such as legal settings, or to develop resources. For instance, speakers may be able to understand traditional languages (passive knowledge) and so access some information, but not the same level of active productive knowledge. For some traditional languages there are established literacy practices with many literates, however this is not the case for all traditional languages and not the case for many contact languages. Similarly oral English competency does not guarantee literate competence.

Cooke (1996) has drawn attention in a court setting to the ways that speakers might use their various linguistic resources. This switching can appear confusing or selective to speakers with less dynamic speech repertoires. However, speakers have different code choices and preference for specific purposes. Even in strong bilinguals, processing information that is unfamiliar in one language can pose strong cognitive demands that impact on communication. On the other hand, interacting in a language that is aligned to one's primary identity in a given context can support comprehension and communication.

2.4 Language/Dialect matters in legal contexts

Diana Eades' research has investigated legal interactions mainly in Aboriginal English-speaking contexts in New South Wales and Queensland. In the NT Michael Cooke has investigated legal interactions with speakers of traditional Aboriginal languages (Cooke, 1995, 1996, 2002) however there is little research overall, and none on new NT contact varieties. The investigation of interaction was outside of the current project, however a number of discussions with experienced interpreters in one region informs the following section and identifies areas for further research. The interpreters consulted raised the difficulties particularly for young people in legal interactions in accessing 'hard English', but for whom information in 'hard Warumungu' is also unhelpful. They also raised resistance by law enforcement and legal officers to access interpreters where the Aboriginal person could 'speak English' and a lack of interpreters was available. They recounted instances of miscommunications at a semantic or lexical and more broadly at cultural level and these are described here.

Lexical/Word Matters

One account involving a word or phrase level miscommunication involved three men accused of assaulting another man. One of the accused denied having been at the house at the time of the assault, having left just before the event: he'd claimed "a bin go leader" ('I went leader', 'I went ahead', 'I left first'). In his statement, one of the other accused young men had agreed that the man in question had been the "ring leader". The source of the misunderstanding was worked out before the case went to trial. The interpreter reflected some further examples. When another young man said of walking independently and a time later than his partner "a bin followim behind" ('I came after'), this was understood by police as an admission of threatening behavior. In another case a young man was to be charged with dangerous driving, a witness was accused of lying as she said the driver "bin go limit", which means to go very fast.

Cultural pragmatics

One discussion with interpreters involved the question of when conflicts involving family members constitutes 'a crime'. The view that regulation of proper behavior involves violence and this is not relevant to law enforcement is held by some, and raises cross-cultural differences in understandings of the terms such as 'domestic violence' as a crime. It is an important matter given high rates of offending and incarceration. Such matters have been discussed in terms of 'customary law' (Cooke, 2004).

Language matters at other levels

There are many differences between Standard English and contact languages spoken in Aboriginal communities at the interface between semantics and grammar, though there is little research on impacts these differences might have in interactions, with the exception of Eades work in South East Queensland and New South Wales. A number of areas might prove important. One is the standard English verbal system. Here, different forms and expressions are used for similar but subtly different purposes (consider the future proposition: 'we meet at 3 on Tuesday', 'we'll meet at three on Tuesday', 'we are meeting at 3 on Tuesday', 'we are going to meet at 3 on Tuesday', 'we might meet at 3 on Tuesday). Further English verbs encode not only tense (past, present and future) but also duration, regularity, certainly with respect to future events, and in case of speaker's sense of relevance of past events to the present situations – consider 'the children spilled milk' (event happened) vs 'the children have spilled milk' (impact of the event still evident).

Another area of potential miscommunication is in the use of articles to specify a referent, a very important part of information marking in Standard English. For instance, English relies on 'a' to mark non-specific and or new referents: 'he picked up a stick'; in contrast to 'he picked up the stick', where the speaker can express 'the stick I mentioned before', 'the one we both know', 'the one he had earlier' etc. Speakers of Australian contact languages use articles differently and variably, and the specificity that articles in English establish in English does not carry over (Disbray, 2009).

Finally, both Eades² (2008a, 2008b, 2010) and Cooke (1996) have analysed specific uses of stories or narratives in legal contexts, including witness statements and cross-examination, and have explored their strategic use by legal practitioners and also cross-linguistic and cross-cultural dimensions. While this has not been researched in legal contexts in the NT, research has shown recount and storytelling in English-lexified contact languages have distinct pragmatics. In Wumpurrarni English for instance, elements are often introduced in what appears to a Standard English speaker as vague, in part due to the differences in information marking discussed above. Elements are then repeated and built on with additional information as the story telling proceeds, creating what can seem like redundant stretches for English speakers (Disbray, 2008). Research on information exchanges involving narration and recount, along with the other areas mentioned in

² This grammatical difference has been the source miscommunication in other contexts of language contact in courts. Lee (cited in Eades, 2010, p. 72-72) has examined miscommunication involving a Korean complainant and interpreter in a rape case in an Australian court. Korean, unlike English does not have the definite/indefinite article distinction and in this case, the incorrect translation of this element had significant implications for the complainant's testimony.

this section may reveal further cross-cultural differences and miscommunication or misrepresentation.

3. Spread the communication load

This final section considers some of the recently developed innovative ways to improve communication in legal contexts, through resources and programs designed to spread the communication load between speakers with different language masteries in interactions in the legal domain. These are grouped into four categories of users and contexts:

- i. Legal officers and professionals and their professional learning
- ii. Speakers of languages other than English in specific contexts
- iii. Speakers of languages other than English and access to public education material
- iv. Face-to-face outreach services to Speakers of languages other than English

Two final emergent opportunities warrants mention, such as the development of secondary education programs for Aboriginal languages in NT schools. The other is the development of courses for law students, such as the course developed by Felicity Gerry at Charles Darwin University.

Legal officers and professionals and their professional learning

Raising awareness and improving practice is taking place through professional learning opportunities for legal officers and professionals (e.g. police, lawyers, parole officers). Such opportunities include in-service training, the Language and the Law event, dissemination of research materials and publication of materials such as the Indigenous Protocols for lawyers. The expertise these actions foster spread the communication load. Focusing specifically on lawyer's practice, the Protocols were launched in 2015, based on reflective practice by legal professionals and research on communication in legal contexts (Law Society Northern Territory, 2015). The six communication protocols in the resource provide practical advice on making judgments about effective communication and working with an interpreter, explaining roles and legal processes, principles of 'plain English', plus other communication matters such as hearing impairment and mental illness that may impact on communication between Indigenous and non-Indigenous people in legal settings. With good uptake, the Protocols will build capacity and legal professionals and officers and provide tools to spread the communication load. An important lever for uptake are the obligations in legislation for lawyers to meet set standards highlighted in the booklet (the Legal Profession Act 2006 and Rules of Professional Conduct and Practice – Law Society Northern Territory, 2015, p. 31).

In addition to the Protocols, 'The Interactive Plain English Legal Dictionary', developed by the Aboriginal Resource Development Service (ARDS), was launched in 2015. Both benefited from the committed and expert work of lawyer and linguist Ben Grimes. The dictionary provides plain English explanations of legal terms, for use by judges, lawyers, interpreters and others. The dictionary is an electronic volume and so can be adapted and updated easily. It is also printable.

Finally, it provides a basis for developing bilingual dictionaries of legal terms in English and any other language. The link to the dictionary is available in the section 'Resources' below. It is one of the excellent resources from the Aboriginal Resource Development Service (ARDS, link also under Resources).

Speakers of languages other than English in specific contexts

A further set of materials have been developed for use in particular legal contexts. For instance, the police caution has been developed in a number of Aboriginal languages, including Kriol, with texts loaded onto iPads for immediate use. The way the text is set up on this technology allows a listener to stage the listening, to go backward and forward. The English translation appears on the screen as the specific section plays, and so the attending police officer can keep track of points that the listener returns to or may be unclear of. Similarly, NT Department of Corrections have developed e-books and other visual resources informing prisoners and their families on parole conditions. The materials are in six traditional languages and plain English and are available from the website (see Resources).

Speakers of languages other than English and access to public education material

The e-resources developed by the NT Department of Corrections are openly available for general use, and so are part of a suite of electronic resources produced in recent years to provide public education on legal matters in Aboriginal languages. These digital objects allow easy incorporation of audio and audio-visual material in conjunction with or instead of text. This is important as literacy in Aboriginal language is not widespread. It is also an efficient way to reproduce materials or adapt the same template for different languages. Services such as ARDS have outstanding public education material on their web site, a range of pod and vod casts covering topics including legal matters. The i-talk library has interesting animations on health, legal and other matters in a range of NT traditional languages, and also in Kriol. On its website the Central Australian Women's Legal Service has audio files in six Central Australian Traditional languages. They provide key information on a range of topics from child protection to renting and tenancy (links to all of these sites are in Resources i). The material housed on these websites is an important collection, for use in legal services, by individuals and potentially education settings (schools, community learning centres, adult education providers). By spreading understanding of legal matters in first language, the communication load is potentially shared.

Face-to-face outreach services to Speakers of languages other than English

Community outreach projects, such as the Northern Territory Legal Aid Commission program, provide further means to share the communication load. They not only provide learning to speakers of languages other than English, but also foster skills in staff to develop and deliver practices and resources for cross-cultural and cross-linguistic settings.

Secondary Education Programs

Finally, in a project by the NT Department of Education and Alice Springs Language Centre, a course for secondary students in language awareness and language analysis, with pathways to translation and interpreting, is under development. It is assisted by linguist David Moore. The

course is to align with the current Draft 'Framework for Aboriginal and Torres Strait Islander Languages', part of the new Australian Curriculum. A pilot program is set to start in 2017 at Centralian Middle School, and a handbook, 'Moving into Translation' is set for release early in 2017. This move could provide more interpreters in the future, but perhaps more significantly, equip cohorts of young people with some of the bilingual skills, including knowledge of specialist vocabulary skills needed to better understand legal matters.

4. Future directions & Research

This paper has focussed on two aspects of communication in NT legal contexts: new languages in this dynamic language context and innovative ways to share the communicative load in cross-linguistic interactions. With respect to the first matter, it is posited that new language varieties are little recognised and as a result the needs of speakers may not be met. Given the levels of language innovation among younger people and their involvement in legal interactions, it is recommended that:

- new research be undertaken on interactions in legal contexts involving contact languages, and in particular young people.

With respect to the projects and resources designed to improve communication and access to legal information and process for speakers of languages other than English, there is no publically available evaluation or report on the uptake and use of these resources by staff in a particular setting (e.g. Corrections staff) or by service users (CAWLS website). Evaluation of the access, uptake and use of these resources and programs could guide resource creation, and also distribution of materials. The following questions should be investigated:

- What is the uptake of digital resources?
- What is the role of face-to face interactions?
- How accessible are digital resources?
- Would collating copies of materials into centralized or networked collections promote access and use? And could this guide decisions about transportability and sustainability of digital formats when materials are being developed?

Such research should also bring together the two themes in this paper and ask:

- What materials are available in contemporary language varieties and what demand is for such resources?

References

- ABC (Producer). (2013). *Class Warfare, Latte Sippers & Mental Illness*, Q&A ABC TV. Panel discussion with Mark Butler, Jamie Briggs, Sarah Hanson-Young, Andrea Mason, Nick Cater.
- Angelo, D., & Carter, N. (2015). Schooling within shifting langscapes: Educational responses in complex Indigenous language contact ecologies. In A. Yiakoumetti (Ed.), *Multilingualism and Language in Education: Current Sociolinguistic and Pedagogical Perspectives from Commonwealth Countries*. Cambridge: CUP.
- Biber, K. (2010). Fact-finding, proof and Indigenous knowledge. *Alternative Law Journal*, 35(4), 208-212.
- Biddle, N. (2012). Paper 1 Indigenous Language Usage. Canberra: Centre for Aboriginal Economic Policy Research (CAEPR).
- Clare, J. (2009). Murri Courts : Indigenous Magistrate Courts : communicating for better outcomes. Paper presented at the The Proceedings of the 20th Biennial Conference of the World Communication Association, University of Ireland, Maynooth.
- Cooke, M. (1995). Aboriginal evidence in the cross-cultural courtroom. In D. Eades (Ed.), *Language in Evidence: Issues confronting Aboriginal and Multicultural Australia*. Sydney: UNSW Press.
- Cooke, M. (1996). A different story: Narrative versus 'question and answer' in Aboriginal evidence. *Forensic Linguistics*, 3(2), 273-288.
- Cooke, M. (2002). Indigenous interpreting issues for courts. *Australian Institute of Judicial Administration*, 1-28.
- Cooke, M. (2004). *Caught in the middle: Indigenous Interpreters and Customary Law*. Perth, WA.: Project 94. Background Paper No. 2. Law Reform Commission of Western Australia.
- Disbray, S. (2008). Storytelling styles: a study of adult-child interactions in narrations of a picture book in Tennant Creek. In J. Simpson & G. Wigglesworth (Eds.), *Children's Language and Multilingualism: Indigenous language at Home and School*. London, New York: Continuum.
- Disbray, S. (2009). More than one way to catch a frog: A study of children's discourse in an Australian contact language. (PhD Dissertation), University of Melbourne. Retrieved from: <http://repository.unimelb.edu.au/10187/8533>.
- Dixon, S. (2013). Educational Failure or Success: Aboriginal Children's Non-Standard English Utterances. *Australian Review of Applied Linguistics*, 36(3), 302-315.
- Douglas, H. (1998). The cultural specificity of evidence: the current relevance of the Anunga Guidelines. *UNSW Law Journal*, 21(1).
- Eades, D. (1992). *Aboriginal English and the Law: Communicating with Aboriginal English Speaking Clients: A Handbook for Legal Practitioners*. Brisbane: Queensland Law Society.
- Eades, D. (2008a). *Courtroom Talk and Neocolonial Control*. Berlin: Mouton de Gruyter.
- Eades, D. (2008b). Telling and retelling your story in court: Questions, assumptions, and intercultural implications. *Current Issues in Criminal Justice*, 20(2), 209-230.
- Eades, D. (2010). *Sociolinguistics and the Legal Process*. Bristol: Multilingual Matters.
- Eades, D. (2013). *Aboriginal Ways of Using English*. Canberra: Aboriginal Studies Press.
- Goldflam, R. (1995). In D. Eades (Ed.), *Language in Evidence: Issues confronting Aboriginal and Multicultural Australia*. Sydney: UNSW Press.
- Goldflam, R. (2012). *Ngayulu nyurranya putu kulini: The Legal Right to an Interpreter*. Paper presented at the Language and the Law, Supreme Court, Darwin.

- Malcolm, I. (2011). Learning through standard English: Cognitive implications for post-pidgin/-creole speakers. *Linguistics and Education*, 22(3), 261-272.
- Meakins, F. (2008). Unravelling languages: Multilingualism and language contact in Kalkaringi. In J. Simpson & G. Wigglesworth (Eds.), *Children's language and multilingualism: Indigenous language use at home and school* (pp. 283-302). London, UK: Continuum.
- Meakins, F. (2011). *Case-marking in contact: The development and function of case morphology in Gurindji Kriol*. Amsterdam, Netherlands: John Benjamins Publishing Company.
- Meakins, F. (2014). Language contact varieties. In H. Koch & R. Nordlinger (Eds.), *The Languages and Linguistics of Australia: A comprehensive guide*. Berlin: Mouton.
- Morrison, B., & Disbray, S. (2008). Warumungu children and language in Tennant Creek. In R. Amery & J. Nash (Eds.), *Warra wiltaniappendi = Strengthening languages. Proceedings of the Inaugural Indigenous Languages Conference (ILC) 2007* (pp. 107-111). Adelaide, Australia.
- O'Shannessy, C. (2011). Young Children's Social Meaning-Making in a New Mixed Language. In U. Eickelkamp (Ed.), *Growing Up in Central Australia - Indigenous Experiences of Childhood, Youth and Transformations* (pp. 131-155). New York: Berghahn Book.
- O'Shannessy, C. (2015). Multilingual children show language differentiation through indexing communities of practice. *First Language*, 35, 305-326.
- Sellwood, J., & Angelo, D. (2012). Everywhere And Nowhere: Invisibility of Aboriginal and Torres Strait Islander Contact Languages in Education and Indigenous Language Contexts. *Australian Review of Applied Linguistics*, 36(3), 250-266.
- Simpson, J. (2000). Camels as Pidgin-carriers: Afgan cameleers as a vector for the spread of features of Australian Aboriginal pidgins and creoles. In J. Siegel (Ed.), *Processes of Language Contact: Studies from Australia and the South Pacific* (pp. 195-144). Canada: Champs Linguistiques.
- Simpson, J., & Wigglesworth, J. (Eds.). (2009). *Child Language and Multilingualism*. London: Continuum Press.

* Resources

The Interactive Plain English Legal Dictionary can be found at

<http://www.ards.com.au/dictionary/legaldictionary/categories/index.html>

This is one of the excellent resources from the Aboriginal Resource Development Service, where a range of pod and vod casts can be found at

<http://www.ards.com.au/pages/Law%2C-Governance-and-Economics.html>

The Indigenous Protocols for Lawyers, published by the Law Society Northern Territory (2015) Darwin is available from the NT Law Society, but unfortunately not yet on line. It is adapted from the earlier Lawyers' Protocols for Dealing with Aboriginal Clients in South Australia, produced by the Law Society of South Australia

<http://www.lawsocietysa.asn.au/PDF/ProtocolIndigenousClients.pdf>

E-books with parole conditions in a number of NT languages were created in 2015 and can be found at

<http://www.correctionalservices.nt.gov.au/CommunityCorrections/Pages/Indigenous-Language-Resources.aspx>

The i-talk library also includes a number of public education resources <http://www.italklibrary.com/italk/law/>

The Central Australian Women's Legal Service <http://cawls.org.au/are/>