Bilingualised Terminography for Australian Family Law and its users

EMERITUS PROFESSOR PAM PETERS & DR ADAM SMITH
Changing scope of terminology research and practice in C21, ushered in by Temmerman (2000) *Towards New Ways of Terminology Description*

In traditional approaches to terminology (Vienna school of 1980s), terms defined by reference to a single concept or external standard; univocity; terms could be only monosemous.

Traditional terminology unsuited to biological or social sciences, where many terms are polysemous:

- e.g. in medicine: *areola* = coloured area round the pupil of the eye, or round the nipple on the breast.
- e.g. in law: *service* = “act of serving notice” on a party to a dispute

Alternative meanings of polysemous technical terms need to be explained in words, just as in a dictionary.

Thus terminology meets lexicography >> rapprochement in terminography (Bowker 2017) the art, craft, science of writing about terms.
Online *termbanks* and specialised lexicography

**ADVANTAGES OF ONLINE MEDIUM**

- Limitations of space in specialised print dictionary – can only be glossaries
- Digital medium accommodates non-verbal content (e.g. audio/graphic)
- Much richer mediostructure: internal and external links to add specialised information
- Can accommodate multiple translation languages much better than the traditional multilingual dictionary (Prinsloo 2016)
- Scope for developing parallel termbanks to detail subdisciplines in large disciplinary fields, e.g. medicine, law

>> already doing this with set of termbanks in cancer medicine

>> plans to do this in law, beginning with family law
User-oriented terminography

APPLYING CURRENT THEORIES OF LEXICOGRAPHY

• User-needs foregrounded in current theories of lexicography: the Aarhus Functional Theory of Lexicography

• User-needs have also driven the design of learners dictionaries (Fuertes-Olivera & Tarp, 2014, Peters & Fernandez 2017)

• Much more attention to how dictionaries are actually used, including directionality, and whether they are tools for individual language learning, or for translation (encoding or decoding)

• Focus on types of user (Kwary 2018) – individual user parameters, for general and specialised dictionaries:
  
e.g. age, level of education, socio-economic status, occupation
  subject-specific knowledge, general language competency
Users of LawTermFinder termbank

LANGUAGE DIFFICULTIES FOR MANY IN AUSTRALIAN COMMUNITY

• LawTermFinder’s intended users: non-specialists, nontertiary educated members of Aust community

• L1 citizens (the English-native speakers) often low levels of literacy; half of population not able to extract higher level concepts from reading

• L2 citizens quite variable in their proficiency in English

• High levels of L2 usage maintained through continual influxes of migrants from all continents, different countries; language shift to English can take three generations

• L2 speakers’ native language not necessarily the standard/reference form, maybe regional form of Arabic or Spanish, or a minority language with their home country
## Literacy levels in Australia

**DATA FROM PIAAC ASSESSMENT OF ADULT COMPETENCIES 2011**

<table>
<thead>
<tr>
<th>Levels 3/4</th>
<th>41%</th>
<th>Adequate//more than adequate literacy. Level 3 is deemed the minimum for everyday life needs</th>
<th>Can interpret or evaluate information, and construct meaning across larger chunks of text.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 2</td>
<td>40%</td>
<td>Limited literacy skills</td>
<td>Can make low-level inferences and paraphrases to match information in different pieces of text.</td>
</tr>
<tr>
<td>Level 1</td>
<td>19%</td>
<td>Inadequate literacy skills</td>
<td>Understand basic vocabulary of sentences but not able to draw inferences from them.</td>
</tr>
</tbody>
</table>
Australian legal framework for Family Law (1)

FAMILY RELATIONSHIPS

- Family Law codified in Australia since 1975 – no fault divorce etc.

- Early recognition of de facto relationships (= common law marriage)

- Very recent amendments from ratification of same-sex marriage (2017)

- Family law is federal, established common terminology across Australia, at least for its civil law aspects

- Whereas much of legal system is state-based, especially when it involves criminal behaviour (e.g. physical abuse).

- This comes under individual state law jurisdictions – with divergences in terminology
Australian legal framework for Family Law (2)

PROTECTION OF CHILDREN

• Frequent amendments to legislation on management of children, with changing terminology:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>custody</td>
<td>access</td>
<td>residence</td>
<td>live with</td>
</tr>
<tr>
<td>access</td>
<td>contact</td>
<td>contact</td>
<td>time with</td>
</tr>
</tbody>
</table>

>> from custodial emphasis, to providing equitable framework for both parents to engage with their children, to focusing on children’s interests.

• Provisions for children in care of same-sex couples are accommodated within Family Law.
• Provisions to prevent kidnapping of children by alienated parent in “airport watch lists”
Specialised corpus of family law texts constructed, with three levels of legal discourse:

1) formal legislation, 2) academic discussions of law/training texts, 3) legal help websites

Frequencies of legal words/collocations in corpus used to prioritise them

- Included technical terms from family law as well as subtechnical and semitechnical terms from general law – boundaries not clear cut – arbitrator, order
- Included terms whose legal meanings differ from ordinary language: e.g. hearing, non-caring parent
- Included terms used in Australian mediation procedures: family dispute resolution
- No artificial limit on number of terms/termpages to include, just as many as are needed
## Different types of legal terms

### TECHNICAL, SUBTECHNICAL, SEMITECHNICAL

<table>
<thead>
<tr>
<th>Category</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical legal terms in Family Law</td>
<td>annul, co-parent, consent order, decree of nullity, de facto, equal time, equal parental responsibility</td>
</tr>
<tr>
<td>General words with technical definition in Family Law context</td>
<td>child, family, parent</td>
</tr>
<tr>
<td>General words with special meaning in legal context</td>
<td>filing, hearing, matter, order, party</td>
</tr>
<tr>
<td>General legal terms</td>
<td>Act, appeal, arbitrator, case, court, concurrent evidence, docket judge, injunction, JP, notary public, plaintiff/defendant (correspondent)</td>
</tr>
<tr>
<td>Words relating to legislation</td>
<td>section, subsection</td>
</tr>
</tbody>
</table>
Microstructure (1)

VERBAL ELEMENTS

• Headword and any substitute terms in the same register (de facto + common law marriage)
• Definition in plain English, not formally controlled language but avoiding formal legal language, not too long – read-out-loud test for readability
• Some words/terms need two definitions – to cover noun and verb usage: *appeal*
• Examples – to complement defs with additional linguistic and encyclopedic information about the term
  – taken from corpus, where possible from legal help websites because of easier wording (those from legislation inevitably too wordy, need modifying)
• Audio recording of head word and its definition, to assist those with reading difficulties literacy
• Usage note: further information on meaning of term, especially where it might be confused with the general use of the word
live with
(family law)

- **Grammar**: verb phrase
- **Definition**: 
  - (of children) to be in the care of a person as a result of a parenting order
  - (of adults) to share a household whether or not as a couple
- **Example**: 
  1. The mother applied for final orders that the children live with her and spend time with their father and that both parents have joint responsibility for decisions affecting the children’s long-term care, welfare and development.
  2. The decline in marriage in Sweden has been accompanied by a decrease in the age of first living with a partner.
  3. After her discharge from hospital the wife lived with her parents for a period of time.
- **Usage Note**: The use of "live with" in relation to children reflects the child-centred perspective of the 2006 amendments to the FLA, replacing terms like "custody" (1975-1995) and "residence" (1995-2006).
USE OF GRAPHIC ELEMENTS AND TRANSLATIONS

- Graphics: quite a challenge: legal concepts not easy to visualise
- Diagrams: only where words/sterms form clusters or hierarchies in the legal system
e.g. for three types of mediation, or the lower (state) courts in relation to the higher federal courts
- Tables: to detail a set of related terms
e.g. the legislated changes in terms for children’s living arrangements
- Translations: to provide bilingualised support for L2s in context of learning language
  >> selected verbal element only: headwords, definitions and any usage note
  These are all key elements to help L2 users understand the term; bilingualisation links it with other words in their own language, to anchor their understanding
- LawTermFinder not intended to create legal terminology for another language, only to explain meanings of Australian legal terms
**LawTermFinder sample page**

**TERMPAGE WITH TRANSLATION OPTIONS FOR **LIVE WITH**

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**Search**

- **Search term**
  - **live with**

- **Translation Options**
  - **English Only**

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**LawTermFinder – online help with legal terms**

`live with`

(family law)

- **Grammar:** verb phrase

- **Definition:**
  - `~ (of children)` to be in the care of a person as a result of a **parenting order**
  - `~ (of adults)` to share a household whether or not as a **couple**

- **Example:**
  1. The mother applied for final orders that the children live with her and spend **time** with their father and that both parents have joint responsibility for decisions affecting the children’s long-term care, welfare and development.
  2. The decline in **marriage** in Sweden has been accompanied by a decrease in the age of first living with a partner.
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- **Usage Note:** The use of "live with" in relation to children reflects the child-centred perspective of the 2006 amendments to the FLA, replacing terms like "custody" (1975-1995) and "residence" (1995-2006).
Selection of community languages for translation (bilingualisation) of LTF

LANGUAGE AND SOCIAL FACTORS

Prioritisation of languages based on:

(i) language factors

• size of population that speaks a particular LOTE (Language other than English), based on census data by ABS (Australian Bureau of Statistics)
• growth rates of community in recent years
• higher populations in several states/capital cities (Forrest, Benson, Siciliano 2018)
• national languages or ones that serve as lingua francas for speakers of minority languages, e.g. Arabic for Sudanese

(ii) sociocultural factors

• Self-reported proficiency in English (Forrest&Dandy 2017)
• Gender balance in different age groups within communities
• Religious practice

>> Select those meet the higher-ranked criteria in both sets. So far: Chinese x 2, Arabic, Vietnamese, Spanish, Korean, Turkish, Filipino

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Italian</td>
<td>418 804</td>
<td>375 752</td>
<td>353 606</td>
<td>299 836</td>
<td>- 28.4%</td>
</tr>
<tr>
<td>Greek</td>
<td>285 700</td>
<td>269 770</td>
<td>263 718</td>
<td>252 218</td>
<td>- 11.7%</td>
</tr>
<tr>
<td>Cantonese</td>
<td>162 896</td>
<td>202 270</td>
<td>225 307</td>
<td>263 675</td>
<td>+ 61.9%</td>
</tr>
<tr>
<td>Arabic</td>
<td>162 896</td>
<td>177 599</td>
<td>209 371</td>
<td>287 175</td>
<td>+ 76.3%</td>
</tr>
<tr>
<td>German</td>
<td>113 336</td>
<td>98 808</td>
<td>76 444</td>
<td>80 371</td>
<td>- 29.1%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>110 187</td>
<td>146 265</td>
<td>174 236</td>
<td>233 389</td>
<td>+ 111.8%</td>
</tr>
<tr>
<td>Mandarin</td>
<td>54 573</td>
<td>91 911</td>
<td>139 288</td>
<td>336 408</td>
<td>+ 516.4%</td>
</tr>
<tr>
<td>Spanish</td>
<td>90 479</td>
<td>91 254</td>
<td>93 595</td>
<td>117 496</td>
<td>+ 29.9%</td>
</tr>
<tr>
<td>Tagalog</td>
<td>59 110</td>
<td>70 444</td>
<td>78 879</td>
<td>136 846</td>
<td>+ 231.5%</td>
</tr>
<tr>
<td>Turkish</td>
<td>41 960</td>
<td>46 242</td>
<td>50 692</td>
<td>59 626</td>
<td>+ 42.1%</td>
</tr>
<tr>
<td>Serbian</td>
<td>24 336</td>
<td>37 238</td>
<td>49 202</td>
<td>55 112</td>
<td>+ 126.5%</td>
</tr>
<tr>
<td>Hindi</td>
<td>n/a</td>
<td>33 988</td>
<td>47 817</td>
<td>111 349</td>
<td>+ 327.6%</td>
</tr>
<tr>
<td>Korean</td>
<td>n/a</td>
<td>n/a</td>
<td>39 528</td>
<td>79 787</td>
<td>+ 101.8%</td>
</tr>
<tr>
<td>Indonesian</td>
<td>22 801</td>
<td>36 772</td>
<td>38 794</td>
<td>55 862</td>
<td>+ 87.5%</td>
</tr>
</tbody>
</table>
Translation sample: Chinese

PAGE FOR VIOLENCE ORDER (SIMPLIFIED SCRIPT/MANDARIN)

LawTermFinder – online help with legal terms

violence order (VO)
(family law)

Grammar: noun phrase

Definition: a directive of the court aimed at prohibiting physical aggression, intimidation or stalking of another person

Example:
1. The school had taken out an apprehended violence order (AVO) which prohibited her from going to the school grounds.

2. Orders for the personal protection of a party are granted under the Australian Capital Territory legislation to protect a person from family violence. These include Protection orders, Apprehended Violence Orders (AVOs) and Domestic Violence orders (DVOs).

Related Compound: apprehended violence order (AVO), apprehended domestic violence order (ADVO), apprehended personal violence order, domestic violence order, family violence order

简体中文

法庭的命令，目的是禁止身体攻击、恐吓或跟踪骚扰另一个人。

简体中文

Search

Search term
violence order

Translation Options
简体中文

Search Tips

Unsure about spelling the word or phrase? Try using an asterisk (*). It can:

• search for a sequence of 0 or more characters in a string. Example: judg* would find judge and judgment

• be used for browsing. Example: c* finds all the words starting with c
**Enlarged table showing interstate differences in Chinese**

**TERMS FOR VIOLENCE ORDER: IN ACT, NSW, NT, QLD, SA, TAS, VIC, WA**

<table>
<thead>
<tr>
<th>State</th>
<th>Name of Order</th>
<th>法令名称</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>protection order</td>
<td>保护令</td>
</tr>
<tr>
<td>NSW</td>
<td>violence order</td>
<td>暴力禁止令</td>
</tr>
<tr>
<td>NT</td>
<td>restraining order</td>
<td>禁止令</td>
</tr>
<tr>
<td>QLD</td>
<td>protection order</td>
<td>保护令</td>
</tr>
<tr>
<td>SA</td>
<td>restraining order</td>
<td>禁止令</td>
</tr>
<tr>
<td>TAS</td>
<td>restraint order</td>
<td>保护令</td>
</tr>
<tr>
<td>VIC</td>
<td>intervention order</td>
<td>干预令</td>
</tr>
<tr>
<td>WA</td>
<td>restraining order</td>
<td>禁止令</td>
</tr>
</tbody>
</table>

**各州法庭暴力禁止令术语**
violation order (VO)
(family law)

Definition: a directive of the court aimed at prohibiting physical aggression, intimidation or stalking of another person.

Example:
1. The school had taken out an apprehended violence order against Kay, which prohibited her from going to the school grounds.

2. Orders for the personal protection of a party are generally made under State and Territory legislation to protect a person from family violence. These include Protection Orders, Apprehended Violence Orders (AVOs) and Domestic Violence Orders (DVOs).

Related Compound: apprehended violence order (AVO), apprehended domestic violence order (DVO), apprehended personal violence order, domestic violence order, family violence order.
### Enlarged table showing interstate differences in Arabic

**TERMS FOR VIOLENCE ORDER: IN ACT, NSW, NT, QLD, SA, TAS, VIC, WA**

<table>
<thead>
<tr>
<th>اسم المرسوم</th>
<th>الولاية</th>
</tr>
</thead>
<tbody>
<tr>
<td>مرسوم حماية</td>
<td>أستراليان كابيتال تيريتوري</td>
</tr>
<tr>
<td>مرسوم حظر عقّف</td>
<td>نيو ساوث ويلز</td>
</tr>
<tr>
<td>مرسوم منع</td>
<td>نوردرن تيريتوري</td>
</tr>
<tr>
<td>مرسوم حماية</td>
<td>كويزنلاند</td>
</tr>
<tr>
<td>مرسوم منع</td>
<td>ساوث أستراليا</td>
</tr>
<tr>
<td>مرسوم تقييد</td>
<td>تازمانيا</td>
</tr>
<tr>
<td>مرسوم تدخل</td>
<td>فيكتوريا</td>
</tr>
<tr>
<td>مرسوم منع</td>
<td>فيسترن أستراليا</td>
</tr>
</tbody>
</table>

مصطلحات مراسيم حظر العنف في مختلف الولايات
violation order (VO)
(family law)

Grammar: noun phrase

Definition: a directive of the court aimed at prohibiting physical aggression, intimidation or stalking of another person

Türkçe

bir başka kişiye fiziksel saldırı, yıldırmaya veya sinsice izleme gibi eylemleri yasaklama amaçlı mahkeme talimatı

LawTermFinder – online help with legal terms

Terms for Violence Orders in Different States

Related Compound: apprehended violence order (AVO), apprehended domestic violence order (ADVO), apprehended personal violence order, domestic violence order, family violence order
Enlarged table showing interstate differences in Turkish

<table>
<thead>
<tr>
<th>Eyalet</th>
<th>Karar Adı</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>koruma kararı</td>
</tr>
<tr>
<td>NSW</td>
<td>şiddet kararı</td>
</tr>
<tr>
<td>NT</td>
<td>kısıtlayıcı kararı</td>
</tr>
<tr>
<td>QLD</td>
<td>koruma kararı</td>
</tr>
<tr>
<td>SA</td>
<td>kısıtlayıcı kararı</td>
</tr>
<tr>
<td>TAS</td>
<td>kısıtlama kararı</td>
</tr>
<tr>
<td>VIC</td>
<td>müdahale kararı</td>
</tr>
<tr>
<td>WA</td>
<td>kısıtlayıcı kararı</td>
</tr>
</tbody>
</table>

Farklı Eyaletlerde Şiddet Kararlarıyla İlgili Terimler
Evaluation/user-experience of termbank

Popup questionnaire designed to be minimally intrusive:
• Delayed appearance (giving users time to browse)
• Popup doesn’t appear again once user had completed it
• Limited number of questions
• Multiple choice only
LawTermFinder – online help with legal terms

FAMILY LAW TERMS IN EASY-TO-UNDERSTAND LANGUAGE

What are best interests? How does a court order get issued? What's the difference between separation and divorce? What is shared parental responsibility?

Just enter the word or phrase in the SEARCH TERM window above on the left.

If you need help with English, you can select translations into Chinese (Simplified and Traditional scripts), Arabic, Vietnamese, Spanish, Korean, Turkish and Filipino from the TRANSLATION OPTIONS menu on the left.

LawTermFinder is an enriched online dictionary of words and phrases used in Australian Family Law and mediation services.

- It explains their meaning in simple language, with examples to show how they are used in official and legal material you may be reading.
- It gives audio-recordings of each term and definition, and where possible, sets of terms are shown together in diagrams and tables to show how they relate to each other.

Disclaimer: LawTermFinder is designed to help in understanding the fundamentals of family law and dispute resolution practices. It is not a substitute for legal advice.
Results of LawTermFinder survey

Responses to survey on use of Family Law TermFinder

1. Usage
2. Ease
3. Information
4. Background
5. English
6. Translation
7. Use again?

MACQUARIE University
Future directions

• Continuation of contract with Attorney Generals dept.

• Aim to facilitate Indigenous access to LawTermFinder with the selection of a one or two Aboriginal languages for bilingualisation

• Strategic choices: start with Kriol because of its widespread use. Then apply similar selection criteria to those used for community languages, i.e. target those that serve as a lingua franca beyond their source country

Scope for psycholing research on usability of online multimodal information

• L1 Users’ ability to integrate verbal, visual and audio elements of termpage – contribution to understanding, preferential use

• L2 users’ interface with translated elements on page – eye-tracking research on actual engagement with individual termpages

>>Contribute to ongoing work on user-oriented terminography and lexicography
- Fuertes-Olivera P & Tarp S 2014. Theory and practice of specialised online dictionaries Mouton de Gruyter
- Kwary, D 2018. The variables for drawing up the profile of dictionary users. Lexicography 4(2) 105-118
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