

# Annexure G

## Guidelines for working with interpreters

### Assessing the need for an interpreter

- If a non-English-speaking client has difficulty communicating in English, they should be provided with an interpreter. When a client requests an interpreter (eg by displaying a Queensland Interpreter Card, or asking in another way) they should be provided with one.
- If a client does not ask for an interpreter, it may be difficult to assess if they need one. Even if a client can have a basic conversation in English, it does not mean they understand written English or have the skills to understand complicated legal information. If you have any doubt about a person's ability to communicate in and comprehend English, an interpreter should be used.
- A professional interpreter helps both parties to communicate. It is acceptable to use an interpreter even if the client, or an accompanying family member or support person thinks the person does not need an interpreter. You should explain the benefits of using an accredited professional interpreter to the client, including the fact they are bound by a Code of Ethics and should maintain confidentiality and respect privacy.
- Having an accredited interpreter present will be crucial when swearing affidavits or statutory declarations and obtaining "informed consent", etc. Not providing an interpreter in these situations could lead to costly mistakes, complaints or litigation.
- When assessing the need for an interpreter, take into consideration factors such as gender, ethnicity and dialect, literacy levels, hearing impairment or other communication difficulties. The client's comfort level in the interview will have an impact on your outcome.

### Preferences for engaging interpreters

- It is preferable to engage an interpreter accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). The highest level of NAATI accreditation is Conference Interpreter (Senior) and Conference Interpreter. This level is required if organising an international conference.
- For most public sector usage, the second highest level of accreditation is sufficient. This is known as 1st preference – Interpreter (formerly level 3). It is preferable to use an interpreter with this level of accreditation for legal matters.
- Where an interpreter at the preferred level is not available, the other levels are as follows:
  - 2nd preference – Paraprofessional Interpreter (formerly level 2)
  - 3rd preference – NAATI Recognised or other interpreter registered with the Translating and Interpreting Service (TIS).
- Non-professional interpreters should not be used unless the situation is urgent and a professional interpreter is unavailable.
- Inquire about the client's gender and language preferences and provide their preferred interpreter if possible, although availability of particular interpreters may be an issue.
- The majority of accredited interpreters in Queensland are qualified at the paraprofessional level. In languages of small communities or recently arrived communities, there may be no accredited interpreters and only a small number of recognised interpreters.
- Access to professional interpreters in regional and rural Queensland is often limited to telephone interpreting through TIS Eastern, though some qualified interpreters are available for on-site work in regional centres such as Cairns and Townsville. Current availability of accredited interpreters can be checked through the Manager, TIS, and the NAATI Regional Officer for Queensland.
- Complex interpreting work that may have serious implications for the client should be undertaken by the most qualified interpreter available.

## Professional interpreters vs family and friends; bilingual staff as interpreters

- Friends and family members should not be used in the same role as professional interpreters, unless there is no other practical option. Obtaining a qualified interpreter over the telephone will generally always be a practical option. Children and young relatives are not appropriate interpreters in any context.
- Both clients and family members may be embarrassed when family members act as interpreters.
- Communication may be distorted or changed because of:
  - lack of competence in English, particularly English used in a legal context
  - lack of competence in the client's first language
  - lack of interpreting skills
  - bias and lack of impartiality by the family member/friend. In many circumstances however the client may feel more comfortable with a family member or friend present, in addition to the professional interpreter.
- Professional interpreters are trained to maintain confidentiality, impartiality and accuracy as part of their code of ethics. This code is not binding on relatives or friends, or bilingual staff.
- Bilingual staff who are not accredited interpreters may assist with communication with clients in certain circumstances. But as the general rule, professional interpreters should be used for the reasons outlined above and to establish the independence of the process.
- If a client refuses professional interpreter services, preferring to use an accompanying child, relative or friend, staff should be trained to provide an appropriate response eg "non-professional interpreters may compromise or misinterpret important communication". Staff should advise clients that our policy is to use professional interpreters and emphasise this policy helps everyone involved in the communication process.

## Arranging an interpreter

- Professional interpreting services can be accessed either over the phone (solely through TIS) or on-site, where the interpreter is physically present. Audio-visual access through videoconferencing networks is also possible.
- TIS is our translating and interpreting services preferred supplier. To arrange an interpreting service contact:
  - TIS on-site (face-to-face) interpreting. Pre-book by fax on 1300 654 151 with reasonable notice (generally 24 hours notice). Request forms for fax purposes are available from TIS. Follow the links from the multicultural resources page on the LAQ intranet.
  - Or book by phoning TIS on 1300 655 081. After hours access to TIS is through TIS Melbourne.
- TIS – telephone interpreting. Pre-book by fax on 1300 654 151 or by phoning 131 450 immediately. Prebooked telephone interpreting jobs will incur a charge over and above the basic rate.
- Other sources of translators and interpreters are:
  - Deaf Services Queensland (for AUSLAN and other Deaf community interpreters). Pre-book by fax on an Interpreter Request Form on 07 3556 1331 or phone 07 3356 8255 (office hours) or 1800 630 745 (after hours).
  - A list of NAATI accredited interpreters is available through the current NAATI Directory or from the NAATI Regional Officer, Brisbane on 07 3393 1358. The NAATI website address is: [www.naati.com.au](http://www.naati.com.au)
  - The International Association of Conference Interpreters (AIIC) Australian members is available on 02 6633 7122.
  - Private interpreting and translating agencies are available through the Yellow Pages under "interpreters".
- Check the NAATI accreditation and qualifications of translators obtained through any source.
- Make your booking by giving as much notice as possible.

- Establish gender and language/dialect preferences from the client and request these from the provider.
- Request the same interpreter where continuity and client confidence are important factors.

### **Paying for interpreting services**

- Legal Aid Queensland is responsible for budgeting for and paying for interpreters. Clients do not have to pay for interpreters.
- A grant of aid for interpreting services can be requested from Legal Aid by either the applicant or the solicitor.
- The use of an interpreter is one factor that may be taken into consideration when determining if a matter is a 'complex matter' for the purpose of grants of aid.
- The TIS charging policy and rates are available from the Manager, TIS Eastern on 02 9258 4640.
- Rate details recommended by AUSIT, the professional association of interpreting/translating practitioners are available by calling AUSIT Queensland on 07 3356 8255.

### **Most effective interpreting mode**

- Telephone interpreting is cost-effective, readily available regionally, and can be used for most languages through the TIS national network. It is more immediate, anonymous and preserves confidentiality and privacy. The disadvantage is the difficulty for all parties when visual cues are absent.
- On-site interpreting is more appropriate in legal and counselling contexts. It offers a more complete and detailed communication option with the possibility of continuity with the same interpreter. Continuity can be a vital factor in confidential and sensitive matters, such as those relating to violence against women.
- Videoconferencing networks can be used in legal and other contexts to include an accredited interpreter at a distant site.
- Conference environments, where simultaneous interpreting is required in a number of languages, can be arranged using existing Queensland facilities.

### **Accountability**

- Professionally accredited interpreters are required to observe their own professional obligations and comply with relevant codes of ethics and professional conduct to maintain confidentiality, accuracy and impartiality. The AUSIT Code of Ethics for Interpreters and Translators is endorsed by NAATI and can be obtained from local AUSIT representatives.
- Staff should verify the identification details of TIS and other interpreters by checking their identity card and accreditation details. Unsatisfactory performance by TIS interpreters should be brought to the attention of the Manager, TIS Eastern on 02 9258 4640.

### **Skilling staff in working with interpreters**

- The Queensland Interpreter Card Kit contains simple procedural checklists for working with interpreters and responding to the Queensland Interpreter Card. The kits are available from Legal Aid Queensland's Media and Public Affairs Unit.