



# Survey on the Implementation of the Recommended National Standards for Working with Interpreters in Courts and Tribunals

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## **Introduction**

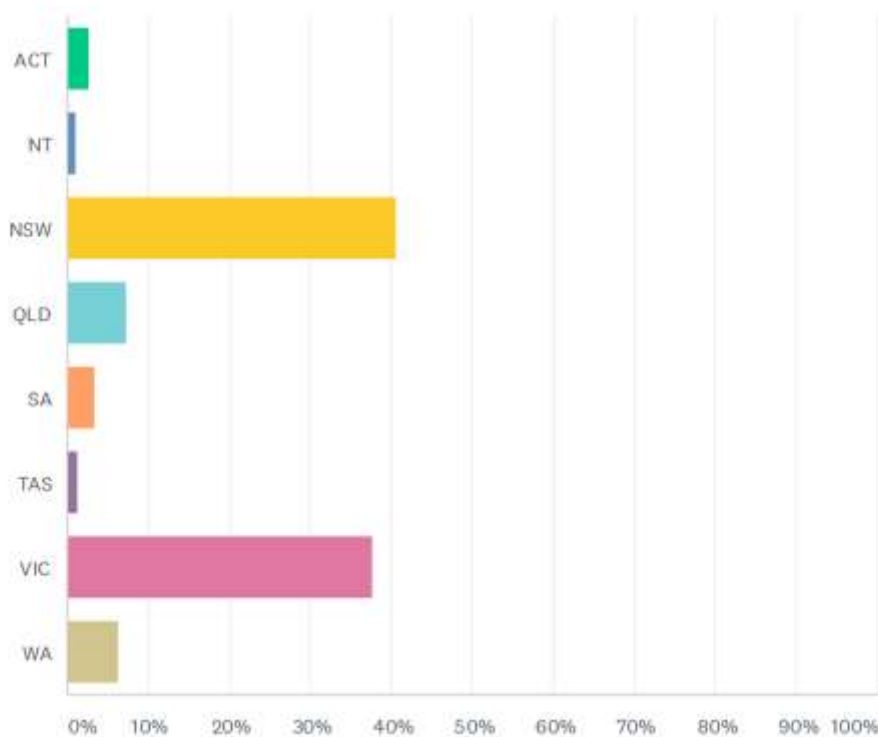
This survey was conducted in collaboration with researchers working on the UNSW ARC Linkage Research project called "Access to justice in interpreted proceedings: the role of Judicial Officers" (ARC Grant Number: LP180100366).

This project aims to examine the ways judicial officers can improve courtroom communication and prevent miscommunication and error, particularly in criminal cases where speakers of the 'new and emerging' and Aboriginal languages are involved, and where interpreters receive limited or no specialised training. Using an innovative interdisciplinary approach, the project aims to generate new knowledge in examining the variations in judicial officers' communications practice when working with interpreters, and their impact on the effective transmission of information in the courtroom. Expected outcomes of this project will include improved outcomes of interpreted communication and a better access to justice for non-English speaking participants.

The report presented here was the result of a survey conducted among Australian interpreters who work in court settings regarding the implementation of the Recommended National Standards for Working with Interpreters in Australian Court and Tribunals.

The survey was conducted between 18 September and 18 October via Survey Monkey. The survey was distributed among AUSIT members and Language Service Providers who then distributed it among their pool of practitioners. A total of 452 responses were collected.

The table below shows the States and Territories where the respondents are located:

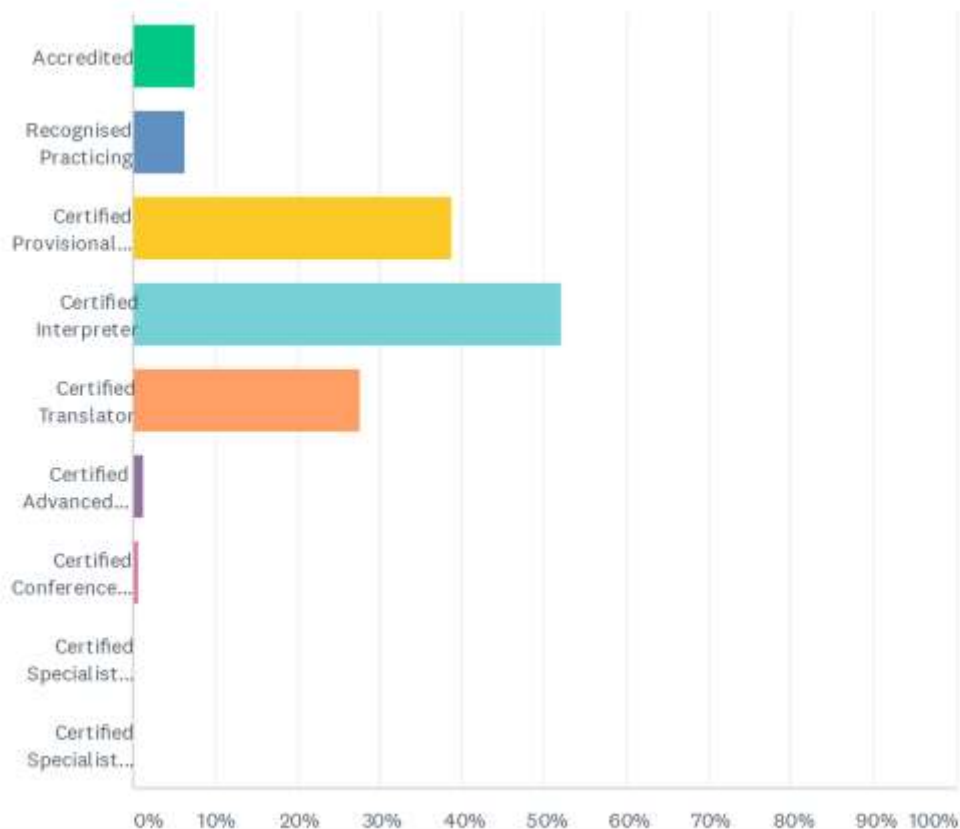


The Languages Other than English (LOTE) spoken by the respondents are mainly Languages in Tiers A and B. This suggests that interpreters working in Tiers C and D languages might be less engaged in the profession and have less exposure and access to CPD events and news.

Language	Respondents
Mandarin	88
Vietnamese	43
Arabic	40
Farsi	37
Spanish	25
Cantonese	20
Korean	19
Dari	13
Russian	13
Italian	12
French	11
Japanese	11
Burmese	11
Assyrian	10
Croatian	9
Serbian	9

Greek	9
Tamil	9
Turkish	8
Bosnian	7
Hazaragi	7
Hindi	7
Chaldean	6
Punjabi	6
Thai	6
Swahili	5
Chin Hakha	5
Indonesian	5
Malay	5
Rohingya	5
Nepalese	4
German	4
Tagalog	3
Finnish	3
Portuguese	3
Urdu	3
Somali	3
Khmer	3
Bangla	3
Auslan	2
Macedonian	2
Kurdish	2
Estonian	2
Maltese	2
Hungarian	2
Polish	2
Maltese	2
Hmong, Gujarati, South Azerbaijani, Czech, Lao, Telugu, Kannada, Ukrainian, Hebrew, Calabrese, Sicilian, Tigrigna, Armenian, Romanian, Amharic, Shanghainese, Karen, Samoan, Ilocano, Sinhalese, New Amharic, Shan	1

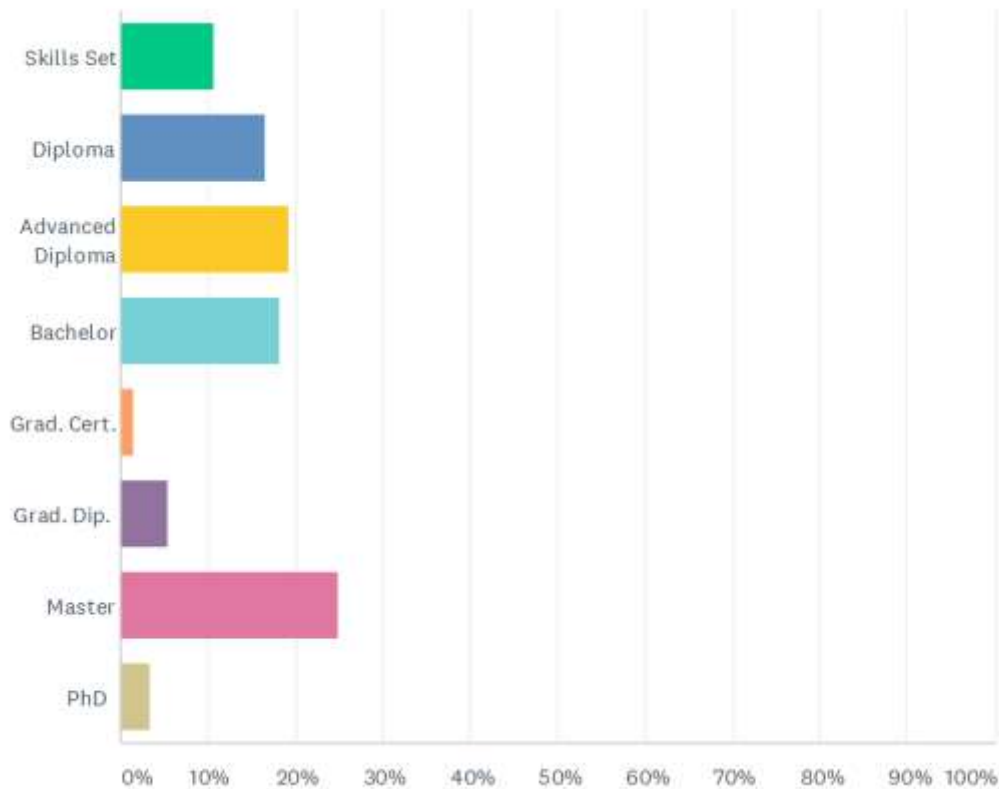
The accreditation/certification levels of the participants range from Specialist Legal Interpreter to Recognised Practising Interpreter, as can be seen in the table below.



One observation that can be made from the data is that in many cases, Certified Provisional Interpreters are employed for Tier A languages where there is a good number of Certified Interpreters practising in those languages. This is the case for Arabic, Cantonese, Greek, Farsi, French, Italian, Japanese, Korean, Mandarin, Spanish, Turkish and Vietnamese. This is especially concerning in states such as Victoria and NSW, where there is a large pool of well trained and certified interpreters in those languages.

The positive aspect of the data is that 69.47% of the respondents hold educational qualifications in interpreting. However, it is worth noting that usually well-trained interpreters are more receptive to participate in research projects and surveys.

It is also encouraging to observe that approximately 35% of the respondents hold Higher Education (HE) qualifications (see table below). However, the authors are concerned that this question might have captured inaccurate data as some interpreters stated holding HE in T&I when there are no courses at HE level in their languages. It is possible that some credentials might have been obtained overseas, but in the case of some languages (i.e. Burmese) that is highly unlikely. One explanation might be that respondents mentioned their general education and not T&I specific education.



In regard to the regularity of the work performed in courts and tribunals, nearly half of the respondents stated that they work less than once a month.

ANSWER CHOICES	RESPONSES	
Daily	3.54%	16
Weekly	22.12%	100
Monthly	28.32%	128
Less than once a month	46.02%	208
TOTAL		452

It was somewhat concerning that nearly 35% of the respondents were not aware of the Recommended National Standards for Working with Interpreters in Courts and Tribunals. Nearly 52% (51.77%) of the respondents stated that they apply the Recommended National Standards (RNS) when they work in courts and tribunals. However, in the comments on how they apply the RNS, it is apparent that a high percentage of the interpreters confuse the RNS with the AUSIT code of ethics.

Among those respondents who indicated that they do apply the RNS, requests for briefings and breaks were the themes highlighted. A small sample of responses is provided below:

- *Insist on briefing, ask for breaks, water etc. Doesn't mean I get them!* (French Certified Interpreter with a Bachelor's Degree)
- *I ensure to have a briefing, ask about mode of interpreting, and length and recommend two interpreters if required and negotiate breaks* (Spanish Certified Interpreter with a Bachelor's Degree)

- *For example, I refer to the RNS when requesting briefing before a trial (Korean Certified Interpreter with a Bachelor’s Degree)*
- *I get briefed before the hearing and if not I ask for it. I also feel comfortable asking for breaks (French Provisionally Certified Interpreter with a Diploma)*
- *Asking for a hardcopy of summary of charges to be able to simultaneously interpreting efficiently (Farsi Certified Interpreter with a Master’s degree)*

The vast majority of those who are assertive in requesting brief and breaks, hold HE qualifications, followed by those with an Advanced Diploma, a Diploma and a Skills Set to a much lesser extent.

When asked about any perceived improvement in the way judicial officers/tribunal members (JO/TM) treat interpreters since the introduction of the RNS in 2018, 65.27% mentioned that there has not been an improvement. As to the frequency with which the RNS are applied, 76.77% mentioned that the RNS are applied sometimes, 10.62% stated that they are never applied and 12.61% mentioned that they are applied always (see table below).

ANSWER CHOICES	RESPONSES	
Never	10.62%	48
Sometimes	76.77%	347
Always	12.61%	57
TOTAL		452

One respondent commented, in this regard:

*I continue to find the court experience completely dependent on the individual presiding officer. There does not seem to be general awareness within the criminal system of the standards, and there are no noticeable changes or improvements to the processes in place to work with interpreters [...]. The only change I have seen is within the civil system where, after the introduction of the 2020 practice note relating to the standards, I have been engaged by a Spanish-speaking lawyer to sight translate a respondent's statement into Spanish before she signed it in English. Before the existence of the note requiring professional interpreting or translation of any documents taken in LOTE by the solicitor and submitted in English to court, I believe my services would not have been engaged (Spanish Certified Interpreter, NSW)*

When asked if JO/TM make changes to help interpreters, around ¾ of the interpreters admitted that changes are made sometimes. Respondents commented that:

- *I've noticed that some JOs/TMs respect my work and presence by ensuring that all parties don't speak too fast, and that their speeches are broken into reasonably short segments. Conversely, some other JOs/TMs don't really adhere to this standard (Thai Certified Provisional Interpreter, NSW)*

- *More consideration for the role of an interpreter (Vietnamese Certified Provisional Interpreter, VIC)*
- *Yes: interpreters' rooms are more common; we are given water; some judges are aware of interpreters' needs No: it is still difficult if not impossible to obtain briefing information I have a 7 day trial in the District Court coming up (interpreting for a witness) and have not been told what the offence is or given any briefing material at all despite two requests (German Certified Interpreter, NSW)*
- *Courts and tribunals and still using uncertified Interpreters. There's a word in RNS that gives them the power to do that: (The use of the highest certifies Interpreter "Available!") (Arabic Certified Interpreter, VIC)*
- *When they are more aware of the role of the interpreters and have the guidelines to adhere to, I notice that officers and tribunal members treat interpreters in a better manner (Vietnamese Certified Provisional Interpreter, NSW)*
- *In my opinion, there has been no significant change in the way judicial officers deal with interpreters. I am not surprised - they are swamped and, by definition, think they know everything they need to know (French Certified Interpreter, NSW)*
- *Court staff more aware of the presence and role of interpreters. They are more confident in dealing with interpreters and very supportive (Romanian Certified Provisional Interpreter, WA)*
- *however in Victoria, i noticed the change well before RNS. In general most magistrates, judges are well aware how to work with us , however lawyers in particular barristers are to be trained. Also there has been a little bit of improvement with DPP however their barristers also are to be trained. In Heidelberg Magistrates Court, Interpreters are not allowed to check their phone while waiting for their matters to be called, so when an interpreter comes to find out about a legal term or concept, they can't use her dictionary on the phone and also not allowed to use google or internet. but lawyers and other court officials are permitted to do s o (Farsi Certified interpreter, Vic)*
- *Not at all!!! Legal professionals are not aware of them and not interested. Very demotivating (Spanish Certified Interpreter, NSW)*
- *I am still considered external to the court system, not an officer of the court. I have not had a court/tribunal booking, either in person or over the phone, which engaged more than one interpreter. Sometimes I receive cursory information in the booking confirmation relating to the matter (i.e. intervention order), but generally no other information is available. When I ask, I am told no more than I could have gleaned as a bystander, but the general manner of the court staff does not encourage me to pursue that line of questioning further. Generally, there is no briefing about the matter when attending the court/tribunal, and any information is more often than not provided by the low-English proficiency (LEP) speaker - not because I request it, but because they*



*offer it. I am still expected to tag along with the LEP speaker and do all sorts of "other matters and things", such as filling out forms for the LEP speaker. There is no space for the interpreter within the court. There is no provision of technology for remote interpreting (headset). There is inconsistency in how individual judges treat interpreters - some are very respectful, understand that it is not the interpreter who "tells" the LEP speaker, whereas others would need basic training in how to work with the interpreter, and only then specific training in relation to the JCCD Recommended Standards. There is a significant difference in terms of engagement and pay. The courts/tribunals do not book according to standard practice (half-day and full-day), but sometimes book per hour or 90 minutes, and if it is a pre-booked assignment, the pay is according to the telephone interpreting schedule of fees when the booking goes through certain language service providers (Farsi Certified Interpreter, VIC)*

- *For starters, a) courts and tribunals in QLD are booking untrained, non-certified interpreters from some LSPs and allowing that to happen by not asking interpreters for their qualification before the proceedings start. Many 'interpreters' are plain bilinguals that LSPs have in their books and manage to get them into courts and tribunals for work, b) rates have not improved, I am still expected to earn approximately \$25 / hour for the second and subsequent hours of an court/legal assignment, so I've had to refuse a lot of work that then goes to bilinguals or others who have no training or credentials to work in court, but are happy to earn these low rates, c) tandem interpreter is not being used, even for multi-day trials, d) interpreters are being asked to do chuchotage, even in these COVID days, e) trials, even multi-day trials, are being booked on the phone, which is not an appropriate or fair setting for trials or long hearings, f) barristers and lawyers are still asking me to 'go talk to the client and ask her whether she understands her statement fully?' and I have to explain why I cannot do this, so the role of an interpreter has not permeated the legal profession g) I still need to find a space to 'hide' away from the defendant/witness and their families during adjournments, as there is no assigned space for interpreters. I'm not sure what's happening in tribunals, as I have not worked for the substandard rates offered for a long time, I am sorry I can't comment on this area (Spanish Certified Interpreter, QLD)*

In the question regarding the provision of preparatory materials and briefing by Language Service Providers, 43.44% of the respondents said that they never receive preparatory materials as opposed to a 8.47% who always receive briefings to prepare for assignments (see table below).

ANSWER CHOICES	RESPONSES	
Never	43.44%	159
Sometimes	48.09%	176
Always	8.47%	31
TOTAL		366

One respondent commented:

*The agency normally says, They didn't give much information I would have to call and ask..." Not good enough ..... They should ask in the first place, when they request the*

*interpreter. It doesn't matter if the Interpreter is experience or not, they are entitle to get enough information so they prepare for the case (Spanish Certified Interpreter, WA)*

However, 47.54% admitted that they never have issues when they ask for briefings as opposed to 9.29% who say that they always encounter issues when doing so (see table below).

ANSWER CHOICES	RESPONSES	
Never	47.54%	174
Sometimes	43.17%	158
Always	9.29%	34
TOTAL		366

When asked if interpreters are greeted by the JO/TM at the beginning of each proceedings/after a recess, just over half of the respondents said that this only happens sometimes, as indicated in the table below.

ANSWER CHOICES	RESPONSES	
Never	12.84%	47
Sometimes	52.19%	191
Always	34.97%	128
TOTAL		366

Also, approximately half of the respondents mentioned that they are only thanked for doing their job sometimes (as per the table below):

ANSWER CHOICES	RESPONSES	
Never	3.83%	14
Sometimes	47.81%	175
Always	48.36%	177
TOTAL		366

When asked if JO/TM ask interpreters if they need anything (i.e. water, breaks, comfortable seating, etc.), more than half of the participants admitted that this happens sometimes (54.37%) (see table below).

ANSWER CHOICES	RESPONSES	
Never	30.87%	113
Sometimes	54.37%	199
Always	14.75%	54
TOTAL		366

One respondent commented that:

*Allowing breaks when requested (never offering them), requesting parties to slow down if requested...but always at the request of the interpreter. We always have to ask, as we are never considered as a standard part of the process with known needs to be able to do our work well. I have answered "sometimes" to the above to allow for the JOs that show some awareness, but I haven't seen evidence of RNS implementation in the criminal system. I'm not working in tribunals as much because the contracts have gone to agencies that do not provide appropriate remuneration, so I have stopped working for them, so I'm limiting my responses to NSW Courts, particularly Local and District (Spanish Certified Interpreter, NSW)*

In regard to the explanation of the interpreter's role to other participants by the JO/TMs, also around half of the respondents (52.19%) mentioned that this happens sometimes.

ANSWER CHOICES	RESPONSES	
Never	22.40%	82
Sometimes	52.19%	191
Always	25.41%	93
TOTAL		366

In a similar vein, approximately 50% of the respondents mentioned that JO/TMs sometimes stop the proceedings to address the interpreter (see table below):

ANSWER CHOICES	RESPONSES	
Never	38.80%	142
Sometimes	58.74%	215
Always	2.46%	9
TOTAL		366

When respondents were asked to elaborate on this, the main themes that emerged were stopping the proceedings to allow for clarifications, making sure that the interpreters are keeping up, requesting explanations on cultural matters and asking if the interpreter needs a break, as the following extracts illustrate.

- *To ask if I would need a short recess during a long session of cross-examination, for instance (Thai Certified Provisional Interpreter, NSW)*
- *Turn takings in plea hearings involving multiple accused and their barristers are not clearly established. I have to rely on extensive note taking until I can find a momentary pause to get the floor. It is tremendously helpful when the judge is mindful of interpreter and give her a chance to speak before moving to a different topic (Mandarin Certified Interpreter, VIC)*
- *Sometimes, when the lawyer/solicitor or barrister forgot to pause the Interpreter to interpret (Burmese Certified Provisional Interpreter, WA)*
- *I was asked to control MY client (Russian Certified Interpreter, VIC)*
- *I have been asked if I need a break (Spanish Certified Interpreter, VIC)*
- *not addressing but getting my point of view or asking me as an Intp to clarify a cultural term, which i have to say according to NRS the intp can not comment on any cultural issues however. with the meaning of cultural specific terms it has happened that i made some clarification (Farsi Certified Interpreter, VIC)*

Also, the table below indicates that approximately 60% of the respondents (60.11%) admitted that they sometimes interrupt the proceedings in order to address the JO/TMs:

ANSWER CHOICES	RESPONSES	
Never	39.34%	144
Sometimes	60.11%	220
Always	0.55%	2
TOTAL		366

When asked to elaborate on the main reasons why proceedings are interrupted, respondents listed the following reasons: to seek clarification, to request a repetition due to problems with the sound, to request a pause so as to render the utterances into the other language or when speakers are speaking too fast, and to explain the interpreter's role.

Interpreters were asked what the reactions of the JO/TMs were in response to their interruptions. The following table shows their responses:

ANSWER CHOICES	RESPONSES	
Always positive	21.31%	78
Mostly positive	33.61%	123
Neutral	36.61%	134
Sometimes negative	7.38%	27
Always negative	1.09%	4
TOTAL		366

On this issue, the following comments illustrate negative attitudes encountered in their work:

- *If we have to look for a term we are not familiar with or ask the counsel to repeat the question, some judges seem quite annoyed (Mandarin Certified Interpreter, QLD)*
- *They seem to be impatient and never really think of interpreters (Mandarin Certified Interpreter, VIC)*
- *I was once interpreting in chuchotage mode during lengthy sentencing proceedings. While at the beginning of the proceedings the courtroom was almost empty and quiet, half way through it people started opening and closing the door with a lot of noise coming in from outside and the courtroom started to fill with people. At that point I could hardly hear the magistrate, who was speaking softly and at a thousand miles an hour, already with disregard for the interpreter under the best conditions. I put my hand up, the magistrate tried to ignore me for as long as she could and finally asked me what I needed. I pointed out the noise and that I could not hear her, "Could Your Honour please speak louder and more slowly"? The answer was striking, "Well, there is nothing I can do about it and I am certainly not going to speak any louder". I have many examples like this one (Spanish Certified Interpreter, NSW)*

Nevertheless, the vast majority of the respondents mentioned that they feel comfortable seeking clarifications.

ANSWER CHOICES	RESPONSES	
Never	10.11%	37
Sometimes	37.98%	139
Always	51.91%	190
TOTAL		366

Of those who don't feel comfortable seeking clarification, nearly 1/3 were Korean interpreters, followed by Mandarin interpreters. This could be due to cultural factors related to losing face. In this regard, being trained or untrained did not have an impact on the ease the interpreters felt at the time of seeking clarifications and seems that this attribute is related to cultural and personality traits.

When asked about examples in terms of interruptions made by the JO/TM or the interpreters to assist resolving a misunderstanding or prevent a communication error, 43.99% were able to provide examples of such action as opposed to 56.01% who were unable to do so.

ANSWER CHOICES	RESPONSES	
Yes	43.99%	161
No	56.01%	205
TOTAL		366

The themes that emerged in this section are as follows:

- a) Interruptions to stop the speakers so that interpreters can render the translated version.
- b) Interruptions to seek clarification in terms of content, terminology and cultural matters.
- c) Sound problems.

More than 45% of the respondents stated that when communication problems arise JO/TMs attribute these to interpreters, followed by non-English speakers and lawyers.

ANSWER CHOICES	RESPONSES	
The interpreter	46.45%	170
The lawyers	23.50%	86
The non-English speaker	30.05%	110
TOTAL		366

The following extracts highlight some of the issues in this regard:

- *Depends on the circumstances. Usually the interpreter is suspected as the problem, when it can be: - Barristers usually ludicrously long, grammatically awkward turns of phrase - Non- English speakers with poor command of their own language (or a thick local accent, speech impediment etc.) - Fatigue from the interpreter being alone and forced to work in blocks of 2 hours or more - Bad sound conditions in the courtroom/seating Or of course, it could be that LSPs are employing inexperienced, cheap interpreters who have been given no briefing and do a poor job. You pay peanuts – employ monkeys (French Certified Interpreter, NSW)*
- *We have to be careful in my 31 years as interpreter, once a barrister whom the judge as reprimanded him for his performance He turned around and said” The client did not understand the interpreter”” to save himself. The client was shock we communicate perfectly with each other (Spanish Certified Interpreter, NSW)*

One of the recurrent themes in the comment section of this question is the lack of knowledge of the interpreter’s role in some instances (mostly by lawyers). Several interpreters pointed

out that many of the clients have limited literacy levels in their LOTE and thus, when long cumbersome utterances are rendered they do not understand and interpreters are blamed for their lack of understanding. Also, when interpreters render accurately clients' vague utterances, they are blamed for the lack of clarity:

*This is partially true. If we are better, we surely can do a better job. But most people do not understand the nature of interpreting / translation so in most cases we are treated as "human mouth piece", to take the blame (Mandarin Certified Interpreter)*

When asked if JO/TMs praise, thank or criticise the interpreter, nearly 70% of the respondents said that this happens sometimes.

ANSWER CHOICES	RESPONSES	
Never	15.30%	56
Sometimes	69.40%	254
Always	15.30%	56
TOTAL		366

Those who added comments to their response mentioned that they are thanked for their services, as in the following example:

*A judge in the Supreme court made mention of the fact that whilst counsel for the defendant tried to suggest in her submission that her client's apparent contradictory account was due to issues to do with the interpreting, the judge was not persuaded, he noted that the interpreters (plural, i.e. me and the interpreter for the defence) in the matter was highly competent (Mandarin Certified Interpreter, NSW)*

Very few interpreters mentioned being criticised, although some of the exceptions are as follows:

- *JO/TM sometimes repeated questions many times and when the client evaded the answer, I was criticised for not interpreting the question properly for the client. The client would often do this to get out of answering the JO/TM's questions (Farsi Certified Interpreter, VIC)*
- *From my experience gratitudes are always (save for one occasion) given to the interpreter at the conclusion of a hearing. Now I've read questions about this, I am no longer certain whether the acknowledgement and appreciation is part of formality....Regardless, I am proud of my work and consider them genuine remarks. The one occasion involved a highly unusual situation in a criminal trial. The judge attributed this to "miscommunication" in front of 12 jurors. It was suggested the miscommunication was somehow to do with the use of the interpreter (poor me). It was completely untrue. The accused breached the conditions that were clearly put to him numerous times (Mandarin Certified Interpreter, VIC)*

- *I've had multiple cases during which, at lunch, barristers and solicitors have come to praise me for my work. Criticism comes usually from TMs particularly in regards to chuchotage, delays in relay, multi-party interpreting and unrealistic expectations around sight translation (Portuguese Certified Interpreter, VIC)*

When asked if JO/TMs ask lawyers to slow down for the benefit of the interpreters, 64.01% stated that this happens sometimes as opposed to a 27.75% who state that this never happens, as indicated in the below table.

ANSWER CHOICES	RESPONSES	
Never	27.75%	101
Sometimes	64.01%	233
Always	8.24%	30
TOTAL		364

When asked if JO/TMs ask the lawyers to repeat or rephrase a question for the benefit of the interpreter, 64.29% mentioned that these requests are made sometimes (see table below).

ANSWER CHOICES	RESPONSES	
Never	29.67%	108
Sometimes	64.29%	234
Always	6.04%	22
TOTAL		364

In regard to requests by JO/TMs to lawyers to use “plain English”, avoid legalese or explain complex concepts for the benefit of the interpreters, 49.45% mentioned that these requests never materialise, while 47.53% state that these happen sometimes ( see table below).

ANSWER CHOICES	RESPONSES	
Never	49.45%	180
Sometimes	47.53%	173
Always	3.02%	11
TOTAL		364

Respondents were also asked if JO/TMs ask the lawyers to avoid overlapping speech for the benefit of the interpreter: as shown in the table below, 51.92% said that this happens sometimes, as opposed to 41.21% who state that this never happens



ANSWER CHOICES	RESPONSES	
Never	41.21%	150
Sometimes	51.92%	189
Always	6.87%	25
TOTAL		364

In regard to requests made by the JO/TMs to the lawyers to avoid long and complex questions for the benefit of the interpreter, 56.87% mentioned that this happens sometimes, as opposed to 34.89% who state that this never happens (see table below).

ANSWER CHOICES	RESPONSES	
Never	34.89%	127
Sometimes	56.87%	207
Always	8.24%	30
TOTAL		364

Respondents were also asked if JO/TMs discuss interpreting issues with lawyers. More than half of the respondents (56.32%) stated that this happens sometimes (see table below).

ANSWER CHOICES	RESPONSES	
Never	56.32%	205
Sometimes	41.76%	152
Always	1.92%	7
TOTAL		364

The following extracts demonstrate the kinds of challenges and attitudes faced by interpreters in their dealings with lawyers:

- *Once a Mandarin-speaking lawyer challenged me for saying I did not interpret something important. The magistrate did not know what to do. I said we could listen to the recording and it turned out the lawyer's client did not say it at all. It's easy to blame on interpreters, and sometimes some lawyers intentionally do that. Unfortunately, not all the courts know what to do. As interpreters we should be more affirmative (Mandarin Certified interpreter, NSW)*
- *My personal experience: JOs don't discuss interpreting issues unless issues have been raised by the interpreter. At tribunal hearings, some migration agents have a tendency to provide their input....they are neither qualified to comment on interpreters' work nor in a position to give interpreters directions....Some of them don't seem to understand that unfortunately. When this occurs, the tribunal member will intervene. I much prefer having an opportunity to address the tribunal on the issue and why I see*

*the agent's involvement impedes the process and my work (Mandarin Certified Interpreter, NSW)*

- *My experience in courts has been that the above have only ever been taken into account when I've requested intervention. This has generally involved allowing me space to interpret, rather than launching in before I could finish or seeking repetition or clarification. But I have also had Judges jump in before I was finished interpreting, which shows a greater disregard for the accused than for the interpreter. Happy to say this is not the norm (Spanish Certified Interpreter, NSW)*
- *Some times interpreters are used as an excuse by defense lawyers when theirs cases are not going well, when they need more time/adjourn the cases for whatever reasons (Korean Certified Interpreter, NSW)*

Respondents were also asked if JO/TMs introduce them as the interpreter to witnesses/defendants/accused and Jurors. Over 40% of the respondents said that this was done always, as opposed to 19.27% who said that this never happens. Also, a 39.39% stated that it happens sometimes.

ANSWER CHOICES	RESPONSES	
Never	19.27%	69
Sometimes	39.39%	141
Always	41.34%	148
TOTAL		358

Most of those who responded that they are introduced sometimes or always, they said that the introductions are done before the commencement of the proceedings. The following extracts provide further details:

- *Generally, they ask if there is a Spanish interpreter in the room, or say that there is an interpreter. I have never been "introduced" as such, although the Judge will tell the Jury there is an interpreter to assist whatever party when they come in. When I am asked to confirm, I say that I am a Certified Interpreter--but I have never seen indication they know what this means. I have sometimes been asked to provide my ID card (MNSW) for them to enter my details on the record (Certified Spanish interpreter, NSW)*
- *Sometimes they explain my role as an interpreter to everyone present. If that doesn't happen, and depending on the type of hearing, I may request leave from the Court to explain my role myself. The last court I worked in I had to remind the Court about swearing me in, as I felt uncomfortable continuing with my interpreting without having this happen. I know I could have left things go, some people would think it is not my job, impartiality and the rest.... however.... lots of taxpayers money and lots of effort goes into putting a trial together. Not swearing in the interpreter may cause days and days of legal proceedings to be nullified. The Judge was very pleased and congratulatory and thanked me profusely. This trial had been riddled with difficulties*

*since the beginning, as the first interpreter was not a certified practitioner and had made a bit of a mess of things, so the JO did notice the difference between working with a bilingual and working with a certified interpreter (Certified Spanish Interpreter, QLD)*

## **General Conclusions**

The responses to the survey suggest that since the implementation of the RNS there has been a slight improvement in the way courts and tribunals interact with interpreters. However, the application of the RNS seems to vary depending on the level of awareness of each JO/TM. A high percentage of the interpreters were not aware of the RNS and some many confuse the RNS with the professional code of ethics.

It is particularly concerning that in many instances, courts do not engage the highest qualified interpreters for popular languages such as Arabic, Mandarin or Spanish in states like NSW and Victoria where there is a large pool of certified interpreters with T&I education at HE level. Most interpreters also do not work in courts on a regular basis. Also, it is worth noting that in the sections where free comments were allowed in the survey, the vast majority were completed by certified interpreters.

Lack of access to briefing materials is still an issue for a high percentage of the respondents and on many occasions, accessing and requesting information seems problematic.

In general, the data suggests that JO/TMs acknowledge and appreciate the work of the interpreters, but there are occasions when interpreters feel that they are blamed when communication does not flow efficiently. In this regard, many interpreters agree that lawyers lack awareness of the interpreter's role and are less aware of the RNS than JO/TMs. Interpreters highlighted the lack of consideration some lawyers show towards them. The comment below summarises well the sentiment expressed by many:

*Magistrates and judges are mostly courteous and appreciative of interpreters assistance. Am grateful for that. Defence lawyers/barristers need some education on how to work with and show respect to interpreters. Interpreters are not robots, they need time to absorb and convert info. Defence counsels must reduce pace, shorten content of questions and give time to interpreters to deliver comfortably. Show respect. Interpreters walk into court with no briefing, no background or knowledge of case details. They are put on the spot. Sometimes it's intimidating, no matter how experienced the interpreter is. Counsels who are bilingual (often at an elementary/barely proficient level) are not experts in linguistic and cultural aspects, don't appreciate context, subtleties, nuances, idioms etc.. they make remarks pointing out interpreter 'misinterpreted' etc.. this can make interpreters uncomfortable and may deter many (and I've heard it from a number of interpreters) from accepting court work (Arabic Certified Interpreter, NSW)*

Pay rates and working conditions were also an issue raised by many interpreters and allegations regarding the engagement of non-certified interpreters were also made by several interpreters:

*I have a wish... that in QLD, a genuine dedicated effort is made by the powers that be to have Courts and Tribunals and their REGISTRIES take up the JCCD recommended standards seriously. They have the booklet, perhaps they know it exists, but it seems that no one is showing any interest, especially with regards the appropriate engagement of NAATI Certified Interpreters and paying them appropriate rates. For the present rates offered by the LSPs there will be no Certified interpreters providing services to Courts and Tribunals soon. I believe that it is also the owners of the SOA for the procurement of interpreting services in QLD (QLD Health) who need to seriously consider the substandard (untenable) remuneration and working conditions offered to professional interpreters in the State. The current rates and conditions are destroying the profession and making the industry unsustainable, unless the industry is satisfied to employ bilinguals to do the work that only certified interpreters should be doing (Spanish Certified Interpreter, QLD).*

Based on the survey results presented above, the authors make the following recommendations:

1. That Courts & Tribunals ALWAYS request interpreters certified and educated at the highest possible level at the time of making the bookings with the Language Service Providers.
2. That more control is exerted by courts & tribunals in regard to the engagement of interpreters by Language Service Providers who do not always adhere to the above-mentioned requirement.
3. That training be provided to lawyers and JO/TMs so that they understand that interpreters abide by the principle of confidentiality and that briefing materials are paramount in order to perform accurately and professionally.
4. That booking officers working for Language Service Providers are made aware of the RNS and cooperate with interpreters in regard to requests for briefings.
5. That Language Services Providers and AUSIT keep working on awareness campaigns regarding the implementation of the RNS.
6. That the JCCD keeps working on awareness campaigns regarding the implementation of the RNS especially among the new JO/TMs.
7. That lawyers complete compulsory CPD in regard to the RNS, including practical role-play scenarios.
8. That all interpreting students and newly certified interpreters are made aware of the RNS. It is recommended that NAATI and AUSIT work towards the achievement of this goal
9. That AUSIT, JCCD and Universities teaching T&I in Australia develop a joint plan in order to develop a macro-credential or CPD for law students in regard to the RNS or "how to work with interpreters in legal settings".
10. That interpreter remuneration and working conditions are improved in order to retain the most professional and senior interpreters.