Report: AUSIT interpreter feedback on implementation of the Recommended National Standards for Working with Interpreters in Courts and Tribunals

March 2023

Period of feedback: November 2022 – March 2023

Participants

Seven interpreters, who were all AUSIT members, submitted feedback on the new AUSIT feedback form, that can be found on the home page of the AUSIT website: www.ausit.org. The languages covered were: 2 x Spanish, 1 Arabic, 1 French, 1 Malay, 1 Mandarin and 1 Persian. One interpreter was NAATI certified (Legal specialist), 4 were NAATI certified, 1 was NAATI Certified Provisional and one was NAATI recognised. Three interpreters had post graduate degrees in Interpreting, 1 had a bachelor's degree, 2 had TAFE diploma/Advanced diploma and 1 had completed short courses.

Proceedings

Four were hearings, 2 sentencing hearings and one mentioned 'other'. Five of the proceedings were on site, and 2 were held remotely. Four cases were at the Local/Magistrate court, 1 at the District court, 1 at the Family court and 1 at NCAT.

States

Four cases were in NSW, 1 in QLD, 1 in Victoria and 1 in WA.

Positive feedback

Higher courts treat interpreters better than lower courts

- "With my experience, judges in the County & Supreme Courts and the Federal & Family Court, show more understanding of the interpreter's role and care to provide for their needs more than the magistrates".

Briefing the interpreter (Downing Centre, District Court)

- "CDPP office contact point Farida Farida Moerjono, Administrative Support Officer, Commonwealth Director of Public Prosecutions, who booked two interpreters in plenty of time and provided a comprehensive briefing before the day, which help get up to speed on the matter"
- "CDPP representative John Inan in court, courteously introduced himself and provided explanations about what was going on.

- “Court officer Steve, went out of his way to help by providing the hearing loop and assisting in any way possible, including clarifying the next steps in the schedule of the day
- “Court staff (lady assisting the presiding judge, name unknown), provided the written sentencing document, prior to the delivery of the sentence by the judge, helping keep up to speed with the delivery”

Positive report on working conditions (Downing Centre – Local Court)

- “Court officer responded immediately to request for hearing loop. Ear pieces were missing from both units available to the court, but one usable unit was made from both incomplete ones, allowing me to work appropriately.
- “The police prosecutor provided the facts sheet that allowed me to understand the charges and facts, pre-empting what may be covered in the sentencing. He was initially reticent and only wanted to provide the information once we knew if the offender would be in court, but when I pointed out that I needed background before the case started so that I did not have to hold things up, he provided the required copy”.
- “I had portable interpreting equipment provided by Multicultural NSW, so was able to interpret discussions between Magistrate and bar table fully into LOTE, at a safe distance and providing the best audio input to the person who was being sentenced”.
- “When it came to the Magistrate stating his sentence, he first asked me to remind him if I would be interpreting everything or summarising. I let him know that I had been interpreting everything simultaneously and that I would continue doing so with the use of the portable equipment (the units are so small that presiding officers often don't realise we are using them, hence my mention of the equipment). His Honour thanked me, and proceeded to speak to the offender directly, in a clear and paused manner which ensured his message was transferred fully”.
- “The only aspect that was inadequate relates to the lack of a working space for the interpreter”

Negative feedback

Working conditions

- “There is no dedicated work-space for interpreters: There is sufficient room between the bar table and the public gallery for an interpreter workstation (table and chair) to be included in most courtrooms, yet this easy improvement is simply not implemented in NSW courts. This meant I needed to take over a chair in the public gallery to organise my tools (e.g. notebook, pen, hearing loop and portable interpreting equipment, sanitising elements for the equipment). Having a designated work-space would resolve this issue”.(Downing Centre)

Questioning need for interpreter (QLD Family Court)

- “At the beginning of the case management hearing, Justice directly questioned the LOTE-speaking client whether they actually needed an interpreter, intimating that the client could understand English. Imagine if Justice had questioned a visitor to the court whether they needed a wheelchair. This is discrimination. Users of interpreters should not have to justify their right to access interpretation services”.

Remote interpreting

- “Throughout the hearing, Justice did not allow the interpreter to interpret everything that was said during the hearing, which impacted on the LOTE-speaker's right to be linguistically present throughout the hearing. This was especially important as the LOTE-speaking client was self-represented. (Note that whisper interpreting was not possible, as the hearing was being conducted remotely, and I had confirmed with the associate before the hearing that consecutive mode would be allowed.)” (QLD Family Court)

- “I was booked for Telephone Interpreting but the court query they couldn't see me. I feel more comfortable to work in video conferencing instead of Telephone Interpreting. I explained to them that they can shift to video conferencing but it seems like they weren’t aware the booking was made for Telephone Interpreting”. (NSW Local Court – Recognised interpreter)

- For the oath script they asked me to do twice because they were unhappy for the first one. I asked if they can email me the oath and it's easier for me to read instead of listening but they refused and told me ' we are now in the court'. I don't have the oath script itself and feel uncomfortable just repeating after them. The video conferencing is much better and easier for the court assignment. I will not accept the telephone interpreting for the court in future.” (NSW Local Court – Recognised interpreter)

On-site interpreting

Reading aloud without giving interpreter a copy of the document/WHS issue

- “The magistrates sometimes reading materials with quite high speed and no pauses for interpreting. They sometimes think we should only start interpreting when they need to ask questions or giving orders.” (WA Magistrates court)
- “Each of the parties, as well as the Tribunal Member, had a full copy of the Applicant´s bundle of documents and the Respondent´s bundle of documents that had been submitted to the Tribunal. During the session, which lasted 2 hours, there were constant references to multiple pages of the documents and both parties repeatedly and continuously referred to one page or another, to one section or another, to a sum here, a date there, a heading, etc. It was essential for both parties and for the Member to have the copy in front of them in order to be able to follow

what was being said. The interpreter was the only participant without a copy and had no choice but to attempt to use the LOTE speaker´s copy in order to be able to follow the proceedings and interpret correctly. After a while, I noticed that my neck started to hurt and became aware of my poor posture, uncomfortable position, and neck pain. I interrupted the proceedings to inform the Member and suggested that a copy of the documents should be made available to the interpreter as well. To be fair, the Member totally understood the situation, she could obviously see my posture; however, she was also surprised, and I suspect that no interpreter has ever raised this issue before. The Member was sympathetic and polite but said that they didn´t have a copy for me, which is the response I expected. I continued sharing the copy of the LOTE speaker until the end of the proceedings. I ended up with a sore neck". (NCAT)

No briefing

- "Last week, I had an assignment in the County Court, all I had of information was the type of the charge and a mike & headset". (Victoria)

Conclusion

Only a small number of submissions were received. The majority of the negative feedback related to an unawareness of the professional needs of interpreters in order to undertake their work effectively. These included: lack of briefing, inadequate physical working conditions and incorrect remote interpreting protocols. Some interpreters were treated disrespectfully and the RNS were at times dismissed. It was encouraging to see the positive feedback about court participants who were respectful of interpreters and demonstrated that providing the basic working conditions is possible.