

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

December 2023

Period of feedback: May 2023 – December 2023

Participants

Eleven interpreters, 8 of whom were AUSIT members, submitted feedback on the AUSIT feedback form, that can be found on the home page of the AUSIT website: www.ausit.org. The languages covered were: 4 x Mandarin (1 also Cantonese), 3 Arabic, 2 Spanish, 1 French & 1 Vietnamese. Ten interpreters were NAATI certified, and 1 was NAATI Certified Provisional. Three interpreters had post graduate degrees in Interpreting, 6 had a bachelor's degree, and 2 had TAFE Advanced diplomas. Four had over 20 years' experience, 2 over 10 year's experience and 5 had under 5 years' experience.

Proceedings

Eight were hearings, including 4 sentencing hearings, 2 were trials and one was a mention. All of the proceedings were on-site. Three cases were at the Local/Magistrate court, 4 at the District/County court, 2 at the Family/Federal Circuit court, 1 at the Federal court and 1 unknown.

States

Six cases were in NSW, 3 in Victoria, 1 in QLD and 1 in the ACT.

Positive feedback

Only two of the interpreters provided positive feedback. One interpreter praised the NSW Legal Aid lawyer who provided the interpreter with all the relevant information prior to the sentencing hearing in order to prepare. The other interpreter had positive feedback for everyone involved in a QLD trial presided over by Her Honour Jodie Wooldridge. The details appear below:

Adequate working conditions at Southport District Court QLD

This Mandarin Certified interpreter reported having an excellent experience at the Southport District Court, where all the recommended standards were observed, which ensured a successful bilingual trial and proved that the recommended standards are implementable.

Before the trial – outside the courtroom

- “A dedicated **private room** adjacent to the courtroom was arranged, in which a **printout of the relevant ethical principles from the AUSIT Code** and the **RNS** was placed. This allowed me as the interpreter to better familiarise myself with the necessary guidelines before commencing the assignment”.

During the trial- In the courtroom

- “Inside the courtroom, a **table, chair and hearing loop** were provided for the interpreter's convenience. Additionally, a **simultaneous interpreting (SI) headset** was made available, enabling me to effectively convey the proceedings to the defendant without having to sit in the dock or strain my voice.”
- “I was furnished with **various documents**, including the **charge sheet** and other pertinent materials, for my perusal. This ensured that I was well-informed and adequately prepared before the trial began.”
- “**Breaks** were thoughtfully scheduled by Her Honour approximately every 45 minutes. These intervals allowed me to rest and recharge, ensuring my continued effectiveness throughout the proceedings.”
- “Moreover, Her Honour consistently **reminded counsel** during the trial to **moderate their speech**, enabling me to accurately convey their words.”
- “**Printed copies of exhibits** and the **summing-up** were provided to me before being presented in court. This allowed me time to review and familiarise myself with the materials so that complex legal concepts relevant to the trial could be interpreted with maximum accuracy.”

Negative feedback

Unfortunately, the majority of the feedback during this period was negative.

Speech of lawyers and judicial officers

One interpreter commented on judicial officers and lawyers speaking too fast, for too long and using very technical legal jargon that made the interpreter's work very difficult and impossible to be accurate and complete. Another interpreter mentioned that they were asked to sight translate long legal texts, without any preparation. This interpreter also mentioned that many judicial officers and lawyers do not slow down or pause to allow the interpreter to interpret. Another interpreter commented that the judge's reading of the sentence was very fragmented and difficult to follow. When the interpreter asked the judge to explain a phrase, the judge said “*You're the interpreter. Interpret.*” Another interpreter said that “*...during sentencing, the judge spoke ridiculously fast and in a low voice, despite knowing that there was an interpreter present. The sentencing alone for the 7 charges took over 10 minutes and the judge sped through everything. At first, I tried to keep up while interpreting simultaneously, but when it became impossible to keep going, I stopped the proceedings to ask the judge to slow down and raise his voice. He apologised and said he has a lot of matters to get through, then continued on as if I said nothing. I was unable to hear*”

and process the sentencing, let alone interpret it and the defendant was visibly agitated by this. If I were in his shoes, I would have been agitated too. After the sentencing, of which the defendant understood practically nothing, I asked the Legal Aid solicitor to repeat the sentencing so that I may re-interpret them to the defendant. He was also annoyed by this because he needed to leave for another appointment, but I knew that if he left without having understood the restrictions imposed on him by the court (good behaviour bond, CCOs etc), there was a chance he would breach them and end up back in court or even prison as a result of the language barrier”.

Lack of respect for interpreters

One interpreter in Victoria reported being disrespected by the security guards who showed racist and sexist attitudes towards her. She reported being body searched by male security guards at the entrance of the court, expressing embarrassment and humiliation. This interpreter also reported being treated rudely by the registry and other court staff, and being asked by the prosecution to ring the detainee in prison to interpret using her own mobile phone, which led to the suspect having her number and harassing her later. Below is a quote from this interpreter:

“I personally had been harassed by some suspects after the court hearing, as the suspects would call my personal mobile phone to ask about some court related questions! This is violating the privacy protection of interpreter’s personal contact information. But if we don’t agree to provide our personal contact information, we end up not able to get any court interpreting jobs! We are forced to agree to provide our personal contact info under this kind of pressure”.

Another interpreter reported that they were made to feel uncomfortable when they tried to alert the judge about the fact that they did not speak the same language variety as the defendant. Below is a quote from this interpreter about an incident in the Parramatta District Court (NSW):

“I noticed that this would be an issue prior to the proceedings beginning and spoke to both the prosecution and defence about the matter. They told me to tell the judge. While trying to speak to the judge, he was very blunt and difficult to communicate with. I had to use one of the lawyer’s microphones and it was an overall uncomfortable experience”.

No Simultaneous Interpreting (SI) equipment

One interpreter reported having difficulty getting the court officer at the Burwood Local Court (NSW) to provide the hearing loops to perform SI. Another interpreter was refused permission to use their own SI equipment at the Parramatta District court in a matter that involved interpreting for a male sex offender. Below is a quote from this interpreter:

“I requested to use my equipment so that I did not have to sit next to the offender in the dock. The Judge refused permission and stated ‘Interpreters must always sit in the dock with the accused/offender.’ When asked by the Judge, the Corrective Services officer without any inspection of my equipment, replied that they would have issues with allowing the offender

to use my equipment. I tried explaining to the judge that I have been using my equipment for more than a year (to comply with COVID-19 social distancing) and there was never any issue with any Judges nor Corrective Services. The Judge ordered me to sit in the dock with the male sex offender, despite the fact that I am female and had my own equipment to use in order to feel safe and comfortable when performing my duty.”

No briefing or preparation materials

One interpreter was dismissed for requesting information about the case in order to prepare to interpret adequately. The explanation from the judge’s associate was that they cannot share any confidential information with interpreters. When the RNS were mentioned, they were ignored.

Poor working conditions

One interpreter mentioned how uncomfortable and unprofessional it is to wait in the waiting room with everyone else, instead of having a dedicated room where interpreters could wait and prepare. Interpreters also reported that they were not given any breaks during long trials and hearings.

Conclusion

This report included 11 submissions from interpreters, 4 more than the last report. Unfortunately, the majority of the feedback was negative, indicating a lack of understanding of interpreters’ work and a lack of knowledge of the Recommended National Standards for Working with Interpreters in Courts and Tribunals (RNS). Of grave concern, were the reports of the lack of respect experienced by interpreters from security guards, court officers, registry staff, police prosecutors, lawyers and judicial officers. Interpreters seem to not be perceived by many who work in the court as being fellow workers, but as strangers who cannot be trusted. The one excellent report from the Southport District Court demonstrate that the RNS can be implemented and that when they are put into practice, everyone involved in bilingual proceedings will benefit. Interpreters can only serve the courts well, if they are treated with respect and provided with the basic working conditions necessary to do their work in a safe and healthy manner.