

# 1987 2017

## 2017 AUSIT NATIONAL CONFERENCE

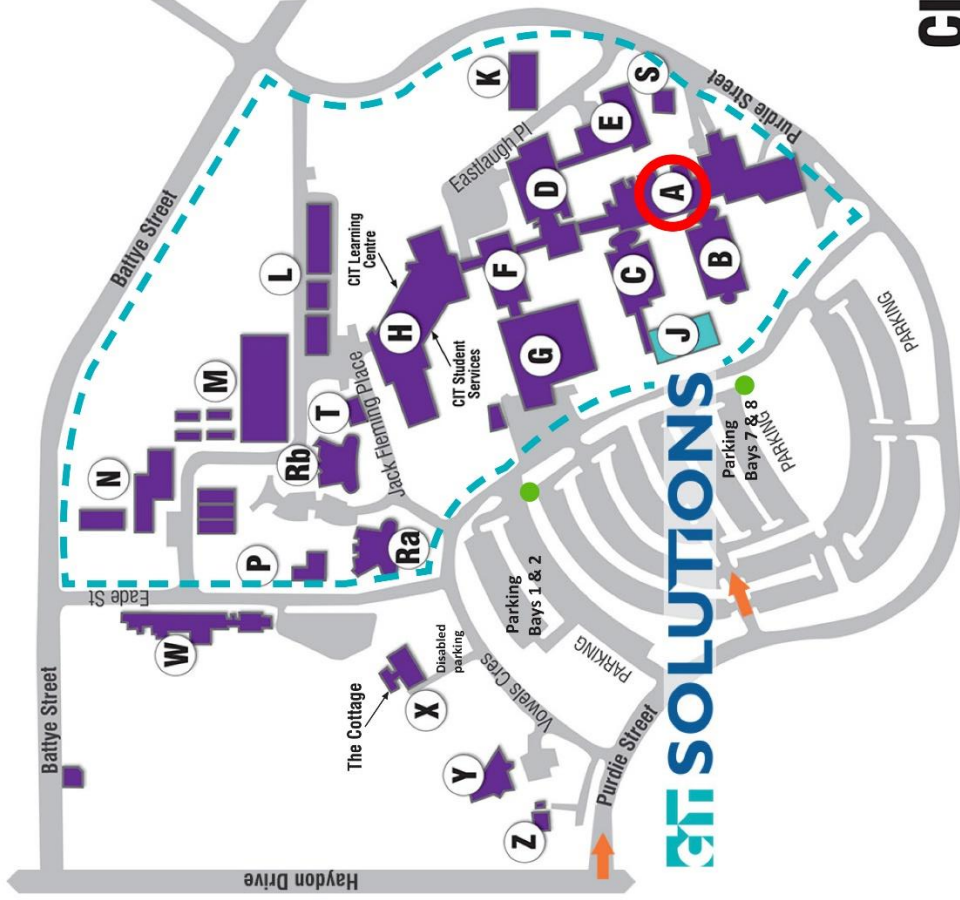
**CANBERRA**

17-18 November 2017

### Translation and Interpreting: Ethics and Professionalism

THREE DECADES OF  
**AUSIT**30 PROFESSIONALISM





## Location of Training Venue

The map below shows the location of CIT SOLUTIONS. There is parking available out the front of the building and all parking is free of charge.

Tobacco use of any kind is **not permitted** on campus grounds.



DESIGNATED OFF-CAMPUS  
SMOKING AREAS ●

# CIT BRUCE

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*Cover photo: Gathering of representatives from all states and territories in Canberra, on 5 September 1987. A constitution and bylaws were drafted, establishing the Australian Institute of Interpreters and Translators (AUSIT).*

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# Foreword

It is with deep satisfaction and pride that I write this Foreword to the 2017 AUSIT Conference and NAGM held in Canberra on the 17-18 of November. This is the 30<sup>th</sup> anniversary of AUSIT's incorporation that was done here in Canberra. And since you are in Canberra, I hope you take some time to see the many natural and man-made wonders of our capital city during your stay, including galleries and museums and the beautiful Botanical Gardens.

When we arrived in Canberra a little over 7 years ago, Daniel and I joined the AUSIT ACT branch and were disappointed to find the reduced number of members and the lack of workshops and cultural activities of the branch. So we decided to work towards the strengthening of the branch and increasing the membership. This required organising professional development events like mini-conferences and workshops to attract the members, as well as getting involved in Community and National events in Canberra, fostering contacts with NAATI, ANU and CIT. Over the years we became strong and successful, thanks to the efforts of each and every committee member we had in the past years. Today, we have a very active, enthusiastic and committed Committee who organised this conference. We have to thank Gaye Campbell from CIT Solutions for all her support to our branch by providing venues for all our events, free of charge and being there for us.

The ACT branch welcomes you to this 2-day event. This year the conference theme is the Code of Ethics for Interpreters and Translators. Multiple presentations will focus on ethical issues, challenges and decisions we have to make on a daily basis and ethical boundaries and dilemmas we face both as interpreters and translators. The high quality of the presentations represents the thinking and experience of the professionals in our field. Their contribution will help make this conference outstanding and memorable.

The conference organisation and the ACT branch deserve praise for their effort, energy and insight in the preparation of this event and selection of papers. I hope this will give rise to interesting discussions among professionals and will be an excellent opportunity to sort out our doubts and concerns.

*Mécia Freire, ACT Branch Chair (2014-2017)*



In 2018, NAATI will introduce a **certification system** for the translating and interpreting (T&I) sector in Australia.

NAATI certification will become the industry standard for working in the profession.

AUSIT members with current accreditation or recognition can now transition to the new system for free until 30 June 2018.



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# Conference programme

## DAY 1 – Friday 17 November 2017

		CIT Bruce Lecture Theatre A022	CIT Bruce Room C09
8.45	Registration		
9.30 – 9.45	Opening	ACT Branch Chair	
9.45 – 10.30	Keynote Speech	<b>What does the Code of Ethics mean?</b>  Professor Sandra Hale  AUSIT National President	
<b>10.30 – 11.00</b>	<b>MORNING TEA</b>		
11.00 – 11.30	Parallel sessions	<b>Ethical issues in Translation and interpreting with researchers</b>  Jean Burke	<b>Health care interpreters' professional judgement and its unintended consequences</b>  Sophia Ra
11.35 – 12.05	Parallel sessions	<b>Professionalism &amp; Civility as Ethical Concepts: What We Have to Learn From Other Professions</b> Jonathan Beagley	<b>Interpreters, Public Interest and Duty of Disclosure</b>  Andrew Kozlowski

12.10 – 12.40	Parallel sessions	<b>Harmony or Disharmony? Cochlear's Code of Conduct Goes from Regional to Global</b>  Stephanie Riches Harries, COCHLEAR	<b>Ethical decisions in interpreting settings</b>  Kristina Wolf
<b>12.40 – 1.40</b>	<b>LUNCH</b>		
1.40 – 2.10	Parallel sessions	<b>Linguists in Law Enforcement. The Role and Professional and Ethical Boundaries</b>  Steve Elkanovich	<b>Challenges and ethical dilemmas in translation</b>  Luisa Conte & Simone Aliano
2.15 – 2.45	Parallel sessions	<b>A Family Court Case</b>  Vladimir Todorovic	<b>Ethical choices of a community translator working with Russian and Ukrainian languages in Australia</b>  Vanda Nissen
2.50 – 3.20	Parallel sessions	<b>Ethical issues and dilemmas in courts &amp; tribunals</b>  Simone Aliano & Luisa Conte	<b>'Fidelity v Loyalty': a Case (Study) of Ethics in Legal Translation</b>  Rocco Loiacono  Catherine Nicholson Pfammatter
<b>3.20 – 3.50</b>	<b>AFTERNOON TEA</b>		
3.50 – 4.20	Plenary session	<b>Reconciling Ethical Obligations with Clients' Misperceptions</b>  David Deck	
4.25 – 4.55	Plenary session	<b>Certification - a system fit for the 21st century</b> Robert Foote	

4:55 – 5:30	<b>Paul Sinclair Award ceremony</b>  <b>CLOSING</b>
5:30-6:30	<b>30<sup>th</sup> anniversary celebration (canapes &amp; cake)</b>  <b>Foyer</b>

## DAY 2 – Saturday 18 November 2017

8.45	REGISTRATION
9.30 – 10.30	<b>JILL BLEWETT MEMORIAL LECTURE</b>  <b>The Unethical Illusionist: reflections of a jobbing translator</b> - Dr. Kevin Windle  Recipient of the International Federation of Translators Aurora Borealis Award for the Translation of Non-fiction, 2017  Emeritus Fellow, The Australian National University  <i>Free public event</i> - <b>Lecture Theatre A022</b>
10.30 – 11.00	MORNING TEA
11.00 – 12.15	<b>AUSIT NATIONAL AGM</b>  <i>AUSIT members only</i>  <b>Lecture Theatre A022</b>
12.15 – 1.30	LUNCH
1.30 – 5.00	<b>POST-AGM MEETING</b>  National Council - <b>Room C09</b>

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# Keynote speakers

## Prof. Sandra Hale – AUSIT National President



Sandra has a long career as community and conference interpreter, educator and researcher. She is a pioneer in community interpreting pedagogy and research and is recognised internationally as an authority in the field. She graduated with the first PhD in court interpreting in Australia, from Macquarie University, and she headed the undergraduate and postgraduate I&T courses and the Interpreting &

Translation Research Group at the University of Western Sydney.

Sandra has also led a number of important national consultancy projects, including the training of all the Community Relations Commission legal interpreters funded by the NSW Attorney General's Department. She is currently working on a number of research projects on Interpreting.

Her books, *The discourse of court interpreting* and *Community interpreting* are widely used as text books nationally and internationally.

## Awards

**2015** Recipient of the Dean's Award for Programs that Enhance Learning, Faculty of Arts and Social Sciences, University of New South Wales

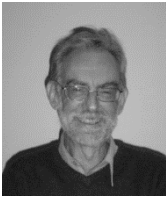
**2015** Recipient of the Dean's Award for Research Society Impact, Faculty of Arts and Social Sciences, University of New South Wales

**2007** Awarded the UWS Vice-Chancellor's Excellence award for University Engagement (Commended)

**2007** NAATI recognition award

**2001** Awarded the Macquarie University Vice-Chancellor's Award and Dean's Commendation for PhD thesis

## Dr. Kevin Windle - Jill Blewett Memorial Lecture



Kevin Windle is an Emeritus Fellow and former Associate Professor, Head of the School of Language Studies in 2003-04, and Convenor of Translation Studies and Russian at the Australian National University. He has taught Russian language and literature at all levels, and inaugurated the MA Program in Translation Studies in 2001.

His major publications include the biography, *Undesirable: Captain Zuzenko and the Workers of Australia and the World* (Melbourne 2012), three co-edited volumes including *The Oxford Handbook of Translation Studies* (Oxford 2011), and numerous literary and scholarly translations.

He has recently been working with Professor Alexander Massov (St Petersburg) and Dr. Elena Govor (ANU) on the history of Russian settlement in Australia.

### Awards

2009: shortlisted for NSW Premier's Prize for literary translation.

2014: inaugural AALITRA Prize for Literary Translation, for Ana Maria Moix's *Before Lunch* (*Antes del almuerzo*), from the Spanish.

2015: second prize in the John Dryden Translation Competition, for Slawomir Mrozek's *Escape to the South* (*Ucieczka na poludnie*), from the Polish.

2017: Aurora Borealis Prize for the Translation of Non-Fiction awarded by the Federation Internationale des Traducteurs at the FIT Congress, Brisbane.

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# Abstracts

## **Ethical issues in Translation and interpreting with researchers**

Jean Burke

Researchers from all disciplines are required to adhere to ethical guidelines in designing and conducting research studies. Part of the research process involves obtaining ethics approval from human research ethics committees. Yet researchers are sometimes unaware that translators and interpreters also have their own ethical code to guide them. Researchers' perceived needs to understand their study participants can mean they desire interpreters to be both language interpreters and cultural mentors. Requirements for researchers to demonstrate accuracy of translations of information sheets, consent forms and questionnaires can lead to pressure on translators to back-translate these well after the last participant has been surveyed.

This presentation is a reflection on my own experiences as a researcher who has had interpreting assistance and done my own translations of documents and transcriptions of interviews and group discussions as well as supervising research students. It also reflects on situations where I have translated and back-translated for research students, within my work as a free-lance Swahili translator.

Ethical issues will be discussed in relation to these experiences, as well as similar situations documented in relevant literature. In particular, there will be a focus on conflicts between the ethical spaces of researchers and translators and/or interpreters. Examples include researchers expecting interpreters to be cultural bridges or mentors, or expecting people who are competent in the relevant language to take on new roles as non-professional interpreters or translators.

Translators should be approached to do back-translations of questionnaires before these are used with participants, but are sometimes instead contracted to do these long after they have already been used, with no opportunity to improve their quality.

I propose that there is a need for clear guidelines to researchers about how to conduct ethical translation and interpreting within research projects and how to work with interpreters and translators in ethical professional ways to achieve high quality accurate research outcomes.

## **Health care interpreters' professional judgement and its unintended consequences**

Sophia Ra

This study begins with the widely accepted assumption that cultural diversity directly challenges complex features of communication in medical consultations. CALD patients still reported high unmet needs in terms of insufficient information they had been given, not enough consultation time, or unsatisfactory treatment by healthcare professionals, which then led to the patients' anxiety, depression, lower satisfaction levels, or poorer outcomes of treatment. At the same time, Butow et al. (2012, p. 242) also expressed their concerns in their article about the possibility of interpreters filtering important information, and hindering, rather than helping, communication with patients, due to the institutional limitation in the current health system.

To identify communication challenges of the health care interpreters and to examine how all the parties, who are involved in intercultural communication, responded to challenges, I observed twenty interpreter-mediated healthcare consultations. In this presentation, I will describe what I witnessed during the observations. The observations consist of twenty interpreter-mediated medical consultations with Korean patients at Westmead Hospital in New South Wales, Australia, over a period of six months in 2015.

Based on the results of a participant observation, as a part of a bigger project, I will mainly focus on the examples where the interpreters face challenges during medical consultations. I will then describe the interpreters' behaviours towards these difficult situations and the unintended consequences for the relationship between a patient and a medical professional. Interpreters' perceptions on their professional judgement will also be covered based on the results of the subsequent interviews with the interpreters in order to explore the reasons accounting for the observed behaviours.

## **Professionalism & Civility as Ethical Concepts: What We Have to Learn from Other Professions**

Jonathan Beagley

Communication and interpersonal conflict are vital aspects of professionalism in any profession, and translation and interpreting are no exceptions. Professional interactions necessarily involve communication, even in a profession typically seen as isolating, such as translation. The role of communication and interpersonal conflict in professional contexts has been studied in a number of disciplines, such as human relations (Pearson, Andersson, and Wegner), medicine (Cook et al.; Timm; Manca et al.), nursing (Curtis, Bowen, and Reid; Ceravolo et al.; Lachman; Farrell), law (Lustbader and Dickson; Aaronson; Campbell), and organisational behaviour (Taylor, Bedeian, and Kluemper). Many scholars have referred to the concept of civility, either as a separate principle from professionalism or as an aspect thereof (Campbell). Research on ethics in translation and interpreting is, however, much less developed than for more established disciplines, such as medicine and law. Incivility—sometimes termed horizontal or lateral violence, depending upon the severity—has effects on recruitment and retention (Jackson, Clare, and Mannix; Curtis, Bowen, and Reid). Professionalism—and civility—are related to two principles of the AUSIT Code of Ethics: professional conduct and professional solidarity.

This presentation will explore how the concepts of professionalism and civility addressed in other disciplines are different from or similar to

the principles of professional conduct and professional solidarity in the AUSIT Code of Ethics and what we can learn from these concepts.

## **Interpreters, Public Interest and Duty of Disclosure**

Andrew Kozlowski

You are on the phone interpreting for an emergency call.

The operator talks to CALD caller about the situation. Then, the caller says: no ambulance nor paramedic service is no longer required. The operator is just about to hang up the call, when you hear in the background, a faint female voice crying for help in LOTE language.

"Help, he beat me up..."

What should I do as the emergency staffer was meant to respond to the caller only...?

The ethical dilemma in this scenario has led to ponder about how to apply AUSIT's Code of Ethics to real-life assignments. We ask ourselves questions on how to maintain professional ethics and not to be tempted to cross the fine line of our professional Code of Ethics and Code of Professional Conduct by thoughts of good will. Are we (interpreters) qualified and required (professionally or morally) to divulge or communicate that information to emergency staff members or police if this was a police call? Have I "witnessed" an alleged act of a domestic violence? Should we interpret what we have overheard?

This presentation will draw the audience's attention to a dilemma of when and if interpreters may "breach" impartiality and confidentiality?

When does the public interest justify disclosure of the information obtained by interpreters by mere coincidence?

## **Harmony or Disharmony? Cochlear's Code of Conduct Goes from Regional to Global**

Stephanie Riches Harries

Up until July 2017, Cochlear Ltd. had seven regional codes of conduct in place; codes that set the standard of conduct required from Cochlear's people around the world to provide safe, ethical and legal framework within which to work at Cochlear.

For Cochlear to carry out its global business fairly, honestly, and legally, wherever the company operates, the decision was made to centralise and unify the policy by creating one Global Code of Conduct. This decision was integral to maintain and enhance Cochlear's reputation as an organisation that acts responsibly, follows all applicable laws and maintains high standards of business ethics and integrity.

How did the countries of operation react to the deletion of the local policy documents and adoption of one global policy? Does one policy work in all cultures? What considerations were made to localise and translate the global policy document into 17 target languages?

Success in changing a policy from local to global that impacts every person in an organisation often relies upon early involvement of those who will be responsible for managing the change. This presentation will cover how Cochlear's legal team drove the creation and implementation of the global policy by engaging the regions, and as a result, gaining their positive reception. In contrast, localisation was not considered until the end phase, resulting in challenges to arrive at a document that would work on a linguistic level for all regions.

## **Ethical decisions in interpreting settings**

Kristina Wolf

Interpreters often have to make on-the-spot ethical decisions without having anyone there to consult, or even just a few minutes to collect their thoughts. Such situations occur e.g. in police and healthcare settings.

This talk will present examples of such situations, factors leading up to them and ethical implications of possible responses. Given that interpreters can't avoid ethical dilemmas entirely, we will explore practical advice on how to work ethically and get support from clients.

## **Linguists in Law Enforcement. The Role and Professional and Ethical Boundaries**

Steve Elkanovich

Language capability is vital for any law enforcement and intelligence agency's operational and evidentiary purposes, since investigation and intelligence information often contain foreign language content. Without effective management of such multilingual content, the agencies risk compromising downstream investigative and intelligence gathering capacity.

Provision of language services to law enforcement agencies is an area where cross-cultural communication, community and legal interpreting and translation overlap, creating a sector of indeterminacy where the rules and procedures from each of these areas may either interconnect or collide. Interpreting and translation for law enforcement and intelligence agencies involves much more than assistance at a police interview. As members of investigative teams, language specialists are required to analyse and extract what has logical precise relevance to a given text or conversation while remaining impartial, unprejudiced and accurate. Unlike investigative language specialists or forensic transcriptionists,

translators are not required to spot the significant but, instead, are required to render the source recording precisely in its entirety. There are also distinct differences in interpreting / translation guidelines and standard operating procedures adopted by different law enforcement and intelligence agencies, including expectations of an interpreter and translator's role. As a result, working for law enforcement as a language specialist is an area that is causing enormous confusion for the interpreters and translators practicing in both the legal and the community fields and requires specialist training.

This presentation is an attempt to define the role and professional and ethical boundaries of language specialists working in law enforcement and intelligence environment.

## **Challenges and ethical dilemmas in translation**

Luisa Conte & Simone Aliano

This paper will present the results of a research project undertaken by RMIT students for their course "Ethics & Professional issues". Students were asked to interview translators working in Australia and find out about the fields they cover as professionals, the ethical dilemmas they face as translators and the approaches or strategies they apply when they face such dilemmas. The goal of the assignment aims at finding if there is a connection between the accreditation level, formal qualifications and approaches taken by the translators in the face of an ethical challenge. It also seeks to identify the fields that present more professional issues and to classify such by applying the demand control schema. This presentation summarises the results of the research carried out by the whole class. Assignments and course activities like the one described above connect students with professionals and bring them closer to the real world demands. At the same time, professionals are given the opportunity to reflect on their practice and analyse their professional performance.

## A Family Court Case

Vladimir Todorovic

### *Ethical dilemmas arising during interpreting before the family court of Australia*

I wish to discuss a professional situation that happened to me last year, before The Family Court of Australia, where I was interpreting in a divorce case of one elderly couple. Both of them were over 75 years of age, from the same religion group and from the same country. There were two interpreters, one for each of the clients. The female client has had legal representations but not the male. He appeared to be verbally aggressive at times, while making statements in English. She was quite frightened, not able to communicate in English, diabetic and with severe hearing problems. Her legal representative did not intervene during the session. My position was to interpret for her.

**OBJECTIVE:** to raise some points related to the Code of Ethics which are applicable to the Court situation and discuss.

**METHOD:** during the discussion and application of obligatory points of the ethical code find the form and specifics which apply to the case with the options for different way of communication. One of the methods was analysing notes from the interpreting before the Family Court of Australia. Discussing only three areas of AUSIT CODE OF ETHICS, IMPARTIALITY, CLARITY OF ROLE BOUNDARIES and PROFESSIONAL DEVELOPMENT means considering the complete Code, but applying only these three at this point.

**CONCLUSION:** although in a lengthy discussion all nine areas of the Code of Ethics can be related to the case, these were more prominent.

# **Ethical choices of a community translator working with Russian and Ukrainian languages in Australia**

Vanda Nissen

All NAATI accredited practitioners are bound by the AUSIT Code of Ethics which specifies observation of impartiality in all professional contacts. Translators should not show bias towards either the author of the source text or the intended readers of their translation. However, translators always work within a social context. "More than just a linguistic activity, translation is one of the main ways in which intercultural relationships are formed and transformed." (Pym, 2010:2)

Translators working with less common community languages like Russian and Ukrainian often become role models in their communities in Australia, and their ethical choices become immediately known to all members of the communities.

Russian and Ukrainian belong to a group of East Slavic languages. They have a lot of common features including grammar, syntax, morphology but at the same time they are two separate languages. Similar, Russia and Ukraine have common cultural traditions, however each of the countries also has its own, unique culture.

In 2014, Crimea was annexed by Russia, and this annexation has destroyed Russian-Ukrainian relationship. As a translator working with both languages you meet people who have completely different views on the conflict (former Yugoslavia), and you constantly face ethical challenges.

We will discuss typical ethical challenges faced by translators working with two "conflicting" languages. We will further discuss possible ethical choices and potential outcomes.

# **Ethical issues and dilemmas in courts & tribunals**

Simone Aliano & Luisa Conte

This paper will present the results of a research project undertaken by RMIT students for their course "Ethics & Professional issues". Students had to attend court and tribunal hearings throughout the semester and analyse the ethical dilemmas and professional issues that arise in such settings. By applying the demand-control schema and their knowledge of the code of ethics, as well as their knowledge on theories related to professionalism and ethics in translation & interpreting, students had to write a report for each of the cases they observed.

This presentation is the compilation of the results presented by the whole class in their reports. Assignments like the aforementioned are based on the social constructivist approach to translation education, where the engagement of students, motivation and exposure to the challenges they will face as real professionals are paramount.

## **'Fidelity v Loyalty': a Case (Study) of Ethics in Legal Translation**

Rocco Loiacono & Catherine Nicholson Pfammatter

Translation across different legal systems must respect cultural differences in both source and target languages, as well as recognize and reflect the styles of the legal system for which the translation is being done. Terms relating to specific structures of a legal order and its functioning can lead to potential ethical pitfalls arising from a term's connotations: how can the inductive reasoning of common law systems be meaningfully rendered into a civil law context? And what of legal concepts which are viewed differently in different cultures, for example, does the term "judge" carry associations which are different across common/civil law systems? The translator needs to be aware of these elements, but still must consider to what extent it is

necessary to act as a cultural “explainer” for clients. Yet, this too presents an ethical dilemma, where, in legal translation, it is not usually part of a translator’s role to ‘interpret the text’, or, more specifically, a text, being a statement of the law, should not be the subject of a translator’s interpretation. The issue then becomes a question (or ‘a case’) of ‘Fidelity v. Loyalty’ for the translator. In other words, the translator is the one who has to anticipate any misunderstanding or conflict and act as a responsible mediator in the cooperation between the client, the ST author and the target audience.

This presentation aims to provide an overview of some of the ethical difficulties legal translation may present, with examples drawn from professional practice.

## **Reconciling Ethical Obligations with Clients Misperceptions**

David Deck

The principle of Impartiality in the AUSIT Code of Ethics, based on the generally accepted role of the translator or interpreter (especially the latter in the context of this paper) as a neutral conveyor of messages, requires T&Is to refrain from actions such as giving advice on, or making comments about, the messages they are asked to convey or the circumstances in which they are conveyed. However, this paper will suggest that the situation is often not as clear-cut as that, and will aim to trigger a discussion of how T&Is can reconcile their ethical obligations with the realities of their work – in particular, the misperceptions that CALD clients may have about their interactions with ‘officialdom’.

The paper will briefly review the ‘dual perspective’ model, described by Dolores Norton and others, of how immigrants adjust to the new culture in which they find themselves. It will seek to use that as a

springboard to identify the differing ways in which those who have grown up in the predominant Anglo-Celtic culture in Australia, and those who have come to Australia more recently, might view their interactions with officialdom. It will then identify circumstances in T&I practice where differing perceptions might create tension with the ethical principle of impartiality, and open up the issue for discussion.

## **Certification - a system fit for the 21st century**

Robert Foote

Established in 1977 NAATI is the national standards and certification body for translators and interpreters working in Australia. It is the only organisation to issue certifications to practitioners who wish to work in this profession. As NAATI enters its 40th year it is preparing for its most significant change program – the introduction of the certification scheme from January 2018.

As a certification body, NAATI issues credentials at several levels for both translating and interpreting in both signed and spoken languages, including a number of Australian Indigenous languages. Under the accreditation system, NAATI has issued credentials in over 230 language combinations.

The ultimate goals for the introduction of the certification scheme are for a responsive, practical, valid and reliable certification system able to meet the needs of the Australian community. NAATI expects that the new scheme will contribute significantly to the professionalisation of the translating and interpreting sector – not just the practitioners.

In this presentation, the Manager Development of NAATI will provide an overview of the certification scheme and how it will support the goals with a focus on the intersection with improving professional practice and ethics.

# WHERE DO YOU WANT TO GO?

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# Acknowledgements

AUSIT would like to thank the conference sponsors for their contribution and help in preparing the event. This conference would not have been possible without their support:



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# Organising committee

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# Notes

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