

Dear members of the Australian judiciary and tribunals, lawyers, court and tribunal staff, policy makers and language service providers,

I am writing to you in my capacity as National President of the Australian Institute of Interpreters and Translators (AUSIT), the peak professional body of the translation and interpreting (T&I) industry in Australia.

Interpreters are routinely engaged to interpret for speakers of languages other than English (LOTE speakers) in proceedings held in courts and tribunals across the country. The majority of these colleagues strive to provide the best possible quality of service, despite often encountering adverse conditions.

In 2017, the Judicial Council on Cultural Diversity (JCCD) – as it then was – developed the [Recommended National Standards for Working with Interpreters in Courts and Tribunals](#) ('the Standards'). These recommendations sought to set best practice for working with interpreters in Australian courts and tribunals. The second edition of the Standards appeared in 2022.

The Standards recognise that quality interpreting cannot be achieved by interpreters working in inadequate conditions, and they highlight that ensuring quality of interpreting within courts and tribunals is not just up to the interpreter, but is a shared responsibility: the judicial officer, lawyers, court and tribunal staff and language service providers play a role in ensuring adequate working conditions for interpreters.

AUSIT is concerned about the slow implementation of the Standards around the country. For this reason, we have created and circulated a [petition](#) requesting that working conditions for interpreters comply with the Standards. To date we have received over 2,100 signatures supporting the [petition](#).

We appeal to each one of you to play your part in making these improvements. Many interpreter colleagues choose to leave the industry due to working conditions that do not reflect the level of education and effort that interpreting in court and tribunals entails. *ABC Radio National's* Law Report program recently devoted two full episodes to these difficulties, you can listen to them [here](#).

As National President of AUSIT, I am grateful to the Law Institute of Victoria and the Law Societies of New South Wales, Queensland, South Australia, Tasmania and Western Australia, who have recently organised seminars in which I have been able to talk to lawyers about effective ways of working with interpreters.

However, our efforts alone are not sufficient to bring about change. We believe that there is room for judges, lawyers and court staff, policy makers and language service providers (LSPs) to do more to bring about full implementation of the Standards. The areas that require urgent attention are as follows:

- **Background information of the type of case (and any specific knowledge required to interpret competently) should be provided to the LSP / interpreter/s before a hearing commences**, so the interpreter/s can do lexical research. Otherwise, proceedings may be disrupted by interruptions to clarify matters, inaccuracies, and unnecessary anxiety on the part of the interpreter as a result of being the only professional in the room who has been kept in the dark.
 - Ideally, information about the case should be provided by the court to the LSP at the point of booking the interpreter/s. For example: ‘a Mandarin interpreter is needed; the charge is assault of a family member’. The LSP should then provide this information to the interpreter/s. (Some interpreters may not wish to take this type of assignment, for whatever reason).
 - Lawyers should feel comfortable to put together agreed facts (as they do in the joint instruction of an expert) to provide the interpreter with context.
 - When booking an interpreter, courts and tribunals could include a day/half-day of ‘reading time’ before a hearing, especially in the case of a trial, so the interpreter can read the most relevant documents and create a glossary just before the proceedings start. These measures will help to ensure a better quality of interpreting for all stakeholders.
- **Engaging two interpreters to work in pairs** in hearings that are expected to last over two hours, and in all trials.
 - This is a practice that is well recognised with Auslan interpreters. However, it has not spread to spoken languages. Under the AUSIT Code of Ethics, interpreters must render everything said in the court or tribunal into LOTE, simultaneously, for the LOTE speaker, as well as interpreting what the LOTE speaker says. The cognitive and physical effort of doing this makes it impossible for one interpreter to provide accurate interpreting when working alone for long periods (over 30 minutes).
 - In these circumstances, two interpreters should be engaged to work jointly and to provide all services required in the same language pairs.
- **Ready access to the court’s hearing loop**.
 - Poor audio quality increases fatigue in interpreters as they strain to hear what is said in the court/tribunal. The hearing loop alleviates this and allows the interpreter to concentrate on rendering the meaning.
 - Courts and tribunals are equipped with hearing loops; however, on occasion court staff challenge interpreters who request use of this equipment, and/or the equipment is not maintained in good condition. Court and tribunal staff should be educated about the hearing loop as a tool for interpreting, and in facilitating interpreters’ use of this tool.

- **Access to simultaneous interpreting equipment**, allowing service provision at an appropriate distance.
 - In criminal cases where the defendant requires interpreting services, equipment to support this essential mode is rarely made available, so the interpreter is forced to whisper their simultaneous interpreting into the defendant's ear. COVID-19 has highlighted how dangerous and inappropriate this practice is.
 - A range of solutions are readily available, including portable radio transmitter/receiver sets commonly used by tour guides in Australia and already implemented for court interpreting in the USA. These are inexpensive wireless devices that each court could purchase as part of their technical requirements.
- **An interpreter's workstation** within the courtroom, where the interpreter can sit comfortably, with a desk and internet access to consult terminology if needed.
 - This could be a table and chair in a corner of the courtroom. In some other countries, interpreters have a permanent desk in front of the judge or at the bar table.
 - Interpreters need to be allowed to access their mobile devices to consult the internet regarding any potential lexical difficulty. If such devices are not allowed, the court should make a computer with internet access available to interpreter/s.
- **Regular scheduled breaks.**
 - Breaks of at least 5 minutes should be scheduled every 45 minutes without the need for interpreters to request them, especially when interpreters work alone.
- **Access to all written material that will be read out in court** (as the interpreter/s will need to 'sight translate' it).
 - Sight translation is when an interpreter 'reads' aloud, in English, a document that is written in LOTE, or vice versa – i.e. interpreting from the written medium to the oral medium. A copy of any document that will be read out in court must be provided to the interpreter/s so they can sight translate it. The person reading it should read it slowly so that the interpreter can keep up. Transferring written language in this way (sight translating) takes much longer than simply reading it in the source language.

I am inspired by the many interpreters who are immensely dedicated to doing their best. I believe that by working jointly we can make a difference in interpreted proceedings. Thank you for your support.

Yours sincerely,



J. Angelo BERBOTTO
AUSIT National President
president@ausit.org | www.ausit.org

November 2023