



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

March 2024

Period of feedback: December 2023-March 2024

Participants

Twenty interpreter reports were submitted via the AUSIT feedback form, that can be found on the home page of the AUSIT website: www.ausit.org. The languages covered were: Spanish (5), Croatian (3), Mandarin (3), Japanese (3), Arabic (1), Persian (1), Italian (1), Turkish (1), Portuguese (1) and Serbian (1). Sixteen interpreters were NAATI certified, and 6 were NAATI Certified Provisional. Four interpreters had post graduate degrees in Interpreting, 8 had a bachelor's degree, and 8 had completed short courses. The majority (11) had over 10 years' experience, followed by 6 with over 20 years' experience and only 3 with less than 5 years' experience.

Proceedings

Eleven cases were reported as being hearings, including 2 sentencing hearings, 5 trials, 2 mentions and 2 'other'. Twelve of the proceedings were on-site, and 8 were remote (5 AVL and 3 Telephone). The majority of cases were at the Local/Magistrate court (12), 4 at the District/County court, and 1 at each of the following: Family/Federal Circuit court, Supreme, Children's and AAT.

States

Eight cases were in NSW, 7 in Victoria, 4 in QLD and 1 in the ACT.

Positive feedback

Trial (QLD) - The interpreter was proactive and provided the court registry and bailiff with a checklist of what he needed to do his job. Most items were fulfilled: dedicated interpreter room with signage, table and chair next to the dock, hearing loop, a list with full names for all participants, copies of indictment and statement of facts. The interpreter was very grateful to the court for following the RNS.

Trial (QLD) presided by Her Honour Jodie Wooldridge – Interpreter was very grateful for the way the judge observed the RNS by doing the following: arranging a dedicated private room for the interpreter, where there was a printout of the AUSIT code of ethics and the RNS. In the courtroom, there was a table, chair and hearing loop ready for the interpreter. Documents were given to the interpreter, including the charge sheet and other relevant materials. Breaks were scheduled every 45 minutes for the interpreter. The judge reminded counsel throughout the trial to moderate their speech. Throughout the trial, copies of all exhibits and of the summing up were given to the interpreter.

Parramatta District Court – Judge C Everson – A positive experience where all standards were observed: two interpreters worked together as a team using the SI equipment with the hearing loops, indictment and other materials were provided to the interpreters, water was provided, court officer ensured interpreters had everything they needed throughout the trial, judge acknowledged the excellent work of the interpreters.

Burwood Local Court – interpreter asked magistrate for the facts sheet before the hearing began. The magistrate directed the police prosecutor to provide interpreter with the facts sheet, and gave the interpreter time to familiarise herself with the contents. The interpreter was given the hearing loop so she could interpret using the SI equipment. The interpreter was very pleased with the experience and the way she was treated respectfully.

Negative feedback

Remote interpreting

Interpreter was not briefed and put on standby for hours, without being informed of the progress of the case. It was difficult to see all participants. Interpreter was told to wait for 8 hours and was not told they could take a break, not even for lunch. The case had been booked for 4 hours over the telephone and was extended by another 4 hours until 18:30. The interpreter was paid \$268.50 for this job (i.e. less than \$34 an hour).

Interpreter was booked to interpret via AVL by the Language Service Provider (LSP). There was supposed to be a pre-hearing meeting with the lawyer but the interpreter did not receive the call until the hearing commenced. At the hearing, the lawyer complained that they had requested an on-site interpreter and the LSP had told them there was none available. The interpreter states they were not asked to do an on-site assignment, and they would have been available to go to the court for the job. However, it is cheaper to have remote interpreting, hence the interpreter believes that to be the reason for the choice of remote interpreting, despite the client's request. The interpreter reports having great difficulty interpreting via AVL, due being the only one appearing via AVL, and everyone else being present in court. The case was adjourned and the interpreter was disconnected abruptly.

Poor recruitment practices

One interpreter reported being contacted less than 24 hours prior to the trial to interpret in Mandarin for a Korean native speaker, whose second language was Mandarin, causing some

communication problems. The responsibility for retaining the interpreter was not clear, as the interpreter was retained by the lawyer and once in court the registry asked him to refund the fee to the lawyer, because the court would retain his services. The interpreter comments that it doesn't matter who retains him, as he is an independent professional, which is consistent with the RNS.

Poor working conditions.

No portable Simultaneous Interpreting (SI) equipment was provided, thus forcing the interpreter to sit uncomfortably close to the accused in the dock.

No place for the interpreter. The interpreter had to sit in the public gallery to interpret simultaneously, using their own SI equipment.

Judge did not acknowledge the interpreter. Interpreter was not offered water, unlike the lawyers.

No breaks offered to the interpreter from 9:30 to 4:30, except the 1 hour lunch. Interpreter worked alone and got very fatigued and was forced to ask for short breaks (5 minutes). At the end of the day, interpreter asked the associate to organise a second interpreter for the rest of the trial during the next two days. Interpreter was told nobody ever asked for a second interpreter and there was no budget to pay for another one. Interpreter said they would ask for more regular breaks if they needed to work alone again. The interpreter was told that was up to the parties to request, not the interpreter. The interpreter referred to the RNS, which was ignored. The next day there was no second interpreter. The associate spoke disrespectfully to the interpreter, raising her voice. The associate said only Auslan interpreters are allowed to work in pairs, as that is what the LSP had told them. The interpreter referred to the RNS again and was dismissed. The interpreter considered withdrawing from the assignment, as they felt disrespected by all the court participants.

No briefing or preparation materials

A number of interpreters mentioned lack of briefing and preparation materials, which made their interpreting very difficult.

Disrespectful treatment

Judge displayed a dismissive attitude towards the interpreter on occasions. When summing up, the judge read from written notes but did not provide them to the interpreter. The interpreter reported not being able to follow everything, due to it being read and not being provided with a copy of the text.

In another case, when the interpreter asked the judge to explain a phrase from the Sentence, the judge responded: "You're the interpreter. Interpret!"

Two interpreters had been booked for a hearing in a local court. They were pleased to be able to work together taking turns, using the SI equipment. The court officer gave them the hearing loops without any trouble. When the magistrate came in, she did not acknowledge the interpreters at all. The interpreters had no opportunity to ask for any information about the case and struggled to understand and interpret. When the magistrate realised there were two interpreters she was outraged, saying one interpreter should leave. The interpreters explained that it was better to work as a team and that both would get paid anyway. The magistrate said in her experience, having two interpreters led to disagreements, but in the end allowed them both to stay. The magistrate didn't understand the reason for interpreting simultaneously to the defendant, arguing that interpreters should only interpret consecutively at the witness box. The magistrate didn't know about the hearing loops or the SI equipment. The magistrate was unaware of the RNS.

A number of interpreters reported that judges and magistrates read too fast for them to be able to keep up and interpret their reading of their sentences simultaneously. One magistrate was particularly disrespectful to interpreters, refusing to slow down when asked to do so and acting dismissively towards them.

Conclusion

It is encouraging to see that a number of judges and some magistrates, lawyers and court staff, are beginning to become familiar with the RNS and to implement many of its recommendations, including providing interpreters with a dedicated room, a table and chair, water, regular breaks, briefing, copies of written materials and being treated with respect.

Unfortunately, there are still many who are totally unaware of the RNS and of the needs of interpreters and do not respond well to interpreters asking for better conditions. Many interpreters are not even acknowledged, some are treated with contempt and are refused basic working conditions for the benefit of carrying out an adequate job.

The fact that some judicial officers are consistently following the RNS is evidence that the standards are not unrealistic and that implementing them leads to much better outcomes.