

Guidelines for interpreters signing legal documents

Requests to interpreters to sign declarations or statements; requests to interpreters to witness the signing of documents by others

These guidelines provide advice to interpreters who may be requested to apply their signature as part of a formal procedure (see Part A) or a formal agreement between two or more parties (see Part B).

These guidelines acknowledge and build on the Position Statement on Interpreters Signing Legal Documents developed by ASLITA in 2022, which was endorsed by AUSIT and NAATI.

Further, these guidelines identify the sections of the AUSIT Code of Ethics (CoE) and Code of Conduct (2012) and of the ASLITA Code of Ethics and Guidelines for Professional Conduct (2020) that are relevant to signing a declaration and to signing a document as a witness (see Part C).

The principles espoused and values upheld by the AUSIT Code of Ethics and Code of Conduct and the ASLITA Code of Ethics and Guidelines for Professional Conduct have implications for the work of the interpreter when they are asked to sign a declaration or an agreement between two or more parties. These implications relate to: role, professional conduct and accountability, impartiality and integrity of service, professional competence, and maintaining integrity in professional relationships.

These guidelines are intended for both spoken language and signed language interpreters, but not for translators. For guidelines on translators' certification statements, please see the 'AUSIT Best Practices for the Translation of Official and Legal Documents – Practitioner Style Guide'.

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Part A. Requests to sign a declaration or to make a signed statement

In the course of their work, interpreters may be asked to sign declarations or prepared statements. The contexts and settings in which their signature may be requested are varied.

They may be asked to sign a declaration that affirms what they have just interpreted in an assignment and how they interpreted for all parties present. For example, such a declaration may be part of a patient consent form to undertake a medical procedure, or it may be a document that formally records who a person wishes to appoint to have power of attorney for them.

The statements or declarations that interpreters may be asked to sign can vary greatly. There are usually no uniform or standard templates that are used across the different settings or fields in which interpreters work.

The statements or declarations typically reflect the area of activity of a particular organisation and its protocols for eliciting and recording information from the parties that they work with (including interpreters and translators). These organisations may or may not be familiar with the role of the interpreter and the standards of practice that they follow. The statements or declarations may ask an interpreter to attest to their performance of activities such as sight translating the full contents of a short, written text which is within the interpreter's role in an interpreting assignment.

There is no standardised set of approved declaration statements used across industries, state/territory authorities or commonwealth bodies. In the absence of standardised models, these guidelines are intended to assist interpreters in understanding the content and wording used in interpreter declarations, and in recognising where these declarations conform (or do not conform) to the interpreter's role, to their professional responsibilities and/or to their scope of practice.

Role

Interpreters are employed to deliver language services providing communication access for individuals who do not communicate in the same language. It is not an interpreter's role, in the course of executing their duties, to assume other roles and responsibilities such as offering guidance or advice to any party. This includes assuming or commenting on the understanding of individuals within the setting (AUSIT CoE 6 – Clarity of role boundaries).

Professional responsibilities

Interpreters have a professional responsibility to disclose a perceived or actual conflict of interest (AUSIT CoE 4.5 – Impartiality; ASLITA CoE 1.4 – Integrity of service). Interpreters have a responsibility to work within their professional scope of practice to avoid liability (ASLITA CoE 1.3). They also have a professional responsibility to draw attention to any situation in which other parties have misunderstood the interpreter’s role, have inappropriate expectations of their role (AUSIT CoE 6.3 – Clarity of role boundaries), or require them to act in ways that are in conflict with the ASLITA Code of Ethics and Guidelines for Professional Conduct (ASLITA, 2020).

Scope of practice

It may be appropriate for interpreters to comment on how parties communicate with each other, that is, to comment on features of parties’ speech or signing that are otherwise difficult to convey or replicate in the target language. However, interpreters refrain from using their professional role to perform other functions that lie beyond the scope of an interpreting assignment and the parameters of their professional duties. They will not counsel, advise or interject personal opinions. Interpreters refrain from manipulating work situations for personal benefit or gain (ASLITA, CoE, 2020, 1.3).

I. Examples of declarations and statements that conform to the interpreter's role, professional responsibilities and scope of practice

Enduring Power of Attorney

Interpreter's statement

If an interpreter is present when this document is witnessed, they complete this section.

Name of interpreter: _____

Contact details of interpreter: _____

NAATI number (if applicable): _____

I provided a true and correct sight translation of the document in the following language: _____

or

I interpreted a verbal explanation provided by the professional in the following language: _____

Interpreter's signature: _____

Date: _____

Enduring Power of Attorney

Interpreter's/translator's statement

If an interpreter interpreted this document or if a translator prepared a translation of this document, they complete this section.

Name of interpreter/translator: _____

Contact details of interpreter/translator: _____

NAATI number (if applicable): _____

I interpreted/translated this document to the principal in the following language: _____

(Tick one or both boxes)

☐ I provided a true and correct interpretation of this document to the principal.

☐ I provided a true and correct written translation of this document to the principal.

Interpreter's/translator's signature: _____

Date: _____

Will and Last Testament

Interpreter Declaration

The testator, _____ [name of testator], requested interpreting services in _____ [name of language].

I, _____ [name of interpreter], am an interpreter for the _____ [name of language] language and performed interpreting/translation services for the above-named testator.

I sight translated the full contents of the will to the testator. ☐ (Tick here to confirm)

or

I fully interpreted the verbal explanation provided to the testator by the professional. ☐ (Tick here to confirm)

I interpreted all further explanations from the staff member about the will to the testator.

The staff member asked the testator if they were now familiar with and approved the contents of the will.

I interpreted this question to the testator: if they were now familiar with and approved the contents of the will.

The testator said that they [tick appropriate box below]:

☐ were familiar with and approved the contents of the will

☐ were not familiar with or did not approve the contents of the will

I then interpreted the staff member's request for the testator to sign this will.

I affirm that the testator _____ [name of testator] signed the Will first, after which I signed the Will as the interpreter who fully interpreted the contents of the Will to the testator / the verbal explanation provided by the professional to the testator.

Testator's signature: _____

Interpreter's signature: _____

NAATI no. (if applicable) _____

Witness signatures: _____

Appointment of Enduring Guardian

Statement of interpreter

The appointer of an enduring guardian _____ [name of LOTE-user]
requested interpreting services in _____ [name of language].

I, _____ [name of interpreter],

[tick appropriate box below]:

- ☐ sight translated the full document to the appointer containing the appointment of an enduring guardianship
or
☐ fully interpreted the verbal explanation provided to the appointer by the professional.

Any further explanation of the appointment of enduring guardianship provided to the appointer was also
interpreted by me to the appointer.

The staff member asked the appointer if they were now familiar with and approved the contents of the document
for the appointment of an enduring guardian.

I interpreted this question to the appointer. The appointer said that they [tick appropriate box below]:

- ☐ were familiar with and approved the contents of the document appointing an enduring guardian
☐ were not familiar with or did not approve the contents of the document appointing an enduring guardian.

I then interpreted the staff member's request for the appointer to sign the Appointment of Enduring Guardian
document.

Interpreter's signature: _____

NAATI No. (if applicable) _____

Patient Consent for Medical Procedure

Patient name: _____
Patient signature: _____
Date: _____

Interpreter statement

I have provided a full sight translation into _____ (name of language) of the consent form to the patient, including any verbal information provided to the patient by a healthcare professional.

I have also interpreted any questions from the patient and questions from the healthcare professional that check the patient's understanding of the procedure and their consent to it.

Name of interpreter: _____
NAATI No.: _____
Interpreter signature: _____
Date: _____

Healthcare professional statement

I have explained:

- the patient's condition
- the need for treatment
- the procedure and the risks
- relevant treatment options and their risks
- likely consequences if those risks occur
- the significant risks and problems specific to this patient.

I have given the patient an opportunity to:

- ask questions about any of the above matters
- raise any other concerns

which I have answered as fully as possible.

I am of the opinion that the patient understood the above information and the contents of this consent form.

Name of healthcare professional: _____
Healthcare professional signature: _____
Date: _____

Note: If an interpreter is present and interprets the questions used in an **Advanced Care Directive** and the responses from the LOTE-user, they fill out and sign the interpreter declaration **before** the Advanced Care Directive is signed and witnessed.

Advanced Care Directive of _____ [name of LOTE-user].

Interpreter Declaration

Name of interpreter: _____

If certified with the National Accreditation Authority for Translators and Interpreters, NAATI no.:

I am competent to interpret between English and the following language:

I provided a complete and faithful interpretation of the health professional's speech into the language other than English and of patient's speech or sign language into spoken English, including any questions that they had about the Advanced Care Directive.

Signature of interpreter: _____

Date: _____

II. Example of declaration or statement that does not conform to the interpreter's role, professional responsibilities and scope of practice

Translator's declaration

_____ [name of LOTE-user] is not fluent in English but is fluent in _____ [name of LOTE].

I read out this Power of Attorney to _____ [name of LOTE-user] in _____ [name of LOTE].

_____ [name of LOTE-user] indicated that they understood it and approved its content.

Translator's signature _____

Incorrect designation. The interpreter should request that this be changed to 'interpreter'.

The interpreter cannot make an assessment of the LOTE-user's fluency in English. Nor can they make a statement about their level of fluency in the LOTE.

In relation to language choice, the only fact that the interpreter can formally declare is that the LOTE-user was allocated interpreting services in a particular language.

Without clear information about how it was ascertained that the LOTE-user understood and approved the document's content, it is outside the interpreter's professional responsibilities to claim that the LOTE-user understood and approved the document.

The way that the LOTE-user's understanding and approval was gained needs to be more clearly stated.

As in the title of this document, this is an incorrect designation. The interpreter should request that this be changed to 'interpreter'.

What can an interpreter do when a declaration is worded inappropriately or requires them to declare that they did something that they did not do?

In such cases, the interpreter is advised to do the following:

- clearly and politely convey to the professional that the wording of the declaration does not match with what the interpreter actually did, and/or
- alert the professional to these guidelines, then explain that the guidelines advise that interpreter declarations should reflect what interpreters do, and that interpreters should not sign declarations that do not reflect what they do, and/or
- (if a Language Services Provider – LSP – allocated the assignment and supplied the declaration) contact the LSP,

then request that:

- the professional amend the declaration, or
- the interpreter themselves be permitted to amend the declaration, or
- the LSP amend the declaration,

then:

- (if the necessary changes are made) sign the declaration, or
- (if the necessary changes are not made) decline signing the declaration, stating the above reasons as grounds for this.

Part B. Requests to sign documents as a witness

When carrying out an assignment, the interpreter's role is to provide professional interpreting services. These services enable all parties to be 'linguistically present' – that is, to fully understand what all other parties say or sign, and to be able to directly communicate with all other parties without a language barrier. The interpreter thus enables other parties to engage with each other in an interaction optimally, so that they are able to 'accomplish' this interaction, regardless of its actual outcome. When required, the interpreter signs declarations or statements that record the interpreting duties and activities that they perform. Part A contains examples of such declarations and statements.

However, the interpreter's role does not encompass activities that enable the other parties to 'accomplish' other tasks, such as signing a document not in the capacity of an interpreter, but in the capacity of a witness. If an interpreter signs a document in the capacity of a witness only, they are engaging in a task that is outside their role. As the AUSIT CoE (6.1 – Clarity of role boundaries) states that "the interpreter does not engage in other tasks such as advocacy, guidance or advice." Performing the task of verifying others' signatures as a witness only is outside the interpreter's role. This is the case even if the request for the interpreter to sign a document as a witness is made within the course of an interpreting assignment.

The ASLITA CoE (1.3 – Scope of practice) states that "interpreters will refrain from using their professional role to perform other functions that lie beyond the scope of an interpreting assignment and the parameters of their professional duties. They will not counsel, advise, or interject personal opinions. Interpreters will refrain from manipulating work situations for personal benefit or gain".

Further, the ASLITA Position statement on interpreters signing legal documents states that "it is the position of ASLITA that interpreters, while executing their duties (whether paid or pro-bono), do not act as a signatory on any legal document beyond confirming that they are the interpreter present and have provided a faithful interpretation" (ASLITA CoE 2.2 – Faithfulness of interpretation). The ASLITA Position statement was developed in response not only to requests for interpreters to witness the signatures of others, but also in response to requests to be a signatory to the legal understanding of others, including requests to sign legal documents on behalf of Deaf or hard-of-hearing individuals.

These guidelines recommend, therefore, that an interpreter should neither sign any document as a witness nor provide their opinion or advice to any party regarding whether the party should sign a document or not: this is a decision that each party must make for themselves.

What if, despite the above recommendation for me to not sign documents as a witness, I decide that I will still do this for a client who requests this of me?

If, in the course of an interpreting assignment, the interpreter is approached to provide their signature as a witness to the signature of another, and they decide to disregard the above recommendation not to do so, the interpreter should consider the following:

1. The interpreter should make clear to all other parties that signing a document as a witness to another party's signature is not part of their duties as an interpreter, and that they demarcate the signing of a document as a witness as a task outside their role as an interpreter (AUSIT, CoE, 6 – Clarity of role boundaries; ASLITA, CoE, 4 – Integrity in professional relationships).
2. The interpreter should have absolute certainty that they are not in any sense a party to, or a party with a financial interest in, the document, especially where the document contains an agreement, contract or other similar text. (AUSIT, CoE, 4 – Impartiality; ASLITA, CoE, 1.3 – Scope of practice).
3. The above point highlights the interpreter as an 'independent adult' – that is, an adult who has no relationship of dependency on or interest in the document. For most documents, this status of being an 'independent adult' is sufficient to enable a person to sign a document as a witness to others' signatures. However, some documents require the witness to have a reasonable degree of certainty about the identity of all parties who sign the document, or even to have known them for a certain period of time. It is therefore important for the interpreter to check whether any such requirement applies to the document in question, before they sign it as a witness (AUSIT, CoE, 1 – Professional conduct).
4. The interpreter, before signing a document as a witness to another's signature, should ensure that all parties signing the document do so in front of the interpreter.
5. If the interpreter was allocated the assignment by an LSP, they should inform the LSP of their role in signing a document as a witness to another's signature. The LSP is also functioning as a client to all parties present at the interaction, and should therefore be duly informed by the interpreter if the interpreter takes on the role of witnessing another's signature (AUSIT, CoE, 1 – Professional conduct, 7 – Maintaining professional relationships).

Part C

Relevant principles and excerpts from the AUSIT Code of Ethics and Code of Conduct (2012)

1. Professional Conduct

“Interpreters and translators take responsibility for their work and conduct; they are committed to providing quality service in a respectful and culturally sensitive manner, dealing honestly and fairly with other parties and colleagues, and dealing honestly in all business practices. They disclose any conflict of interest or any matter that may compromise their impartiality. They observe common professional ethics of diligence and responsiveness to the needs of other participants in their work.”

3. Competence

“Practitioners always represent their credentials honestly.”

3.1 “The acceptance of an interpreting or translation assignment is an implicit declaration of an interpreter’s or translator’s competence to carry out that assignment.”

3.2 “Interpreters and translators are familiar with the varied contexts, institutional structures, terminology and genres of the areas in which they accept work.”

4. Impartiality

“Interpreters and translators observe impartiality in all professional contacts. Interpreters remain unbiased throughout the communication exchanged between the participants in any interpreted encounter. Interpreters and translators play an important role in facilitating parties who do not share a common language to communicate effectively with each other.”

4.5 “Interpreters and translators frankly disclose all conflicts of interest, e.g. in assignments for relatives or friends and those affecting their employers.”

5. Accuracy

5.1 “Interpreters and translators provide accurate renditions of the source utterance or text in the target language. Accuracy is defined for this purpose as optimal and complete, without distortion or omission and preserving the content and intent of the source message or text.”

6. Clarity of Role Boundaries

“Practitioners do not, in the course of their interpreting or translation duties, engage in other tasks such as advocacy, guidance or advice. Even where such other tasks are mandated by particular employment arrangements, practitioners insist that a clear demarcation is agreed on between interpreting and translating and other tasks. For this purpose, interpreters and translators will, where the situation requires it, provide an explanation of their role in line with the principles of this Code.”

6.4 “Interpreters and translators understand, and help their clients understand, the difference between professional and personal interactions.”

Conduct issues specific to interpreters

Relations with other parties and the interpreting role in dialogue situations

Int12 “Interpreters testify to their qualifications and the accuracy of their interpreting and, when requested, explain their linguistic choices, but do not testify to participants’ understanding of messages; this remains an issue for participants.”

Specific institutional settings of interpreting work

Int15 “In specific institutional settings where duty of care or security rules regulate the behaviour of all participants, such as in health care or high security settings, interpreters follow the relevant policies and procedures combining them with their interpreting code of ethics.”

Relevant values from the ASLITA (formerly ASLIA) Code of Ethics and Guidelines for Professional Conduct (2020)

1. Professional Accountability

Scope of Practice

1.3.2 “Practitioners will refrain from using their professional role to perform other functions that lie beyond the scope of an interpreting assignment and the parameters of their professional duties. They will not counsel, advise, or interject personal opinions.”

Integrity of Service

1.4.1 “Practitioners will make every attempt to avoid situations that constitute a real or perceived conflict of interest.”

2. Professional Competence

2.2 Faithfulness of interpretation.

2.2.1 “Every interpretation shall be faithful to and render faithfully the message of the source text.”

4. Integrity in professional relationships

4.1 Professional relationships.

4.4.1 “Practitioners shall understand the difference between professional and social interactions. They will establish and maintain appropriate boundaries between themselves and participants.”

Sources

Australian Institute of Interpreters and Translators [AUSIT] (2012). *Code of Ethics and Code of Conduct*. Available at: <https://ausit.org/wp-content/uploads/2024/09/AUSIT-Code-of-Ethics-and-Code-of-Conduct.pdf>

Australian Sign Language Interpreters' and Translators' Association [ASLITA] (2020). *Code of Ethics and Guidelines for Professional Conduct*. Available at: <https://aslia.com.au/wp-content/uploads/ASLIA-Code-of-Ethics.pdf>

Australian Sign Language Interpreters' and Translators' Association [ASLITA] (2022). *Position Statement on Interpreters Signing Legal Documents*. Available at: <https://aslia.com.au/wp-content/uploads/ASLIA-position-on-interpreters-signing-legal-documents.pdf>

Queensland Government Publications Portal. (2025). *Interpreter's/translator's statement. Form 7, Version 2*. Available at: <https://www.publications.qld.gov.au/dataset/power-of-attorney-and-advance-health-directive-forms/resource/1d3c015f-2c43-415d-b565-89ae235ecb53>