



Interpreter Protocols

Northern Territory
Supreme Court

DARWIN

ALICE SPRINGS

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Protocols for Working With Interpreters in the Northern Territory Supreme Court

Preamble

Fundamental principles of fairness and equity require that no person appearing before the Supreme Court of the Northern Territory should be disadvantaged in the proceedings before the Court or in understanding the procedures because of a language or other communication barrier. Many residents of the Northern Territory, especially but not exclusively Aboriginal persons, do not speak English as their first language. The provision of interpreters assists to ensure a fair trial to all parties.

These Protocols are intended to provide guidance to the Court,¹ interpreters, interpreter services and agencies, Court Staff and legal practitioners.

When to Engage An Interpreter

An interpreter should be engaged;

- 1.1 in any proceedings where a party or witness who speaks limited English or has difficulty communicating in English in a courtroom context is required to appear in the Court or has any other business before the Court;
- 1.2 in any case of doubt, the Judge² will determine whether an interpreter is required.

¹ For the purpose of these Protocols, 'Court' refers to the Supreme Court of the Northern Territory.
² In these Protocols "Judge" includes the Master.

Responsibility to Engage the Interpreter – Procedural Matters

- 2.1 This part deals with arrangements to be made to engage interpreters for the provision of interpreting services during Court proceedings. The Court, through the office of the Sheriff in Darwin or the Registry in Alice Springs, on the request of a party will send requests for booking interpreters from the Aboriginal Interpreter Service (AIS), or the Interpreting Translator Service (ITSNT). Requests for bookings for Auslan or other Sign Language Interpreters in the first instance will be sent to the ITSNT. This process is outlined further in 2.3 below.
- 2.2 This procedure does not cover arrangements for the engagement of interpreters for work outside of the Court, for example for taking instructions or proofing witnesses. These arrangements will continue to be made by the party seeking the services of the interpreter and the relevant interpreter or interpreter service.
- 2.3 When an interpreter is required for any proceedings before the Court, the party requiring the services of the interpreter will complete the form “Interpreter Booking Request”. A copy of the form “Interpreters Booking Request” is annexed to these Protocols.

The form may be filed in the usual manner or by email, in the case of Darwin to the Sheriff’s office at the Supreme Court: Sheriff@nt.gov.au. In the case of Alice Springs, to the Alice Springs Court Registry: ASSupremeCourt@nt.gov.au

The Sheriff’s office or the Registry (as the case may be), will then forward (usually by email or facsimile), the Interpreter Booking Request to the relevant interpreter service.

- 2.4 To maximise the ability of the interpreter services to provide an appropriate interpreter for a particular case, the party seeking to engage the services of the interpreter should allow as much notice as possible to the service. Ideally in a criminal matter the party seeking to engage the interpreter, should file the “Interpreter Booking Request” with the Schedule 2 Form for the Criminal Trials. At a minimum, notice of **four weeks** in advance is required for the provision of an interpreter(s) for a trial.

For all other matters, **three weeks** notice is recommended.

- 2.5 When an interpreter service has identified and confirmed the availability of an interpreter for the particular assignment, the service will forward an “Interpreter Assignment Receipt” to the Sheriff’s Office and to the party requesting the services of an interpreter. The “Interpreter Assignment Receipt” will be placed on the Court file. The “Interpreter Assignment Receipt” will include relevant information about the interpreter’s qualifications, accreditation with NAATI, (if relevant) and experience including experience interpreting in legal matters. A copy of the “Interpreter Assignment Receipt” is annexed to these Protocols.

- 2.6 If the person requiring the assistance of an interpreter is attending a Registry of the Court unrepresented, the Court Registry may take steps to arrange an interpreter for the conduct of any business conducted at the Registry. If the person is legally represented, their lawyer or legal service will make those arrangements.
- 2.7 In a criminal trial, the parties are to arrange interpreters for their respective witnesses or for the accused, consistent with these Protocols. However, the obligation finally rests on the Crown to ensure that all parties who need the assistance of an interpreter in the Court proceedings are provided with that assistance. The Office of the Director of Public Prosecutions or the Witness Assistance Service will arrange the booking of interpreters if required for witnesses for the Crown. For practical purposes, generally the legal representative for the accused will arrange the booking for an interpreter for the accused unless clear arrangements are made with the Office of the Director of Public Prosecutions or the Witness Assistance Service to arrange an interpreter for the accused.
- 2.8 A lawyer representing an accused person will take all steps consistent with these Protocols including cooperating with the Crown, the Witness Assistance Service and the relevant interpreter service to ensure the accused has the assistance of an interpreter.
- 2.9 The Court may directly engage the services of an interpreter whenever it considers an interpreter necessary in the absence of the parties making proper arrangements.
- 2.10 In civil matters, the party requiring an interpreter will arrange an interpreter. The interpreter may be engaged through filing the "Interpreter Booking Request" referred to in 2.3-2.5 above with the Sheriff's office (Darwin) or the Court Registry (Alice Springs).
- 2.11 If an interpreter is booked from an interpreter service for a particular case and the case is adjourned or otherwise does not proceed, the party who booked the interpreter will cancel the booking as soon as practical. Annexed to these Protocols is the form "Cancellation of Interpreter Booking" to be filed in the Sheriff's Office (Darwin) or the Court Registry (Alice Springs).
- 2.12 A further "Interpreter Booking Request" is to be filed in order to ensure an interpreter is engaged for any new court date.

The selection of an interpreter by the Aboriginal Interpreter Service or the Interpreting and Translating Service

- 3.1 When a request is received by an interpreter service for an interpreter to work in a case in the Supreme Court, the service will ensure so far as possible that the best interpreter available will be appointed.
- 3.2 In making this determination the interpreter service will assess the accreditation level of the interpreter and their experience in interpreting in court proceedings.
- 3.3 The interpreter service will, on all of the available material, assess if there are any conflict issues likely to arise including cultural matters that may mean a particular interpreter is inappropriate for the particular assignment.
- 3.4 As well as providing information required on the "Interpreter Booking Request" form, the parties will provide any information they are aware of to the interpreter service to assist this assessment to be made.
- 3.5 At the commencement of a proceeding, the Judge may make enquiries about the experience and qualifications of an interpreter. If the Judge has concerns about the qualification or effectiveness of an interpreter, the Judge may raise those concerns with the parties and seek a more suitable interpreter prior to or at the start of proceedings.
- 3.6 The interpreter service will provide relevant information about the interpreter's accreditation, qualification and experience in the "Interpreter Assignment Receipt" and any further information that may be requested by the Court or the parties should a particular issue relevant to qualification or experience arise.

Taking an Interpreter's Oath

- 4.1 At the commencement of most Court proceedings, an interpreter will be required to take the Interpreter's Oath. This may be in a religious form or non religious form. The forms of interpreter's oaths under the *Oaths Act* (NT) are as follows:

If religious:

"Do you swear by almighty God to well and truly interpret the evidence to be given and do all other matters and things required of you in this case to the best of your ability, so help you God?"

If non-religious:

"Do you promise to well and truly interpret the evidence to be given and do all other matters and things required of you in this case to the best of your ability?"

- 4.2 The practice of the Supreme Court is to require the interpreter to take an oath for trials or hearings or in any proceeding when evidence is being interpreted. When no evidence is taken, generally an interpreter is not required to take an oath. Examples are proceedings following pleas of guilty, pre-trial and case management proceedings. Whether an interpreter will be sworn for proceedings that do not involve evidence being given is a matter for the Judge.

Commencement of Proceedings when an Interpreter is Engaged

- 5.1 At the start of proceedings when an interpreter has been assigned, the Court and the parties should ensure that the interpreter does not have any difficulty hearing all of the relevant parties.
- 5.2 The Court should ensure the interpreter has a clear view of all persons who will be speaking.
- 5.3 At the start of proceedings, the court may introduce the interpreter and explain the role of the interpreter. The form of the introduction is a matter for the Judge, however may be to the following effect:

Today we are assisted by [name of interpreter], an interpreter with the Aboriginal Interpreter Service/Translation Interpreting Service/Auslan who will be interpreting between the [name of language] and English languages. The interpreter is bound by a professional code of ethics that requires the interpreter to interpret impartially and accurately. This means the interpreter does not take sides and does not change the meaning of what is said. The interpreter plays an important role by making sure that the accused or witnesses are not disadvantaged because they do not speak English as their first language. Mr/Madam interpreter, if I or anyone else in this court uses terms that are unclear, I invite you to stop proceedings and seek clarification. You can interrupt proceedings by (raising your hand/standing up/stopping the interpretation and saying "Your Honour, I have a difficulty I would like to raise with you"). I thank you for your assistance today.

Methods of Interpretation Used in the Court

6.1 There are various methods of interpretation that may be used in the Court:

- (a) consecutive interpreting is when the interpreter listens to a segment, may take notes while listening and then interprets while the speaker pauses;
- (b) simultaneous whispered interpreting is interpreting while listening to the source language that is being spoken and interpreting while listening to the ongoing statements – thus the interpretation lags only a few seconds behind the speaker;
- (c) simultaneous audio interpreting is when the interpreter speaks the interpretation into a microphone which provides an audio feed to the persons requiring interpretation services who each have a set of headphones;
- (d) Auslan interpreting utilises both consecutive and simultaneous modes of interpreting depending on the context and content of the material and the needs of the person requiring the interpreter.
- (e) Sign language interpreting, Deaf Relay Interpreting, Deaf Indigenous Sign and other forms of sign interpreting where Auslan is not the primary communication method used, may require a range of strategies and methods to be used by the interpreter to effect clear communication. Examples are gesture, and the use of visual supports such as drawings and maps.
- (f) summarising is when the interpreter gives a summary of matters such as legal argument, dialogue between the bench and bar table about procedural or logistical matters, and other similar courtroom dialogue that is not directed at the person requiring the assistance of the interpreter; and
- (g) language assistance is where the accused or witness does not need interpretation assistance at all times, but may have difficulty from time to time with particular words, phrases or concepts and requires limited interpretation. Generally “language assistance” is not considered to be ideal and other modes of interpreting are to be preferred.

6.2 In general:

- (a) where an interpreter is interpreting the evidence of a witness, the consecutive interpreting method is used;
- (b) whenever there is any direct speech to or from the accused or witness who is assisted by an interpreter the consecutive interpreting method is used;

- (c) consecutive interpreting is also used for the reading of charges, agreed facts, victim impact statement and the reading of character statements or similar documents onto the transcript;
- (d) whispered simultaneous interpreting may be used when interpreting submissions to an accused; interpreting objections made by counsel; interpreting discussion about logistical or procedural matters; interpreting jury directions and directions from a Judge or counsel to a witness and interpreting legal argument; and
- (e) for persons who are deaf or hard of hearing, simultaneous Auslan interpretation or other sign as appropriate.

6.3 Subject to any ruling from the Judge an interpreter may use the mode of interpreting most appropriate to the circumstances and within their expertise.

General Professional Conduct Rules

- 7.1 An interpreter has an overriding duty to assist the Court by well and truly interpreting the evidence, the statements of counsel and the Judge to persons who are unable to communicate effectively in English or who are deaf or hard of hearing. This duty overrides any duty to a party of the case.
- 7.2 An interpreter must accurately convey the meaning from the source language to the receptor language. This is the paramount principle.
- 7.3 An interpreter is not an advocate for any party.
- 7.4 An interpreter must be unbiased and impartial. They must not act as an interpreter if they know of any conflict of interest. The interpreter should disclose to the agency or party engaging them of any possible conflict of interest. If a conflict of interest arises at the commencement of or during Court proceedings, the interpreter must advise the Court as soon as possible.
- 7.5 An interpreter must not accept an assignment to interpret in a matter in which their impartiality may be at risk because of personal beliefs, cultural or other circumstances. They should seek to withdraw from the assignment if this becomes an issue.
- 7.6 An interpreter must undertake only work they are competent to perform in the language areas for which they are trained and familiar. If during an assignment it becomes clear that the work is beyond an interpreter's competence, the interpreter should inform the Court immediately and ask the Judge to be excused from the proceedings or for appropriate assistance.
- 7.7 The interpretation should be given only in the first and second grammatical person, unless the interpreter is summarising legal argument or courtroom dialogue not directed at the person requiring the assistance of the interpreter. [See 8.7 and 11].
- 7.8 If the circumstances permit, an interpreter must relay precisely, accurately and completely all that is said by the witness – including derogatory or vulgar remarks and even things that the interpreter suspects to be untrue. [See "Particular Situations" under 11].
- 7.9 An interpreter must acknowledge and promptly rectify any interpreting mistakes. If anything is unclear, the interpreter should ask for repetition, rephrasing or explanation. [See "Particular Situations" under 11]. If an interpreter becomes aware that they have made a mistake they should say words to the effect of: "Your Honour, I think there may have been a mistake". The interpreter should endeavour to correct the mistake and assist the Court if necessary to correct any consequences of the mistake.
- 7.10 If a witness seeks clarification from the interpreter as to the meaning of a statement or question being interpreted to them, then the interpreter must

interpret the requested clarification for the Court. The interpreter should then provide their response in English and then to the witness in the witness's language. If the clarification involves ensuring the accuracy of the interpretation, the interpreter may engage in conversation with the witness, however the interpreter should advise the Court of this, prior to engaging in conversation with the witness.

- 7.11 An interpreter should inform the Court if a statement or question is likely to cause confusion or cannot be accurately interpreted due to cultural or linguistic differences between the source language and receptor language. The interpreter should assist counsel or the Court in reformulating the question or statement in a manner that can be accurately interpreted.

Assistance for Interpreters from the Court

- 8.1 Wherever possible the Court should ensure that the interpreter has a place to sit with sufficient room to take notes if necessary. Where available, headphones and a microphone should be provided.
- 8.2 The Court should ensure the interpreter has a glass of water.
- 8.3 The Court should indicate to the interpreter how the interpreter should get the Judge's attention if a difficulty arises. [See also 5.3 above].
- 8.4 Seeking clarification is usually a sign of an experienced and competent interpreter, rather than an indication of interpreting incompetence. Interpreters are encouraged to seek clarification of unclear, technical or ambiguous terms. No indication should be given or suggestion made to the effect that an interpreter who seeks clarification is a hindrance to proceedings or is any way incompetent.
- 8.5 Interpreters are to be encouraged to use dictionaries or glossaries including those available through the internet, for difficult terms, and to be given time to use them.
- 8.6 Interpreters should be given regular and timely breaks and encouraged to ask for a break if required.
- 8.7 There will be cases when a Judge notices the interpreter is having difficulty with the pace of the proceedings. In such a case, the Judge may provide direction to the interpreter about what matters must be interpreted and what matters can be summarised or need not be interpreted. In general if matters are being discussed, such as legal argument which in the Judge's view would not ordinarily be understood by the average English first language speaker, the Judge may indicate to the interpreter that these matters need not be interpreted. If the Judge determines it appropriate the Judge may provide the interpreter with a brief summary of the matters discussed that are to be interpreted.
- 8.8 The Judge should prevent overlapping speech occurring in the court room and ensure that the interpreter has finished interpreting a phrase before any other party speaks.
- 8.9 Where an interpreter is interpreting for a witness, including an accused giving evidence, if the Judge thinks it appropriate, he or she may explain the role of the interpreter to the witness. The explanation may be to the following effect:

This person is an interpreter. Their job is to interpret everything the lawyers and I say to you in your language, and to interpret everything you say into English. Please give your answers in short sections to give the interpreter an opportunity to interpret what you say. If you have any questions about what is happening or do not understand something please do not ask the interpreter. It is not the interpreter's

job to explain things to you or answer your questions. If you have a question ask me directly, and the interpreter will interpret your question to me.

- 8.10 Where available, the Court should provide an office, desk, computer and internet access to allow the interpreter to familiarise themselves with all relevant materials and continue to comfortably work during breaks in proceedings.
- 8.11 Wherever possible an interpreter will be provided with identification (such as a badge or other insignia) specifying their status as a “Court interpreter”.

Briefing of an Interpreter

- 9.1 The party or legal practitioner requiring the assistance of an interpreter should provide the interpreter with sufficient information to prepare for the task of interpreting. What will be required will vary from case to case.
- 9.2 If the Court is not satisfied the interpreter has been properly briefed the Judge may require the relevant party to do so.
- 9.3 In a criminal case appropriate briefing will include:
 - (a) a copy of the indictment and a statement of facts in cases of a guilty plea;
 - (b) any relevant documents counsel are aware will be shown to witnesses or discussed in submissions, such as photographs or maps;
 - (c) witness statements or other written material when portions of the statement will be read to a witness or Judge;
 - (d) character references, victim impact statements and other documents that are to be read onto the transcript.
- 9.4 In civil cases, appropriate briefing will generally include documents such as the statement of claim and defence.
- 9.5 In any trial, a list of witnesses should be provided so that the interpreter may consider whether they know any of the witnesses and whether this creates a difficulty.
- 9.6 If a glossary of any technical terms is to be used in the proceedings, this should be provided to the interpreter. This includes legal or medical terms or other technical terms depending on the subject of the case.
- 9.7 The interpreters should be told the name of the Judge, court officer or the Judge's associate, particularly if the case is lengthy.
- 9.8 The interpreter should attend the Court with enough time before the commencement of proceedings to familiarise themselves with the briefing information.
- 9.9 If the interpreter requires an introductory conversation with the person for whom they are interpreting to satisfy themselves of the accuracy of interpretation, the interpreter should tell the Judge, if Court is in session. If Court has not commenced, the interpreter should tell the court officer or Judge's associate. The Court will ensure appropriate arrangements can be made.

Legal Practitioners

- 10.1 Legal practitioners appearing in cases when an interpreter is assisting should adapt their advocacy accordingly. The principles of “Plain English” should be used. Annexed to these Protocols is the AIS Guide to Plain English.
- 10.2 Short sentences are preferable. Avoid complex questions.
- 10.3 Time frames must be adjusted to take account of the time needed for interpreting. The interpreter should be able to finish the particular interpretation. Do not cut the interpreter off.
- 10.4 Avoid the use of negative assertions in questions as they are frequently a source of miscommunication.
- 10.5 Minimise the use of innuendo, implied accusations and figurative language as these linguistic features are difficult to interpret accurately. When words have multiple meanings, be explicit about which meaning is relied on.
- 10.6 Legal practitioners should provide copies of relevant briefing documents provided in paragraph 9 to the interpreter prior to the interpreting assignment. Unless such documents, or other documents that may require interpretation have been provided to the interpreter in advance, legal practitioners should ensure that copies of these documents are available at the court appearance.

Particular Situations

When interpreting for the accused the interpreter *must* interpret:

- 11.1 direct speech to the accused, including
 - (a) charges;
 - (b) sentencing remarks;
 - (c) explanations from the bench about adjournments and court process;
 - (d) any questions put to the accused from the Judge or defence lawyers;
 - (e) bail or any other conditions imposed by the court;
- 11.2 speech expressly about the accused, including
 - (a) reading of the agreed facts;
 - (b) comments by the prosecution, Judge or defence lawyer about the accused's character, such as criminal history or prospects of rehabilitation;
 - (c) reading of character references or similar statements;
- 11.3 a prosecutor or Judge reading a victim impact statement;
- 11.4 examination and cross-examination of non-expert witnesses.

It is *highly desirable* that an interpreter interpret:

- 11.5 a sentence or conditions proposed by any party;
- 11.6 Jury directions.

The following dialogue *may be summarised* by the interpreters:

- 11.7 directions from a Judge or counsel to a witness;
- 11.8 objections made by lawyers and answers to objections by counsel and the bench;
- 11.9 questions and answers to/from expert witnesses;

11.10 discussion between parties about logistical or procedural matters (suitable adjournment dates, where and when a brief should be served, the length of time required for a hearing etc.);

11.11 legal argument between lawyers and the bench.

Jury Trials

- 12.1 The Court should consider engaging two interpreters to team interpret for trials. It is ideal that interpreters change after thirty minutes of intense interpreting preferably when a natural break occurs in the progress of the proceedings. The interpreter who is not actively interpreting should remain in the court room while the other interpreter is interpreting.
- 12.2 If the Judge considers it appropriate, the Judge may tell the jury about the role of the interpreter and provide any other relevant information the Judge considers useful in the particular case. In addition to the general introduction the Judge may give directions to the effect of:

“Interpreting between English and an Aboriginal language (or other language if relevant) is a difficult task. Often English words do not have an exact match in an Aboriginal language. In addition to this, many English legal terms must be unpacked and explained in the Aboriginal language. The same is often true when interpreting Aboriginal concepts and terms into English. From time to time you may notice that the interpretation is longer than the original statement or question. You should not take this as an indication that the interpreter is adding in words or changing the original meaning. Explaining and unpacking difficult terms or ideas is part of accurate interpreting.”

When team interpreting is being used, a direction should be given to the effect of:

“Legal interpreting is a demanding task. From time to time you will see the interpreters change. This is done to ensure that the interpreters do not become mentally fatigued or lose concentration.”

Interpreting Sentencing Orders

- 13.1 An assignment for an interpreter to assist a person who has been sentenced by the Court is taken to include the interpretation of the formal terms of any sentencing order, including any conditions that the person may be subject to.
- 13.2 The interpreter should attend the Sheriff's Office, Registry or other designated area to ensure the formal order of the Court is interpreted.
- 13.3 A legal practitioner acting for the person who has been sentenced will assist to facilitate this process.

Feedback

- 14. All parties are encouraged to provide feedback about the service provided by interpreters in Court. This should be provided to the relevant interpreter service.

Review of Protocols

- 15. It is intended these Protocols be reviewed every two years or at each "Language and the Law Conference", whichever is the earliest.

Acknowledgements

The development of Protocols was the subject of much discussion at the “Language and Law Conference” hosted by the Supreme Court on 25 - 27 May 2012.

The Conference was sponsored by the following organisations:

- Northern Territory Government.
- Criminal Lawyers Association of the Northern Territory (CLANT);
- Law Society Northern Territory;
- National Judicial College of Australia;
- Judicial Conference Australia.

The Interpreting and Translating Service (NT) and particularly the Aboriginal Interpreter Service (NT) have greatly assisted the Court in the development of these Protocols.

The Protocols draw on the work of Professor Sandra Hale, “Interpreter Policies, Practices and Protocols in Australian Courts and Tribunals - A National Survey” (Australasian Institute of Judicial Administration), the paper presented by Justice Dean Mildren “Towards Better Understanding in the Courts” at the “Language and the Law Conference” and the “Language Services Guidelines” and Protocol of the District Court of Western Australia.

The Supreme Court is grateful to Justice Jenny Blokland for undertaking the consultations leading to these Protocols.

These Protocols will commence on Monday 3 June 2013.

Trevor Riley
Chief Justice, Supreme Court of the Northern Territory

Consultations

The following organisations have been consulted in the drafting process:

- Aboriginal Interpreter Service (NT)
- Interpreting Translator Service (NT)
- Law Society Northern Territory
- Northern Territory Bar Association
- Office of the Director of Public Prosecutions (NT)
- Northern Territory Legal Aid Commission
- North Australian Aboriginal Justice Agency
- Central Australian Aboriginal Legal Aid Service
- Witness Assistance Service
- National Auslan Interpreter Booking and Payment Service
- Criminal Lawyers Association (NT)



A guide to plain English

1. Use active voice, avoid passives

Change a passive statement to an active statement by supplying an actor (the doer). If the actor is unclear use 'they' or 'somebody'.

Instead of:

'He was arrested.'
'If you tease the dog you *will be* bitten'
'You *will be paid* extra for overtime work'
'He broke the law so he *was jailed*.'
'His money *was stolen*.'

Try:

'The police *arrested* him'
'If you tease the dog *he will bite* you.'
'If you work overtime *they will pay* you more money.'
'He broke the law so *they put* him in jail.'
'*Somebody stole* his money.'

2. Avoid abstract nouns

Replace abstract nouns with verbs (doing words) or adjectives (describing words). An abstract noun is something that is intangible, like an idea or feeling, and cannot be detected with the senses.

Instead of:

'It has no *strength*.'
'That was due to his good *management*.'
'His *patience* has run out.'
'His *anger* led him to violence.'
'He enjoys going for a *run*.'

Try:

'It is not *strong*.' (adjective used)
'He *managed* things properly, so that happened.' (verb used)
'He will not be *patient* any more.' (adjective used)
'He was *angry*. That made him violent.' (adjective used)
'He likes *running*.' (verb used)

3. Avoid negative questions

Instead of:

'*Isn't* he the boss?'
'You *never did* that before, did you?'
'So you *didn't* report the trouble?'

Try:

'Is he the boss?'
'Have you ever done this before?'
'Have you reported the trouble?'

4. Define unfamiliar words

Use the word, then attach a short descriptive statement.

Instead of:

'This is crown land.'
'You have been given bail.'

Try:

'This is crown land, which is land the Government owns.'
'The police gave you bail, which means you promise to come back to court next time and not get into any trouble while you're waiting for court.'

5. Put ideas in chronological order

Instead of:

'Prior to leaving the hotel, you had a drink?'

'You're scheduled to move into the house next week, but you haven't signed the tenancy agreement.'

'Today we need to decide whether you're going to have surgery, based on your test results from last week.'

Try:

'You had a drink at the hotel. Sometime after that you left the hotel. Is that true?'

'First you have to sign the tenancy agreement. Then you can move into the house next week.'

'You came in last week and we checked [your blood]. Today I want to tell you about that blood test, and then we can decide what to do next.'



6. Avoid multiple clauses in a sentence (one idea, one sentence)

Break into several sentences.

Instead of:

'Early resolution of disputes, especially through mediation, which contributes to building safer community environments, is encouraged.'

Try:

'The government wants to make communities safer. That can happen if people solve arguments quickly. Mediation (talking about problems) is one way to solve arguments.'

7. Be careful when using words like 'if' and 'or' to talk about hypothetical events which have not happened yet

Use maybe to indicate multiple possibilities.

Instead of:

'We'll build new houses *if* the funding is approved.'

Try:

'Maybe they will give us money and we can build new houses. Maybe they won't give us money, then we can't build any new houses.'

'*If* the corrections officer approves, you can go to the football game.'

'You must ask the corrections officer about going to the football game. Maybe she will say that you can go. Maybe she will say you cannot go. You must do what she says.'

8. Place cause before effect

Be wary of the word 'because'.

Instead of:

'You're going to be imprisoned for three weeks *because* you didn't comply with your orders.'

Try:

'The judge gave you rules to follow. You didn't follow those rules. That is why the judge is putting you in jail for 3 weeks.'

'You were angry *due to* him insulting your sister?' 'He insulted your sister and this made you angry. Is this true?'

9. Indicate when you change topic

For example, try:

'I've finished asking about your job. Now I need to ask you about your family.'

'Thanks for telling me about what happened last week. Now I want to talk to you about what we should do tomorrow.'

10. Avoid relying heavily on prepositions to talk about time

Prepositions are words like 'to, from, on, at, under'.

Instead of:

'The program will operate *from* Wednesday *to* next Tuesday.'

Try:

'The program will start on Wednesday and then finish next Tuesday.'

'Your contract is *under* review.'

'They are reviewing your contract.'

'They will make a decision *over* the next three months.'

'They will think about this for 3 months, and then they will decide what they will do.'

11. Avoid figurative language

Instead of:

'*Fight for* your family.'

Try:

'Work hard to keep your family together.'

'When I said that, he just *exploded*.'

'When I said that, he suddenly got angry and shouted at me.'

'I want to make sure that we're *on the same page*.'

'I want to make sure we understand each other.'

'*Keep your eye on* him.'

'Keep watching him closely.'