

Judicial Officers should be familiar with the Recommended National Standards for Working with Interpreters in Courts and Tribunals (2<sup>nd</sup> edition) produced by the Judicial Council on Diversity and Inclusion (JCDI). The Standards are available on the [JCDI website](#). The following two scripts have been drafted to assist judicial officers and tribunal members explain the role of the interpreter at the commencement of proceedings or when a witness who requires an interpreter gives evidence.

### **Explanation as to the Role of the Interpreter for an Unrepresented Litigant Requiring an Interpreter**

*[This explanation should take approximately 20 minutes to deliver through an interpreter]*

- [1] During this hearing, the Court / Tribunal is assisted by *[insert name of interpreter]* who will be interpreting between the English language and *[insert name of language]* for you. This means at all stages of the hearing an interpreter will be present in the Court / Tribunal to interpret for you.

### **Role of the Interpreter**

- [2] Let me begin by explaining to you the role of an interpreter. It is important that you, the interpreter and everyone else in the court understands what the interpreter is here do. It is also important that everyone understands what they will not do. The interpreter is a professional person with the skills to interpret in your language. The interpreter has made a formal promise to the Court / Tribunal to accurately convey the meaning of what is said from one language to the other. Their job is to assist the court / tribunal by telling us everything you say in English so we can understand it. They will also tell you in *[language]* everything others say in Court / Tribunal so you can understand it. The interpreter's job is to do that accurately and fairly. It does not matter who they are interpreting for or who has paid for the service. The interpreter will not add anything to what you say or leave anything out.
- [3] The interpreter will try to give a complete picture of what is being said. This means not just accurately conveying what has been said, but also how it was said. This includes things like the manner and style of delivery. The interpreter will speak as much like the person for whom they are interpreting as is possible. That way they will become their "voice".
- [4] The interpreter is not here to provide any extra help beyond interpreting. The interpreter will not take sides. That is part of their professional obligation to the Court/ Tribunal. That means

they will not assist you or anyone else other than by interpreting what has been said. They cannot give you any advice about your case.

- [5] The interpreter must follow any direction I make.
- [6] Any information the interpreter receives as a result of their role in these proceedings will remain confidential.
- [7] Interpreting from one language to another is not an easy job. Often words in one language do not have an exact match in another language. Sometimes people who speak different languages do not understand each other due to differences in culture. If the interpreter believes there is some misunderstanding as there are no equivalent words or concepts in English for something said in your language, or the other way around, they will tell me. I will then consider what to do. If the interpreter thinks there may be a cultural misunderstanding they will let me know. If, for any other reason either you or we have some difficulty understanding something, the interpreter will let me know.
- [8] Sometimes the interpreter will require something that has been said to be repeated or clarified. They will make that request directly to me. If the interpreter cannot interpret what has been said for any reason or they are struggling to keep up, they will tell me.
- [9] If the interpreter needs to correct a mistake they have made, they will let me know as soon as possible. I will decide how to fix it.
- [10] If the interpreter becomes aware that they may have a conflict of interest, they will immediately tell me and I will determine if they can continue interpreting or not.
- [11] If the interpreter wants to raise something with me, they will make it clear they are no longer interpreting. They will say something like, "Your Honour, I am now speaking as the interpreter, I have a difficulty which I would like to raise."

#### **Ground Rules**

- [12] Since you require the use of an interpreter, I will explain some things to you and the lawyers that will assist this Court/ Tribunal.

- [13] Before we start, the interpreter will be given some background information to help them understand what the case is about. This might include a basic overview of things like the issues or allegations, as well as, common words or phrases that may come up in the hearing.
- [14] If you have any questions about what is happening or do not understand something about the hearing, please do not ask the interpreter. It is not the interpreter's job to explain things to you or to answer your questions. If you have a question, ask me directly and the interpreter will interpret your question to me. If you do say something to the interpreter, they will interpret what you said to the Court / Tribunal. You should expect that everything you say to the interpreter in Court / Tribunal will be repeated to me.
- [15] When you are speaking, address the person you are speaking to directly. That is, speak directly to me, or to the witness you are asking questions of. Do not address the interpreter.
- [16] To assist the interpreter you, the lawyers and any witnesses will:
- a) speak slowly;
  - b) speak clearly
  - c) speak loudly enough for the interpreter to hear;
  - d) use short and complete sentences;
  - e) pause between sentences to allow the interpreter to interpret what has just been said; and
  - f) do not speak over another person who is speaking.
- [17] It is my job is to make sure the interpreter is able to do their job the best they can. This means that sometimes I will need to interrupt. This may occur if what is being said or asked is not in clear language or is too fast for the interpreter. I might sometimes ask for a person to rephrase what has been said in a simpler way.
- [18] As I have said, my job is to make sure the interpreter can do their job for the Court / Tribunal the best they can. This may mean, I will allow the interpreter to take a break when they ask for one or when I consider it appropriate.
- [19] I will also allow the interpreter to use a dictionary, including an online one, if necessary. I will have the interpreter sit in a position in the courtroom/ tribunal room where they can best do

their job. The interpreter will advise of any equipment they need, like a headset, so they can do their job to the best of their abilities.

[20] Do you have questions about the role of the interpreter?

### **Explanation as to the Role of the Interpreter for a Witness Requiring an Interpreter**

*[This explanation should take approximately 15 minutes to deliver through an interpreter]*

- [1] Today, the Court/Tribunal is assisted by *[insert the name of interpreter]* who will be interpreting between the English language and *[insert name of language]* for you as a witness.

#### **Role of the Interpreter**

- [2] Let me begin by explaining to you the role of an interpreter. It is important that you, the interpreter and everyone else in the Court / Tribunal understands what the interpreter is here do. It is also important that everyone understands what they will not do. The interpreter is a professional person with the skills to interpret in your language. The interpreter has made a formal promise to the Court/ Tribunal to accurately convey the meaning of what is said from one language to the other. Their job is to assist the Court/ Tribunal by telling us everything you say in English so we can understand it. They will also tell you in *[insert name of language]* everything others say in Court/ Tribunal so you can understand it. The interpreter's job is to do that accurately and fairly. It does not matter who they are interpreting for or who has paid for the service. The interpreter will not add anything to what you say or leave anything out.
- [3] The interpreter will try to give a complete picture of what is being said. This means not just accurately conveying what has been said, but also how it was said. This includes things like the manner and style of delivery. The interpreter will speak as much like the person for whom they are interpreting as is possible. That way they will become your "voice".
- [4] The interpreter is not here to provide any extra help beyond interpreting. That means they will not assist you or anyone else other than by interpreting what has been said.
- [5] The interpreter must follow any direction I make.
- [6] Any information the interpreter receives as a result of their role in these proceedings will remain confidential.
- [7] Interpreting from one language to another is not an easy job. Often words in one language do not have an exact match in another language. Sometimes people who speak different

languages do not understand each other due to differences in culture. If the interpreter believes there is some misunderstanding as there are no equivalent words or concepts in English for something said in your language, or the other way around, they will tell me. I will then consider what to do. If the interpreter thinks there may be a cultural misunderstanding they will let me know. If for any other reason either you or we have some difficulty understanding something, the interpreter will let me know.

- [8] Sometimes the interpreter will require something that has been said to be repeated or clarified. They will make that request directly to me. If the interpreter cannot interpret what has been said for any reason or they are struggling to keep up, they will tell me.
- [9] If the interpreter needs to correct a mistake they have made, they will let me know as soon as possible. I will decide how to fix it.
- [10] If the interpreter wants to raise something with me, they will make it clear they are no longer interpreting. They will say something like, "Your Honour, I am now speaking as the interpreter, I have a difficulty which I would like to raise."

### **Ground Rules**

- [11] Since you require the use of an interpreter to give your evidence, I will explain some things to you and the lawyers that will assist this Court/Tribunal.
- [12] If you have any questions about what is happening or do not understand something about the hearing, please do not ask the interpreter. It is not the interpreter's job to explain things to you or to answer your questions. If you have a question, ask me directly and the interpreter will interpret your question to me. If you do say something to the interpreter, they will interpret what you said to the Court / Tribunal. You should expect that everything you say in the proceeding to the interpreter will be said to the Court / Tribunal.
- [13] When you are speaking, address the person you are speaking to directly. Do not address the interpreter.
- [14] When you are giving evidence, I will ask you and the lawyers to do the following:
  - a) speak slowly;

- b) speak clearly
- c) speak loudly enough for the interpreter to hear;
- d) use short and complete sentences;
- e) pause between sentences to allow the interpreter to interpret what has just been said; and
- f) do not speak over another person who is speaking.

[15] It is my job is to make sure the interpreter is able to do their job the best they can. This means that sometimes I will need to interrupt. This may occur if what is being said or asked is not in clear language or is too fast for the interpreter. I might sometimes ask for a person to rephrase what has been said in a simpler way.

[16] As I have said, my job is to make sure the interpreter can do their job for the Court / Tribunal the best they can. This may mean, I will allow the interpreter to take a break when they ask for one or when I consider it appropriate.

[17] I will also allow the interpreter to use a dictionary, including an online one, if necessary. I will have the interpreter sit in a position in the courtroom/tribunal room where they can best do their job. The interpreter will advise of any equipment they need, like a headset, so they can do their job to the best of their abilities.

[18] Do you have questions about the role of the interpreter?