

Info Sheet 12

Interpreters at SAT

The State Administrative Tribunal (SAT) provides interpreters for witnesses and parties. They are available for people whose first language is not English, and for people with a hearing impairment.

If you need an interpreter, SAT will organise and pay for an interpreter.

How do I tell SAT I need an interpreter?

The SAT application form asks if any of the parties will need an interpreter.

You can also contact SAT before the hearing to tell us an interpreter is needed.

Parties may also raise the need for an interpreter at the directions hearing.

Attendance and cancellations

Parties must advise SAT immediately if an interpreter who has been booked to attend a hearing will not be required; for example, because the witness for whom the interpreter has been arranged will not be required to answer questions by either party or the case has been settled. Interpreters may be cancelled up to 24 hours before a hearing without charge to SAT.

SAT may require a party to pay for the cost of an interpreter if the party acted unreasonably, for example, by failing to advise SAT in sufficient time that an interpreter who has been arranged will not be required or if the party does not attend a hearing for which an interpreter has been booked.

Methods of interpretation used in SAT

The following methods of interpretation are used at SAT:

Consecutive interpreting

- The interpreter listens and takes notes while listening.
- The interpreter speaks while the speaker pauses.

Normally used when interpreting the evidence of a witness, so SAT can understand it.

Simultaneous interpreting

- The interpreter listens to what the people in the hearing are saying.
- The interpreter quietly interprets what is being said a few seconds later.

Normally used to interpret the SAT hearing for a party, so they can understand what is being said. Simultaneous interpreting is also used when hearing impaired parties require AUSLAN sign language.

Language assistance

Where a party or witness does not require everything to be interpreted, but sometimes needs assistance to fully understand or accurately express themselves.

Information for Interpreters

Interpreter's duties and obligations to SAT

Interpreters have a duty to assist SAT to provide justice which overrides their duty to the parties.

Impartiality

An interpreter is not an advocate for any party, including any party who may have retained the interpreter. It is important that interpreters remain impartial, as they may interpret the evidence of witnesses called by both parties to the same hearing.

An interpreter must also be careful not to do anything that might make people question their impartiality. For example, when interpreting, an interpreter should not engage in general social conversation with the person for whom they are interpreting or another party. The interpreter should promptly leave once the hearing is over.

Confidentiality

An interpreter must not disclose to any person any information acquired during the course of an assignment.

Interpreting evidence

When evidence is interpreted, the evidence must be as close as possible to the witness's own words. Everything the witness says must be interpreted precisely, including derogatory or vulgar remarks, and even things that the interpreter suspects may be untrue. The interpreter should not make any personal comments or additions.

Hesitations

An interpreter must use their best endeavours to convey any hesitation or changes in the witness's answer.

First person interpreting

The interpretation must be given only in the first person, for example, 'I went to school', rather than 'He says he went to school'.

Correcting mistakes

An interpreter must acknowledge and promptly rectify any interpreting mistakes. If anything is unclear, the interpreter must ask for repetition, rephrasing or explanation.

If an interpreter has a lapse of memory that leads to inadequate interpreting, they should inform the presiding member and ask for a pause and time to reconsider.

Discussions with the person being interpreted

There should not be any non-interpreted exchanges between the interpreter and the witness.

If a witness seeks clarification of a statement or question being interpreted to them, the interpreter must interpret this question for SAT.

The interpreter should then provide the interpreter's response in English followed by their response to the witness in the witness's language.

Conflict of interest and cultural issues

If an interpreter is unable to meet their duties and obligations, they must immediately advise SAT.

Interpreters must immediately inform SAT of any potential conflict of interest. For example, if the party or witness is a family member, associate, or they have a financial interest in the matter.

A party or interpreter must also immediately inform SAT if they become aware of any potential cultural difficulty or constraint with the use of a particular interpreter.

Qualifications

SAT will presume that an interpreter is competent if they hold one of the following:

- a National Accreditation Authority for Translators and Interpreters Ltd credential as a Professional Interpreter (formerly known as a Level 3 interpreter), or
- a nationally accredited Advanced Diploma in Interpreting.

Otherwise, the presiding member at the hearing will need to be satisfied that the interpreter is competent.