

ASLIA Guidelines for Interpreters in Legal Settings

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Guidelines for Interpreters in Legal Settings

ASLIA is the professional association for Auslan interpreters and expects that all interpreters will read these guidelines in conjunction with the ASLIA Legal Interpreting Policy and the ASLIA position paper: Information for the Legal System - Dealing with Deaf Individuals in the Court System of Australia.

ASLIA expects that:

1. Auslan interpreters working in legal settings will be accredited at NAATI Interpreter Level (formerly level 3) and will have qualifications and/or training in working and interpreting in the legal system of Australia.
 2. Auslan interpreters who undertake freelance work will have comprehensive professional indemnity and income protection insurance cover.
 3. Auslan interpreters will, before accepting a legal assignment, assess the information provided by the booking agency to determine if they are qualified for the particular setting. Reasons for not accepting the assignment may include accreditation level or experience, communication modes of the deaf client/s, personal knowledge or bias in the case.
 4. Auslan interpreters will undertake ongoing and regular professional development in legal interpreting, provided either by ASLIA or an interpreting agency in conjunction with legal professionals.
 5. Auslan interpreters will undertake ongoing professional development and/or training in Tandem Interpreting with other Auslan interpreters and/or Deaf Relay interpreters.
 6. Auslan interpreters will be bound by the ASLIA Code of Ethics to facilitate communication accurately and impartially between all parties. Interpreters will execute this role with total absence of bias and must maintain strict confidentiality.
- NOTE: Interpreters should not interpret for family members or friends in legal settings. Communication may be altered due to lack of competence in English/Auslan (or varieties thereof), or due to bias or personal interest of the family member. This can seriously undermine the whole interpreting process.
7. Auslan interpreters will adhere to the code of ethics including professional attitude and behaviour, and appropriate dress for all legal settings.
 8. Auslan interpreters must, if asked to provide expert testimony on language, deafness, or matters related to the case, either decline to do so, or withdraw as an interpreter from the case. Instead, an Auslan/deafness consultant or advocate should be appointed for this purpose.
 9. Auslan interpreters in legal settings may interpret in consecutive or simultaneous mode, depending on the linguistic complexity of the context, the linguistic needs of the Deaf client, and the speed of delivery of English or Auslan.
 10. Auslan interpreters will adhere to the ASLIA Occupational Health and Safety Policy, keeping to recommended times of working with breaks and appropriate recovery time.

11. Auslan interpreters will support the use of Deaf Relay interpreters in legal settings with deaf individuals who:

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Use idiomatic non-standard signs or gestures that may be unique to a family, community, region, or a particular ethnic/cultural or age group within the community.

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Use a foreign sign language

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Are of Aboriginal and/or Torres Strait Islander descent and use a unique variety of Auslan or a community-based sign system.

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Have minimal or limited communication skills

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Have an additional disability such as mental illness, physical disability or a cognitive disorder

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Are deafblind or deaf with a vision impairment.

12. Deaf Relay Interpreters will undertake specialised training and ongoing professional development in interpreting for individuals as listed in 11 above. Specialised training should include the use of gesture, mime, props, drawings and/or other tools which will increase the understanding of the deaf client and improve the communication between the client and the legal professional and/or the court.

In summary, ASLIA expects that Auslan and Deaf Relay Interpreters will work together, when called upon to do so, in a professional manner adhering to the ASLIA Code of Ethics at all times.

Created for ASLIA National by Meredith Bartlett, 2005