



Judge Lauritsen Chambers
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21 November 2023

Dear Honourable Judge Lauritsen Chambers

Re: Court Briefings

I trust this letter finds you well.

I am Professor Charles Qin OAM, serving as the president of CITAA (Chinese Interpreters and Translators Association of Australia). Our members engage in daily work within judicial settings, including courts and tribunals across all states and territories of Australia.

I am reaching out to express some grave concerns raised by some of our members who recently participated in an ongoing trial at the County Court of Victoria, spanning October to November 2023.

The case details are as follows:

- Case Number: CR-21-00531CR-21-00538
- Presiding Judge: Chief Magistrate Lauritsen
- Prosecutor: Mr. Pieter Ironside

Upon arrival at the court, our interpreters, in accordance with Standard 24 of the **'Recommended National Standards for Working with Interpreters in Courts and Tribunals'** (RNS), sought a briefing from the prosecutor, who, unexpectedly, questioned the necessity of such information. Despite their persistence, they were only provided with the names of individuals involved in the trial.

Standard 24 – Briefing interpreters

24.1 The legal representatives for a party are to use their best endeavours to ensure that interpreters who are engaged are



familiar with, understand and are willing to adopt the Court Interpreters' Code of Conduct and understand their role as officers of the court or tribunal.

24.2 The legal representatives for a party should ensure that interpreters (whether or not engaged by those legal representatives) are appropriately briefed on the nature of the case prior to the commencement of proceedings. The interpreter should be provided with all relevant materials, including those that the interpreter will need to either sight translate or interpret, subject to Standard 26.

Surprisingly, when the interpreters were requesting a briefing, they encountered dismissive remarks delivered in a condescending tone, including:

- *"You're here to translate; you don't need to know the case. Just do a word-for-word translation; that's your job."*
- *"If someone says 'Nihao,' you should say 'hello'"*

There are specific recommendations in relation to "Word for word interpreting" (pages 17, 35 and 51, Annexure 5 – Summary: what judicial officers can do to assist the interpreter, <https://www.naati.com.au/news/jccd-recommended-standards/>).

Page 17: "13. Interpreting "accurately" for the purposes of the Interpreters' Rules and the Code of Conduct involves skilled and sophisticated judgments on the part of the interpreter. An accurate interpretation does not equate to a literal or "word for word" translation. The Court/Tribunal recognises that, in general, the obligation to interpret accurately is not intended to compel, and will not necessarily be satisfied by, literal or "word for word" interpretation."

Page 35: "Accuracy in interpreting - A common misconception is that accurate interpreting equates to literal, word for word translation. Due to differences across languages, including grammatical, pragmatic and cultural, literal translations are rarely possible. Most literal translations will simply render nonsensical utterances in the target language."

Page 51: "Remember that interpreting accurately does not mean interpreting word-for-word. Interpreters are required to interpret



what is said – including swearing and evasive and confusing statements.”

These comments, originating from a barrister seated across from the prosecutor, left our interpreters disheartened. Such treatment is unacceptable in a court of law, especially considering that our members are designated as 'officers of the court' under Standard 18 of the RNS (page 13 of <https://www.naati.com.au/news/jccd-recommended-standards/>).

Standard 18 – Interpreters as officers of the court or tribunal

“Interpreters are officers of the court or tribunal in the sense that they owe to the court or tribunal paramount duties of accuracy and impartiality in the office of interpreter which override any duty that person may have to any party to the proceedings, even if that person is engaged directly by that party.”

Despite these challenges, our interpreters diligently fulfilled their duties, understanding the importance of their role in ensuring access to justice and procedural fairness for individuals with limited English proficiency. They worked to prevent misinterpretations, recognising the significance of preserving taxpayer money and court resources.

Given these experiences, along with instances where our members were consistently denied briefings, leading to inadequate preparation, familiarity with the context and terminology, and an inability to perform their duties effectively, CITAA is addressing this matter with you. Our aim is to raise awareness and champion the establishment of a more supportive working environment for professional interpreters.

Standard 20 of the RNS (page 13 of <https://www.naati.com.au/news/jccd-recommended-standards/>) emphasises the interpreter's responsibility to diligently and impartially interpret communications in connection with legal proceedings.

Standard 20 – Duties of interpreters

Interpreters must diligently and impartially interpret communications in connection with a proceeding as accurately and completely as possible.

The 'Recommended National Standards for Working with Interpreters in Courts and Tribunals' (RNS) *“is an initiative of the Council of Chief Justices of Australia and New Zealand”* (page 2). Our members are trying to following the RNS, which is a *“a guide to best practice in the application and utilisation of interpreters in courts and tribunals.”*



I am looking forward to your response and recommendations regarding the essential measures to address this situation, ensuring a more supportive working environment for interpreters and achieving optimal outcomes for court hearings.

Yours sincerely,

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President

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