



# *Let's Talk*

*Guidelines for Government Agencies Hiring Interpreters*

*Office of Ethnic Affairs  
Department of Internal Affairs  
Te Tari Taiwhenua*

THESE GUIDELINES FOR HIRING INTERPRETERS were first published in 1995, the first time a government agency had published guidelines for hiring interpreters. Comments and suggestions for this second edition are the result of a revision by Naomi Tocher of the Wellington Community Interpreting Service. Comments and suggestions are welcomed by the Office of Ethnic Affairs, Department of Internal Affairs, PO Box 805, Wellington, telephone (04) 494-0609, facsimile (04) 494-0567 and email "ethnicaffairs@dia.govt.nz".

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*Note: Hard copies of the first edition are still available from  
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In New Zealand, every individual has the legal right to an interpreter when dealing with the law, with health service providers or during elections. (see Appendix I for details).

These statutory provisions are in keeping with Article 21 of the Universal Declaration of Human Rights which asserts equal access to public services for everyone.

*Every individual has the legal right to an interpreter*

Ideally, each government agency should have formulated policies for accessing and using interpreters, so that speakers of languages other than English can have equal access to their services.

Trained community interpreters, preferably from an independent agency, will enable government agencies to deliver their service equitably. We hope that staff members who are in regular contact with the public will find these guidelines helpful in highlighting:

- why trained interpreters should be used
- where to get an interpreter
- how to work with an interpreter
- the importance of interview briefing and debriefing with the interpreter
- how to contract and pay the interpreter.

Parts 2 and 3 of these guidelines aim to:

- provide practical information to government agencies on the process of hiring and working with trained community interpreters
- examine the key issues in using trained and competent interpreters in government agencies.

*Trained community interpreters will enable government agencies to deliver their services equitably.*

The following terms are used throughout the guidelines:

- *Government agency:* any national or local organisation that provides statutory services, eg government departments and ministries, local authorities, educational institutions, health services, hospitals, courts, police and so on.
- *Client:* a person who comes into contact with a government agency, by choice or necessity, who communicates in a language other than English.

*Interpret: to transfer orally what is said in one language so that it has the same meaning in another language.*

- *Community interpreter*: a person, usually from the ethnic community of the client, who interprets between the client and the government agency. The community interpreter is hired by the government agency. In these guidelines, the terms *community interpreter* and *interpreter* are used interchangeably
  - *Interpret*: to render orally the meaning of the spoken word from one language (usually called the source language) into another (target) language.
  - *Staff member*: the person employed by the government agency to provide statutory services. He\she works with the interpreter and the agency's clients.
-

## 1. The benefits

Using interpreters will have many positive benefits for both government agencies and speakers of other languages, including:

- *Financial savings* because the use of trained interpreters reduces the time staff spend in interviews, avoids wasteful repetition, increases the accuracy of work and the effectiveness of the delivery of service .
- *Increased co-operation* and the creation of a sense of working in partnership.
- *Enhanced credibility* if all sections of the community are recognised
- *Guarantee of service quality* through the provision of adequate language services of recognised quality.
- *Informed consent* because information is passed to the client in the language they can understand.
- *Increased access* to information and services, as speakers of other languages feel more comfortable and more confident that they are getting the service they require

*Benefits of using interpreters include:*

*Financial savings*

*Increased access and co-operation*

*Enhanced credibility and quality of service*

*Informed consent.*

## 2. The difference between an interpreter and translator

To understand the need for interpreters, it is important to appreciate exactly what an interpreter is and the differences between interpreting and translation.

### What is an interpreter?

An interpreter is a trained professional, fluent in at least two languages, who is concerned with the spoken word. The interpreter's role is to render the message spoken in one language into the language of the recipient to facilitate communication between parties who do not have a common language or who have limitations in communicating. In Sign language, interpreters render the meaning of the spoken word by signing or render the meaning of Sign language into the spoken word.

*An interpreter is a trained professional, fluent in at least two languages, who is concerned with the spoken word.*

There are two basic modes of interpreting:

- *Consecutive interpreting* where the speaker stops after a few sentences, whole paragraph or the entire speech, to give the interpreter time to interpret. This method is used in most face to face situations and for telephone interpreting.
- *Simultaneous interpreting* where the interpreter speaks at the same time as the speaker. This method is used in a whisper in the courtroom, and at international conferences.

Community interpreting is mostly done consecutively. It is also called *liaison* or *dialogue* interpreting as the interpreter assists two people communicate for conversations, interviews, and negotiations.

*Sight Translation* may also be used with an interpreter. This is transferring immediately into *spoken* or signed language what is *written* in another language in a document. It is needed when documents have to be understood or agreed to in the course of an interpreting assignment eg hospital consent forms or documents read in court.

## What is a translator?

Translation is concerned with written conversion of a text from one language into another language. A translator therefore is a person who writes or transcribes the message from one language into the other language.

## 3. What makes an interpreter

It cannot be assumed that a person who can speak two languages can automatically interpret. A competent interpreter must be bilingual, bicultural, *and* have:

- good linguistic and communication skills in at least two languages
- an intimate understanding of two cultures
- a good educational background to deal with a great variety of subject matter
- personal maturity and life experience to deal with sensitive matters
- familiarity with the subject matter and terminology
- good listening skills
- good memory skills
- a commitment to a code of ethics (see Appendix **III**)
- interpreting skills

*A competent interpreter has special skills as well as being bilingual and bicultural.*

## 4. The role of interpreters

Language difficulties in communications are not only related to vocabulary, grammar, syntax and pronunciation. An interpreter must recognise all the additional factors which can obstruct effective communication, such as differences in conventions used for inferring meaning and attitude, and the implications of different tones of the voice.

Government agencies providing social services require interpreters who are trained, competent and culturally appropriate.

A skilled interpreter ensures that client and staff member are given the full meaning of what is said by expressing it appropriately in the other language, without addition, omission or alteration of the meaning.

*A skilled interpreter ensures the client and staff member control the interview.*

The interpreter must:

- ensure that the client and the staff member are controlling the interview (intervention by the interpreter must aim only to increase the participation and direct communication of both sides)
- respect the confidentiality and integrity of both parties
- abide by a code of ethics (see Appendix III).

## 5. When to use interpreters

Many speakers of other languages have some knowledge of English which is adequate for their daily tasks. However, when accurate or technical information is required or the person is in a stressful situation, such as in hospital or at court, an interpreter should be used. Research has shown that stress lowers the ability to think and speak clearly, especially in a second language.

*An interpreter should be used whenever a lack of ability in the English language could restrict understanding of a person's needs, rights and obligations.*

In general, an interpreter should be used *whenever* a lack of ability in the English language could restrict understanding of a person's needs, rights and obligations.

## 6. Advantages of using trained interpreters

Competent interpreters are:

- trained and accredited, either overseas or in New Zealand, by completing a recognised course

- skilled and competent in English and have one or more community languages, generally as their native tongue(s)
- bound by a code of ethics
- bound by confidentiality, so the client's privacy can be assured
- able to be culturally and socially matched with the client
- professional in performing their role as an interpreter
- knowledgeable in both cultures and able to signal when matters should be further explored by the staff member or the client
- clear about their role.

*Trained interpreters will understand the need for accuracy, impartiality and confidentiality.*

**Two examples:**

A diplomatic representative was called into the police station at the same time as a trained interpreter. The diplomat was pursuing his own agenda and attempting to get the arrested person to put the story in a certain way. The police officer was able to ask the interpreter to also interpret what was being said to the suspect by the diplomat. The use of a trained and independent interpreter helped to keep the interview fair and impartial.

An applicant for residency at the Immigration Service said, 'You know what it is like back home, you tell them'. The trained interpreter correctly pointed out to the applicant that her role was to interpret whatever the applicant wanted to say. Through training she knew to interpret what was said, not to add information herself.

## **7. Choosing face to face or telephone interpreting**

Many situations are suitable for either face to face or telephone interpreting.

In face to face interpreting, the interpreter is present at the same place as the staff member and the client.

For telephone interpreting, the interpreter is elsewhere speaking over the telephone. The client may be with the staff member or may be phoning from home. The client and the staff member can be anywhere in New Zealand or overseas.

When deciding whether to use face to face or telephone interpreting, the staff member might like to consider whether:

- seeing the body language of the client will be important; eg mental health interview
- the client may prefer anonymity by not having the interpreter present to know who the client is

*The interpreter can be:*

- *at the interview with the client and staff member*
- *interpreting for them over the phone*
- *interpreting for the client and staff member to talk to one another by phone.*

- the same communication with an English-speaking client would have been done over the telephone
- there is time to arrange for an interpreter to be present.

When telephone interpreting is chosen, and when the client is with the staff member, a no-hands or speaker phone is most effective for easy communication. An extension line in the same room is also suitable. If necessary, passing one receiver back and forth can work.

*Telephone interpreting allows the interpreter and client to be anonymous to one another.*

Telephone interpreting is particularly useful for client or staff member to make enquiries over the telephone, as happens with English speakers. It is a solution when the need for an interpreter is not known in advance, or to set up or confirm appointments.

Telephone interpreting is a new concept in New Zealand but has been used in Australia for decades.

## 8. How to request an interpreter

Centralised interpreting services exist in several parts of New Zealand providing trained interpreters for a wide variety of purposes. Other cities have a centralised contact point. In Auckland many of the government services requiring interpreters have their own interpreters' lists, the largest of them being the health services and the courts. (See **Appendix II** for full details of where to get interpreters.)

*Face to face interpreters are available in many parts of the country.*

A *national* telephone interpreting service is based in Wellington and is available from or to any part of the country. (See **Appendix II** for details.)

*Telephone interpreting is offered nationally from Wellington.*

When requesting an interpreter, the interpreting service or individual being commissioned should be:

- contacted at least 24 hours in advance whenever possible
- given the date, time of appointment and precise address
- provided with general background information on the nature of the interpreting task
- given an indication of the length of time required including the pre- and post-interview sessions
- given details of who the interpreter should report to when they arrive.

In addition to language and dialect requirements, useful information about the client could include:

- ethnicity
- age

- gender
- marital status
- religion
- tribal affiliations (for Maori).

*Some details about the client or their requirements need to be known so that the interpreter chosen is appropriate for the particular client.*

This information will enable the interpreting service to find an appropriate interpreter. However, the client's permission should be sought before giving this information.

## 9. The risks of using untrained interpreters

The following examples illustrate the specific problems which may arise when using children, relatives, friends, neighbours, staff and other untrained people as interpreters.

### Children

The ethics of using children to interpret for their parents is questionable. The language skills of children are unknown. They do not always understand what they are interpreting, and may misinterpret or give incorrect or misleading information.

*Children may misinterpret or be privy to sensitive personal information.*

#### *Three examples:*

A child was asked to interpret for his mother who had pneumonia. 'Pneumonia' was a word he did not know. He was too proud to admit this, so he did not ask for clarification. Instead, he told his mother she had an illness 'something like cancer'.

A boy was interpreting for his mother about her cervical smears and problems with vaginal discharge. The boy had neither vocabulary nor understanding of these things.

A young daughter interpreted for her parents at a consultation about contraceptive methods. The daughter had no understanding of, or vocabulary on, the topic. She had also to witness the argument that developed between her parents.

Interpreting for parents can distort the power and authority relationship within the family when parents are placed in a dependent role, and may adversely affect the parent-child relationship. They learn about things that their parents may not want them to know and their parents may be unable to ask or answer important questions when children are present. Children can be put under a high level of emotional stress when having to interpret sensitive personal details about the family situation.

*The balance of power can be affected if the parent is dependent on the child to communicate.*

**Two examples:**

In an interview with a social worker, a child had to interpret for his parents about their marital relationship. A child can become emotionally disturbed and distressed when interpreting for a situation like this.

A young woman was looking after her ill mother. She interpreted when the nurse and doctor visited her mother at home. The mother was admitted to hospital and the daughter was expected to interpret for several medical professionals. The daughter found herself in the position of having to interpret for her mother that she was dying.

Relationships and trust can be affected if a child is asked to collaborate with a family member when interpreting.

**For example:**

A child interpreting in a family meeting is told by the family 'elder' not to report the real situation but to report what the elder wants the case worker to hear. The child responds to the authority of the elder.

## Relatives, friends and neighbours

Although relatives, friends and neighbours can be capable interpreters, distortion of the message can arise when the interpreter is involved with the client. Such interpreters may try to protect the client or manipulate the situation. They may increase the client's dependency by exploiting the situation, take sides or have a vested interest in the outcome of the interview. They may disclose or withhold information.

*Although relatives, friends and neighbours can be capable interpreters, incorrect or misleading information may be given.*

**For example:**

During a learner licence test at the Land Transport Safety Authority, the officer allowed the candidate's spouse to be present in the testing room with the interpreter. The spouse started to whisper the answers to the candidate. Some of the answers were wrong. The interpreter was urged to give the correct answers to the officer but resisted doing so. The training in practical ethics made it easier for the interpreter to do his job correctly and interpret only what he heard the candidate say.

Voluntary interpreters risk losing their jobs or miss schooling if they are frequently required to interpret.

## Untrained interpreters from the community

Some government agencies have a pool of voluntary interpreters. Many of these unofficial interpreters are professional, competent and discreet but others may abuse the power they gain, and use the knowledge against the interests of the individuals and families concerned.

The agency has no adequate way of testing the competency of voluntary interpreters, whether they understand their role or whether they are covering up their incomprehension.

*Government agencies have no adequate way of testing an untrained interpreter's competency.*

Ideally, the client needs to be accurately matched with an interpreter. If the interpreter is not appropriate, tension can occur resulting in an inadequate working relationship and poor results. Even where obvious differences such as age or gender do not exist, there may still be significant differences. For example, where the politics of a country have changed markedly, a new arrival needing an interpreter may be reluctant to have interpreting for them someone who came from their country years before under a different political regime.

*Three examples:*

A Japanese woman was given a male interpreter. She became passive, did not talk and only responded to instructions until the interpreter left. She engaged in conversation more freely with the staff member when a trained female interpreter was employed.

An orderly was called in to interpret for a pregnant woman with a heart problem. She had to have a caesarean birth which she refused. The untrained interpreter told her to do as she was told, as she had come for help and had no right to say 'no' to the doctor.

An immigration officer arranged to interview a client from the Former Yugoslav Republic. The client was Croatian; the interpreter used was Serbian. The client refused to be interviewed with that interpreter present. The political conflict in his country had left him unable to trust that what he said would be accurately and impartially interpreted.

*Language is not the only consideration when choosing an interpreter.*

## Untrained bilingual staff

The problems discussed to date apply equally to untrained community volunteers and to untrained staff within organisations. Being bilingual does not necessarily make someone a good interpreter without specific training.

Many government agencies have bilingual staff. In some agencies, staff and management have agreed that bilingual staff can be called upon to interpret. It is seen as part of the job profile and they are rewarded for it.

In other agencies, management assume they can call on bilingual staff to interpret. If they refuse they are considered selfish.

*Being bilingual does not necessarily make someone a good interpreter without specific training.*

*For example:*

Some people are fearful of reprisal or a bad reputation if they refuse to interpret.

Staff may feel a conflict of interest or an obligation to represent the agency's perspective rather than acting as an independent interpreter in the situation.

If bilingual staff are frequently away from their work area, resentment may develop among other staff about resultant increases in their own workloads. For this reason, bilingual staff often have the added pressure of having to complete their designated tasks.

## A summary of the disadvantages of using untrained interpreters

Using untrained interpreters can lead to the following problems:

### ***No confidentiality***

The untrained interpreter may:

- not understand the importance of confidentiality and may not feel bound by it
- cause the client to avoid being open and honest in the interview for fear that the confidential information revealed in the interview will be relayed by the interpreter to the client's family and community.

### ***Inaccurate interpretation***

The untrained interpreter may:

- have a limited command of the two languages and cultures involved and therefore be unable to accurately interpret the information
- have a limited knowledge of the agency and its specialist vocabulary
- lack the confidence to ask for clarification
- omit vital information in instructions or add extra information of his\her own accord thus altering the message
- have no knowledge of a code of ethics.

*Using untrained interpreters can lead to:  
Inaccurate interpretation  
Bias and distortion  
No confidentiality  
No explanation of cultural differences  
A misunderstanding of roles  
Personal unsuitability  
Over-identification with the agency  
A lower standard of service.*

### ***Bias and distortion***

The untrained interpreter may:

- include his\her personal opinions and bias
- take sides either with the staff member or the client
- censor information being conveyed by the staff member to 'protect' the client
- censor information being conveyed by the client to 'protect' the client or family
- abuse his\her power.

### ***No explanation of cultural differences***

The untrained interpreter may not:

- be aware of the need to interpret in a way which conveys cultural differences, values, and expectations between the agency and the client
- always understand these cultural issues enough to interpret them.

### ***A misunderstanding of roles***

The untrained interpreter may:

- not understand that he\she is neither working for the agency nor an advocate for the client but must remain neutral
- not realise that they have to interpret what is said in both languages
- have a conversation with the client and relay only what seems useful
- answer a lot of the questions himself\herself without reference to the client, especially if he\she is a family member
- not see the point in interpreting questions he\she knows the answers to, preventing the staff member from communicating with the client.

### ***Personal unsuitability***

People who are brought in to interpret on an ad hoc basis are often inappropriate because they may be:

- inappropriate with regard to the gender of the client
- much older or much younger than the client in a culture where such things matter
- from a completely different background or even from a group antagonistic to the client's own group
- untrustworthy or unscrupulous.

### ***Over-identification with the Government agency***

The untrained interpreter, who is used regularly or on an ad hoc basis may

- feel he\she is better educated and of a superior class to the client
- over-identify with the agency, and be quick to point out stupidity or ignorance in the client.

### ***A lower standard of service***

If untrained interpreters are used:

- the quality of service may not be maintained
- there is no guarantee of accuracy
- there is no duty of confidentiality
- the client's rights may be breached
- they may exploit the client's dependency
- the burden of guilt for any serious mistakes made could be costly to the untrained interpreter.

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Using a trained interpreter the staff member should be able to create an effective working relationship with the client, whether in a face to face situation or over the telephone. The staff member should remember that the trained interpreter is a professional and should be treated accordingly.

Ideally, the interview should resemble as closely as possible one where no interpreter is required. While the presence of the interpreter alters the dynamics of the interview, with a trained interpreter the objectives of the interview should not change.

## 1. The communication process

The flow of communication is the key to a successful interview with an interpreter present.

At all times, the staff member should talk *directly to the client* as if the client understands. Neither party should talk *to* the interpreter. If, for example, the staff member says to the interpreter 'Ask him if he...', or the client says 'Does she mean...?', the trained interpreter will remind him\her to talk directly to the other party.

*Always talk directly to the client.*

The interpreter must speak the same way as the speaker. For example if the client says, 'I saw ...', the interpreter will say, in the other language, "I saw...".

In *all* interpreting situations the interpreter must allow the client to make their own decisions and communicate effectively in his\her own language. The trained interpreter will interpret everything that is said.

*A trained interpreter will interpret everything that is said.*

Talking directly to one another, and not to the interpreter, applies for *all* interpreting situations, whether face-to-face or over the telephone.

## 2. Managing the face to face interview

### Before the interview

To develop a good working relationship, the staff member must spend time with the interpreter and:

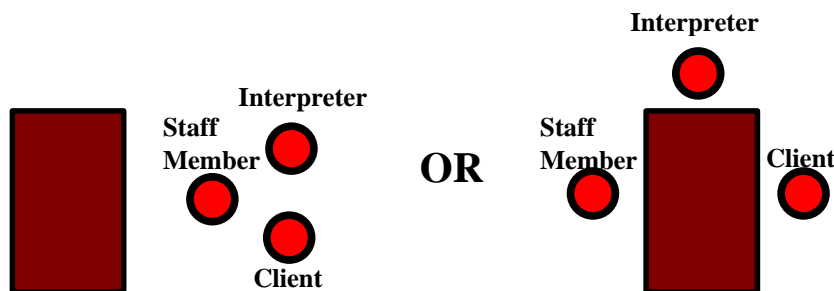
- brief the interpreter about the purpose of the interview
- discuss how the communication process should proceed during the interview
- ask the interpreter how to pronounce the client's name correctly and the proper form of address
- if appropriate, ask the interpreter to indicate some general cultural factors that the staff member should be aware of
- allow sufficient time for the interview so there is no pressure either on the staff member or the client to conclude it prematurely
- be aware of the pressure the interpreter is under

*Discuss the process with the interpreter before the interview.*

## Seating arrangements for the interview

The seats should be arranged to allow eye contact between the interpreter, client and staff member. This will enable everyone to relate easily to each other and for the client and staff member, in particular, to have maximum contact and develop their relationship. The best seating arrangement is a triangle, or a circle if more than three people are present. Wherever possible, sitting on the same side of the desk as the client and interpreter will allow all parties to feel on an equal footing.

*The best seating arrangement is a triangle.*



## Welcome the client

It is important to create a positive and comfortable atmosphere. The staff member should welcome the client with a smile and a hand shake if culturally acceptable. The client should also be addressed by the appropriate name.

*It is important to create a positive and comfortable atmosphere.*

## Introduction

The staff member should introduce himself\herself to the client, explain his\her role within the organisation and the purpose of the meeting

The interpreter will need time to:

- introduce himself\herself to the client and explain the interpreter's role

- convey to the client how the interview will be conducted: i.e. that whatever is said will be interpreted
- reassure the client that everything said in the interview is confidential.

## During the interview

For an effective interview the staff member and client must:

- speak clearly and directly to one another as if they understand
- pause frequently so the interpreter can remember and interpret what is being said

*During the interview the staff member must:  
Speak clearly, and directly to the client  
Use plain English and avoid jargon  
Not rush the interview.*

The staff member should also:

- use plain English and avoid jargon
- be aware that the client may understand some English and therefore speak as if the client does understand. The client may wish to respond in English; however, the interpreter should be used to maintain accuracy
- observe facial expressions, body language, tone of voice and gestures to gain clues to the client's emotional state
- clarify with the client any verbal or non-verbal behaviour that is not understood. The staff member should also be aware that cultural differences in body language may lead to misunderstanding
- avoid discussions with the interpreter. Speak directly to the client at all times
- ask what the interpreter is doing if there are discussions between the client and the interpreter
- be aware that in some situations the client may be emotional. He/she may talk at length or may break down. A short break in the interview may be required
- give the client the opportunity to ask for clarification of anything that has not been understood or add any other information that is relevant. Another interview to discuss specific or additional issues may be required
- agree to the interpreter taking notes to aid his/her memory
- ensure the interpreter gets adequate breaks. Interpreting requires intense concentration. Sign language interpreting also involves constant physical effort.
- not rush the interview. Interpreting accurately everything that has been said takes time.

The interpreter must:

- interpret everything the client has said, even if it seems silly or embarrassing

The interpreter should interrupt *only* if he\she:

- needs the speaker to repeat what he\she said
- does not understand the words or concepts used
- needs the speaker to pause for him\her to interpret what has been said
- if emotional distress makes it hard for the client to think and speak clearly

## After the interview

The staff member needs to discuss the interview with the interpreter. There may be:

- points about the interview that need clarifying
- problems of misunderstanding
- cultural questions
- improvements that could be made in conducting an interview with an interpreter

*After the interview the staff member needs to discuss the interview with the interpreter. Conducting other interviews for the same client with the same interpreter can help to develop the working relationship.*

Using the same interpreter for further interviews with the same client would help to develop a close working relationship.

## 3. Evaluating the interview

Interpreters and the service from which they are hired usually appreciate receiving feedback whether positive or negative. Professional interpreters aim to learn from each interpreting assignment.

*The successful use of an interpreter can be measured by how easily the staff member and the client understood one another.*

If there are any difficulties with an interpreter, try face to face discussion first. If this does not resolve the difficulty and if the interpreter has been hired from an interpreting service, the staff member should then discuss the difficulty with the interpreter's manager. The identified difficulty could be remedied by additional training.

The interpreting service provider should have a formal evaluation process conducted on a regular basis. Participation in this process by all parties to the interpreting assignment will enable the interpreting service to monitor its standards and training needs and to sensitively match interpreters to different situations.

The successful use of an interpreter can be measured by

- clear understanding between the staff member and the client
- observation of the comfort of the client from his\her body language

- the confidence of the staff member in the interpreter and their interpreting
- willingness to use the same interpreter if another meeting is needed.

## 4. When using a Sign language interpreter

In addition to the guidelines and principles above, a few other factors need to be considered when an interpreter is used for a Deaf client.

- Because Sign language is a visual language, the interpreter may need to rearrange the seating to give the Deaf person a clear, uncluttered view of both the interpreter and the staff member. The interpreter will avoid sitting in front of a window, a busy backdrop or where shadows will fall on his\her face as these create visual 'noise' for a signing client
- Sign language interpreters use both simultaneous and consecutive interpreting depending on the situation. In the interview situation, consecutive interpreting is generally used; in a larger group where some or all of the participants are deaf, simultaneous interpreting is the usual method
- For lengthy assignments (more than 2 hours), two or more Sign language interpreters may be needed to work in a team.

*Discuss with the Sign language interpreter:*

- *best position for seating*
- *interpreting method to be used*
- *number of interpreters needed.*

## 5. Managing the telephone interview

The principles of communication and management of the interview, as outlined above, apply equally when working with an interpreter over the telephone.

*For telephone interpreting, the same principles apply as with face to face interpreting.*

Telephone interpreting can be more difficult for the interpreter. Often the request comes without warning or preparation time. As well, many helpful 'cues' are absent. In face to face interpreting body language helps the interpreter to understand the speaker's words and their accents. The physical context of the meeting and being able to see any documents involved also add to the meaning.

The telephone interpreter will:

- explain his\her role but not give his\her name
- ask either speaker to repeat or clarify what they have said more often than in a face to face interview
- remind the speakers to talk directly to one another. Without eye contact both client and staff member tend to talk to the interpreter
- interrupt if both parties talk at once.

*The telephone interpreter may need to clarify more often what is said.*

## 6. Paying for the interpreter's service

All government agencies need a policy for hiring trained interpreters when communicating with their non-English speaking clients. Within the policy, payment for the interpreters needs to be included. This policy should also include a contract between the government agency, and the interpreter or the interpreting service.

*Government agencies need a policy for hiring trained interpreters; payment needs to be included.*

Some government agencies have exploited the services of interpreters by paying them inadequately or not at all. In some cases, clients are expected to bring an interpreter and this raises ethical issues. Professionally trained interpreters need recognition for the skills, ethics and impartiality they bring to their work. This recognition can only be achieved by paying for the interpreter's services.

If the government agency hires an interpreter through an interpreting service, the agency will be sent an invoice. The agency will pay the interpreting service; the interpreting service will pay the interpreter. When the government agency hires an interpreter directly, the government agency should clarify the process of payment when the first contact is made.

*Professionally trained interpreters need recognition for the skills they bring to their work. This recognition can only be achieved by paying for the interpreter's services.*

Clients must be informed about situations where the government agency feels the client should pay for the interpreter's services. Payments from the client should be given to the government agency who would then pay the interpreter. This overcomes any potential embarrassment between a client and the interpreter who may come from the same ethnic community.

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## 7. A checklist for working with an interpreter

- If possible, arrange an interpreter 24 hours in advance.
  - Allow sufficient time for the appointment to enable interpreting to occur.
  - Allow time for a pre- and post-interview briefing with the interpreter.
  - Before the client arrives, discuss background information about the case and any specialised terminology with the interpreter.
  - Discuss how the interview is to be conducted.
  - Decide the seating arrangement with the interpreter.
  - Greet the client and conduct the interview.
  - Speak directly to the client at all times, pausing frequently to allow the interpreter to interpret
  - After the interview discuss the session with the interpreter
  - Clarify with the interpreter if he\she is to attend a follow-up appointment made at the interview
  - Pay the interpreting service or the interpreter.
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*Development of the Interpreting Service: Report of the Pilot Interpreting Service*, Middlemore Hospital, Auckland, February - October 1991, prepared by Ruth Herbert, Advisory Officer, Auckland Area Health Board, November 1991.

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*The Right to be Understood: A Handbook on Working with, Employing and Training Community Interpreters*, Shackman, Jane, National Extension College, Cambridge, UK.

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Sigrid Ziegler, Co-ordinator, Interpreting Service, Healthcare Hawkes Bay, Hastings.

Annie Davey, Co-ordinator, Interpreting Project, Crown Public Health, Christchurch.

Shizue Sameshima, Secretary SLIANZ Inc. (Sign Language Interpreters of NZ).

Niborom Young, Interpreting Tutor, Wellington.

Daniel Cheng, Interpreting Tutor, Wellington.

Chris Lane, Dept Of Linguistics, Victoria University of Wellington.

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# STATUTORY PROVISIONS TO PROVIDE INTERPRETERS

STATUTE		SECTION
Children, Young Persons & their Families Act	1989	S. 9
Electoral Act	1993	S. 158(8)
Health & Disability Commissioner Act	1994	S. 20(d)
Health & Disability Commissioner (Code of Health & Disability Services Consumers' Rights)	1996	Right 5
Human Rights Act	1993	S. 65
Maori Language Act	1987	S. 4
Mental Health Amendment Act	1999	S. 6
NZ Bill of Rights Act	1990	S. 23 & 24

## Children, young persons, and their families

Interpreters must be used in any procedure under the *Children, Young Persons, and Their Families Act 1989* (such as a Youth Court hearing or a Family Group Conference) if the child or parent or guardian's first or preferred language is not English. The interpreter should be paid by the Children and Young Persons Service or the Department of Justice.

The *Children, Young Persons, and Their Families Act 1989*, section 9 states interpreters are to be provided where:

- (1)(a) Any Court hears any proceedings under this Act relating to a child or young person; or
  - (b) Any person takes or proposes to take any action under this Act in relation to a child or young person, -
- It is the duty of that Court or, as the case requires, that person to ensure that the requirements of this section are carried out wherever practicable.
- (2) The requirements of this section are as follows:
    - (a) That [an interpreter is to be provided for the child or young person] where -

- (i) The first or preferred language of the child or young person is Maori or any other language other than English; or
- (ii) The child or young person is unable, by reason of a physical disability, to understand English, -  
the services of an interpreter are provided for the child or young person:
- (b) That where -
  - (i) The first or preferred language of any parent or guardian or other person having the care of the child or young person is Maori or any other language other than English; or
  - (ii) That parent or guardian or that other person is unable, by reason of a physical disability, to understand English, -  
the services of an interpreter are provided for that parent or guardian or that other person.

## Elections

The *Electoral Act 1993* makes provision for the need of some voters to communicate through an interpreter. Section 170 (1) allows other people to assist a voter who ‘is not sufficiently familiar with the English language to vote without assistance’. Section 158 (1)(b) allows a Returning Officer to ‘appoint such additional ... interpreters as the Returning Officer considers necessary’.

Section 158 (8) states:

(8) Where the Returning Officer appoints interpreters, he or she shall, at the request of any candidate, supply to that candidate the names of those interpreters.

Section 165 (1) allows an interpreter to be used when a Deputy Returning Officer or poll clerk communicates with a voter.

## Health

Interpreters are needed to make sure that patients give informed consent to treatment.

The *Cartwright Report (of the Cervical Cancer Inquiry 1988:158)* states (emphasis added):

Written consent to treatment or procedures *must* be based on certain criteria. The person seeking the patient’s consent *must* be satisfied that she can read and understand the form. If understanding is reliant on translation into another language, then appropriate arrangements must be made before the consent form is signed. It is inappropriate for relatives or members of the Hospital staff who are not in a confidential relationship with the patient to undertake this task.

The *Health and Disabilities Commissioner Act 1994* provides that a Code of Health and Disability Services Consumers’ Rights shall contain provisions relating to the duties of health care providers, to

ensure that health consumers are able to communicate effectively with health care providers. Section 20(d) states that the provisions shall include ‘the provision of interpreters’.

## **The Health and Disability Commissioner (Code of Health and Disability Services Consumers’ Rights) Regulations 1996**

Right 5. *Right to Effective Communication* - (1) Every consumer has the right to effective communication in a form, language, and manner that enables the consumer to understand the information provided. Where necessary and reasonably practicable, this includes the right to a competent interpreter.

Interpreters must be used in any procedure under the *Mental Health (Compulsory Assessment and Treatment) Act 1992* if the patient’s first or preferred language is not English. Interpreters should be paid by the health organisation or Department of Justice.

Section 6 of the *Mental Health (Compulsory Treatment and Assessment) Amendment Act 1999* states:

Mental Health (Compulsory Assessment and Treatment) Amendment Act  
1999 140

Commenced: 1 April 2000

1: Amendments to Principal Act

6 Interpreters to be provided.

6. Interpreters to be provided - The principal Act is amended by repealing section 6, and substituting the following section:

6. (1) This section applies to ---

- (a) A court, tribunal, or person exercising a power under this Act in respect of a person; and
- (b) A court or tribunal conducting proceedings under this Act in respect of a person.

(2) The court, tribunal, or person must ensure that the services of an Interpreter are provided for the person, if -

(a) One of the following applies:

- (i) The first or preferred language of the person is a language other than English, including Maori and New Zealand Sign Language; or
- (ii) The person is unable, because of physical disability, to understand English; and

(b) It is practicable to provide the services of an interpreter.

(3) The court, tribunal, or person must ensure, as far as reasonably practicable, that the interpreter provided is competent.

### **Court (criminal cases)**

A defendant must have an interpreter in court if he/she does not understand or speak English. The court will pay the interpreter.

Section 24 of the *New Zealand Bill of Rights Act 1990* states:

24. Rights of persons charged - Everyone who is charged with an offence -  
(g) Shall have the right to have the free assistance of an *interpreter if the person cannot understand or speak the language used in court.* [emphasis added]

There is no automatic right for witnesses to have interpreters. This is up to the judge.

Case law (judges' decisions in particular cases) has clarified aspects of legislation relating to the provision of interpreters in court. The most important case is:

*Alwen Industries Ltd v Collector of Customs [1996]*

which provided a legal definition of 'interpreter'.

## Human rights

The *Human Rights Act 1993* does not prohibit discrimination on the grounds of language, but among the many prohibited grounds of discrimination in section 21 are:

- (f) Race:
- (g) Ethnic or national origins, which includes nationality or citizenship:

However, under section 65, which outlaws indirect discrimination, there is potential for the law to argue that refusal to provide an interpreter in certain situations could amount to being a form of indirect discrimination:

65. Indirect discrimination - Where any conduct, practice, requirement, or condition that is not apparently in contravention of any provision of this Part of this Act has the effect of treating a person or group of persons differently on one of the prohibited grounds of discrimination in a situation where such treatment would be unlawful under any provision of this Part of this Act, other than this section, that conduct, practice, condition, or requirement shall be unlawful under that provision unless the person whose conduct or practice is in issue, or who imposes the condition or requirement, establishes good reason for it.

## Māori

Anyone can speak Māori in court, even if they are fluent in English. There is a system for testing and registering Māori interpreters.

The *Maori Language Act 1987*, section 4, states (in part):

4. Right to speak Maori in legal proceedings - (1) In any legal proceedings, the following persons may speak Maori, whether or not they are able to understand or communicate in English or any other language:

- (a) Any member of the court, tribunal, or other body before which the proceedings are being conducted;
- (b) Any party or witness;
- (c) Any counsel;
- (d) Any other person with leave of the presiding officer.

(3) Where any person intends to speak Maori in any legal proceedings, the presiding officer shall ensure that a competent interpreter is available.

(4) Where, in any proceedings, any question arises as to the accuracy of any interpreting from Maori to English or from English into Maori, the question shall be determined by the presiding officer in such manner as the presiding officer thinks fit.

Sections 15-20 of the Act provide for Te Taura Whiri I Te Reo Maori (the Maori Language Commission) to grant, suspend or cancel certificates of competency in interpreting or translating Maori. There are as yet, no similar procedures for any other language.

## Police

Police must use interpreters in interviews if there is a communication difficulty. Police have been given detailed instructions about working with interpreters (who are called ‘specialists’ in the Police guidelines).

Section 23 of the *New Zealand Bill of Rights Act 1990* states:

23. Rights of person arrested or detained - (1) Everyone who is arrested or who is detained under any enactment -

- (a) Shall be informed at the time of the arrest or detention of the reason for it; and
- (b) Shall have the right to consult and instruct a lawyer without delay and to be informed of that right; and
- (c) Shall have the right to have the validity of the arrest or detention determined without delay of *habeas corpus* and to be released if the arrest or detention is not lawful.

...

(4) Everyone who is -

- (a) Arrested; or
- (b) Detained under any enactment -

for any offence or suspected offence shall have the right to refrain from making any statement and to be informed of that right.

*Interviewing Suspects: Policy and Procedural Guidelines*, section 9, 'Suspects requiring special consideration', New Zealand Police, 1992, states:

- 9.1 Suspects who are deaf, hearing impaired, blind, mentally impaired, illiterate, intoxicated or can only communicate adequately in a foreign language require special consideration.
- 9.2 When presented with a suspect who requires special consideration the interviewing officer must take specific steps to determine the precise nature of any communication difficulty and the extent to which the difficulty will affect communication including the comprehension by the suspect of the nature and reason for the interview.
- 9.3 Interviewing officers must satisfy themselves that the fullest possible communication is achieved. This may be accomplished by simple testing of the suspect's general knowledge or ability to communicate verbally or in writing, or may require the assistance of a specialist.
- 9.4 A specialist called to assist the police to interview a suspect has two roles:
  - 9.4.1 To facilitate, by interpretation if appropriate, full communication between the suspect and the interviewer;
  - 9.4.2 To act in a support role for the suspect, who may be apprehensive of the role of the police. *NB. Any support considered must first be discussed with the investigating officer.*
- 9.5 When a specialist is engaged to assist in an interview, that specialist must be fully briefed as to his/her role *prior to the interview commencing*. In particular, where interpretation is required the interviewing officer must:
  - 9.5.1 Give the specialist clear and precise instructions to interpret all questions and answers accurately in the 'first person'. Direct the specialist that he/she is:
    - (a) To translate and nothing more;
    - (b) Not to enter into any general discussion with the suspect;
    - (c) To put the exact questions to the suspect;
    - (d) To relate back exactly each reply.
  - 9.5.2 Ensure that the specialist explains his/her role, details and qualifications to the suspect during the interview preamble.
  - 9.5.3 Arrange for the interview to be conducted in a 'question and answer' format. Where the interview is not being electronically recorded, use the following procedures:
    - (a) Write each question in English with the translation written alongside by the specialist;
    - (b) Have the specialist write the answer in the other language with the English translation alongside;
    - (c) At the end of the interview have the specialist certify on the written record of the interview that the English version is an accurate translation of the questions put to the suspect and the answers given by the suspect in his/her native language;
    - (d) Invite the suspect to read and certify the native language version of the interview.
  - 9.5.4 If a statement is to be obtained in a language other than English, ensure:

- (a) The specialist records the statement in the language in which it is made;
- (b) The specialist reads the statement aloud in English, to ensure that nothing is missed or unclear;
- (c) The person making the statement reads it, corrects and initials any errors and signs it;
- (d) The specialist makes an English translation.

9.5.5 Advise the specialist that he/she may be required to give evidence at the subsequent court proceedings and will be required to produce the written record of any English interview with translations or any statement in another language with an English language translation.

9.5.6 Do not obtain the signature of a suspect to an English translation of what he/she said in another language. It is unfair and of no evidential value.

9.6 Wherever possible only independent specialists should be engaged to assist in interviews to satisfy the requirement that the specialist must remain neutral. Police officers should not be used to act in the role due to the obvious potential for an inference to be drawn that the officer is performing a dual role of part investigator and part interpreter and for that officer's neutrality to be questioned. In unavoidable circumstances a police officer may be used provided the procedures above are strictly followed and the officer remains clearly neutral. It is permissible for an interviewing officer to directly question a suspect in another language.

9.7 If a suspect has impaired hearing, consideration should be given to engaging the services of a specialist skilled in sign language or some other appropriate skill. The New Zealand Association of the Deaf offer a 24 hour interpreter service.

9.8 Consideration should be given to the video recording of interviews conducted with specialists to satisfy the stringent recording and neutrality requirements.

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# WHERE TO GET AN INTERPRETER

## Appendix II

CITY	SERVICE	CONTACT DETAILS	PROVISION AVAILABLE	COMMENTS	TRAINING	FEE BASIS
<b>NZ WIDE</b>						
	TeliS	04 384 2849	Interpreters over the telephone 24 hours 7 days a week	Some of the 70 languages may not be available at all times	Interpreters have been trained and assessed by WCIS	A fee is charged by invoice
	New Zealand Society of Translators & Interpreters	Phone & Fax: 09 529 1138  Henry Liu, Secretary	Publishes a directory of individual members and associates around the country	Available in hard or soft copy	Have met the Society's standards for inclusion in the directory	By individual arrangement
	Citizens Advice Bureaux (CABs)	0800 367 222	Many CABs in the main centres offer interpreting services		Volunteer interpreters. Some may be trained.	Free
<b>BY REGION</b>						
<b>Northland</b>	Deaf Association	09 437 2022  Fax: 09 437 2028	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST

<b>Auckland</b>	Interpreting and Translation Service	09 276 0044 Private Bag 93311 Otahuhu	High quality interpreting services to public and private agencies, in over 80 languages and dialects. 24 hours 7 days On site or via the telephone	Over 80 languages and dialects	Accredited at AUT or NAATI or equivalent levels, with specific training to work in specific fields, particularly health and legal	Fee is charged per hour, by invoice
	Public Health Interpreter Service	09 262 1855 025-884 671 Manager: Vivien Koberstein	Fully trained interpreters in healthcare settings		Interpreters have undertaken the following courses: NAATI, AUT or Manukau Technical Institute Liaison Interpreting, Healthcare Terminology and Advanced Healthcare Interpreting	Fee schedule available on request
	Deaf Association	09 820 5038 Fax: 09 820 5039 TTY: 09 820 5036	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST

<b>Waikato</b>	Multicultural Services Trust Interpreting Service	Office Hours 07 839 3902  After Hours 021-666 365  Lawrence Hebb Co-ordinator	24 hour interpreting service in a wide variety of languages		All interpreters have completed basic training facilitated by AUT	Booking fee \$32 per hr Interpreter fee of \$29.50+GST for the first hour, \$26.85+GST for subsequent hours
	Deaf Association	07 834 0119 Phone & TTY  Fax: 07 834 0130	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST
<b>Bay of Plenty</b>	Deaf Association	07 571 5930 Phone & TTY  Fax: 07 571 5932	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST
<b>Hawkes Bay</b>	Healthcare Hawkes Bay Interpreter Service	06 878 8109 24 hours  Co-ordinator Sigi Ziegler Ext. 2862  Fax: 06 878 1660	Community or Liaison Interpreters	Availability of languages subject to change	Basic training provided in-house	Free for Healthcare clients. Other users are invoiced per hour.
	Deaf Association	06 844 1207 Phone & TTY  Fax: 06 844 1208	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST

<b>Taranaki</b>	Deaf Association	06 758 0579 Phone, Fax & TTY	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST
<b>Manawatu</b>	Migrant Resource Centre	Phone & Fax: 06 358 1572  email: mrc_pn@xtra.co.nz	Mon-Fri 10am-3pm  Sat 10am – 12pm	Pool of voluntary interpreters in approximately 15 languages	Not training currently available in Manawatu. Some interpreters may have trained overseas.	
	Deaf Association	06 357 5942 Phone & TTY  Fax: 06 357 700	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST
<b>Wellington</b>	Wellington Community Interpreting Service	04 384 2265  email: wcis@xtra.co.nz	24 hours 7 days On-site or over the telephone	70 languages	Trained and assessed by WCIS	Fees vary according to situation. Invoiced after use.
	Deaf Association	04 801 8965 Phone & TTY  Fax: 04 801 8964	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST
<b>Nelson</b>	Nelson Ethnic Council	03 539 0030  PO Box 264 Nelson	Contacts & referrals ??	Compiling a list of available interpreters	No training currently available in Nelson	Personal arrangement with interpreter

<b>Christchurch</b>	Crown Public Health	03 379 9480 Ask for Annie Davey or Reception  Fax: 03 379 6125	List of free-lance interpreters who can speak a wide range of languages	You will be given contact details of a Christchurch-based interpreter to arrange appointment times directly with interpreter	Most of interpreters have completed at least basic training but please ask for evidence of training and experience	Fee to be negotiated with interpreter
	Refugee & Migrant Centre	03 372 9310  Co-ordinator Vida Hazrati	same as above	same as above	same as above	same as above
	Deaf Association	03 379 5074 Phone & TTY  Fax: 03 379 5089	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST
<b>Dunedin</b>	Police Station	03 477 6011  Senior Constable Paul Burns Ask to be put through to cellphone if not at station Private Bag 1924 Dunedin	Casual interpreters	Police link requester to interpreter	Self-rated on oral and written skills. No training currently available in Dunedin. Interpreters may trained before coming to NZ	\$75 for first 3 hours, \$25 per 30 mins thereafter, maximum of \$175 each day.
	Deaf Association	03 477 1033 Phone & TTY  Fax: 03 477-1037	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST

<b>Southland</b>	Deaf Association	03 218 1062 Phone & TTY	Sign Language Interpreters		Various	Minimum 2 hour charge (\$35-40 per hr) + GST

Private providers of interpreting services are listed in the Yellow Pages.

Information in this table is correct as at December 2000.

# CODE OF ETHICS FOR INTERPRETERS

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All fully trained and competent interpreters are instructed in the profession's code of ethics and how to work within it.

## 1. Confidentiality

All information gained by the interpreter in the course of duty shall remain strictly confidential. This information shall not be communicated, published or in any way divulged to any person or organisation, other than the person or organisation engaging the services of the interpreter.

## 2. Accuracy

The interpreter shall, to the best of their ability, interpret faithfully and accurately between the parties; omitting nothing said by either party nor adding anything which the parties did not say.

## 3. Impartiality

The interpreter shall observe impartiality and neutrality in all situations. They shall not allow personal preferences, religious or political opinions, or national enmity to interfere with the performance of their duties; nor add solicited comments or make recommendations except to assist communications. The interpreter shall not accept or solicit any present, gift or other consideration, benefit or offer that may influence or benefit him/herself.

## 4. Conflict of interest

The interpreter shall not take personal advantage of any information obtained in the course of their work - financial or otherwise.

## 5. Self education

Interpreters shall always seek to increase their skills and knowledge within the profession.

## 6. Declining work

The interpreter shall decline work if they believe it to be beyond their technical knowledge, linguistic ability, language for which they are accredited or employed, or inappropriate in terms of the interpreter's personal beliefs or their relationship with the particular client.

## 7. Punctuality

The interpreter shall be punctual for every appointment.

## 8. Contractual obligations

The interpreter shall do their utmost to maintain full confidence in the integrity and dignity of their profession. The interpreter shall observe at all times the obligations arising from their contract with the agency and shall not on any occasion take unfair advantage of the trust received.

## 9. Standard of conduct

The interpreter shall act at all times in accordance with the standards of conduct and decorum appropriate to their profession, and shall comply with the lawful requirements and procedures of their employing authority.

### Sources:

*Report of the Working Party on Interpreting Services*, Cartwright Implementation Taskforce, Auckland Area Health Board, June 1990.

*Development of Interpreting Service: Report of the Pilot Interpreting Service*, February - October 1991, Middlemore Hospital, prepared by Ruth Herbert, Advisory Officer, Auckland Area Health Board, November 1991.

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The Wellington Community Interpreting Service Inc.

Centre for Translation and Interpreting Studies, Auckland Institute of Technology.

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