



Interpreting at the AAT

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1. About this policy

- 1.1 The Administrative Appeals Tribunal (AAT) strives to be accessible to all users of our services. This includes taking measures to ensure that users can fully participate in the review process regardless of English-language, hearing or speech ability.
- 1.2 This policy sets out the AAT’s arrangements for interpreting during hearings and case management proceedings, as well as other interactions between staff and users. It has been informed by the Judicial Council on Cultural Diversity’s *Recommended National Standards for Working with Interpreters in Courts and Tribunals*, including the Model Rules.
- 1.3 Interpreters should review the AAT’s Guidelines for Interpreters for further information about interpreting at the AAT.

Definitions

- 1.4 In this policy:
 ‘**AAT**’ means Administrative Appeals Tribunal;

'bilingual' refers to someone who speaks two languages fluently and has the ability to understand and communicate effectively in two cultural environments;

'other language' means a language other than the English language and includes AUSLAN and Indigenous languages;

'Tribunal' means the AAT constituted by particular members to hear a particular case; or, in the case of some case management proceedings, a Registrar;

'user' means any member of the public making use of the AAT's services.

2. Hearings

Hearings to be conducted in English

2.1 Subject to this policy, hearings are conducted in English.

Commitment to provide an interpreter

2.2 If the AAT determines a user requires the assistance of an interpreter at a hearing, the AAT will arrange and pay for the interpreter.

2.3 This approach reflects the following legislative requirements:

- (a) the AAT must provide a mechanism of review that is accessible, fair, just, economical, informal and quick and that promotes public trust and confidence in the decision-making of the AAT¹;
- (b) for reviews of migration decisions made under Part 5 of the *Migration Act 1958*, the AAT must provide an interpreter if it considers a person is not sufficiently proficient in English or where a person requests it, unless the Tribunal considers the person is sufficiently proficient in English²;
- (c) for reviews of protection decisions under Part 7 of the *Migration Act*,³ the AAT may provide an interpreter if it considers the person is not sufficiently proficient in English.

2.4 The AAT's commitment does not extend to providing an interpreter for users to communicate with their representative.

Who may carry out the role of interpreter?

2.5 The AAT aims to use interpreters who:

- (a) hold formal qualifications to undertake the role of interpreter; or
- (b) for languages where certification or accreditation is not offered, otherwise satisfy the AAT they are suitable to carry out the role of interpreter.

2.6 The AAT will not use interpreters who:

¹ *Administrative Appeals Tribunal Act 1975* (Cth), s 2A.

² *Migration Act 1958* (Cth), s 366C.

³ *Migration Act*, s 427(7).

- (a) are related to or has a close personal relationship with a party or a member of the party's family or with a witness or potential witness; or
 - (b) have or may have a financial or other interest of any kind whatsoever in the outcome of the proceedings or proposed proceedings (other than an entitlement to a reasonable fee for the services provided by the interpreter in the course of their engagement or appointment); or
 - (c) for reviews in the Migration & Refugee Division and migration and citizenship matters in the General Division, are currently a registered migration agent, or have a financial or personal interest in the business of a registered migration agent; and
 - (d) for reviews of protection visa refusals or cancellation decisions, are currently or have been employed by a foreign government (e.g. an embassy, high commission) in any capacity.
- 2.7 The interpreter must cease to carry out the role of interpreter if they become aware of any of the disqualifying matters referred to in paragraph 2.6 during a hearing and immediately disclose this to the Tribunal.

Role of the interpreter

- 2.7 As the interpreter is engaged by the AAT, they owe the Tribunal paramount duties of accuracy, impartiality and confidentiality.
- 2.8 The interpreter's role is to interpret questions and all other spoken or signed communications in the hearing of the proceedings for the party or witness from English into the other language and from the other language into English.
- 2.9 An interpreter must not, otherwise than by order of the Tribunal, assist an applicant, witness or representative in their conduct of the proceedings other than by interpreting questions and other spoken or signed communications, and must not offer commentary to the Tribunal on the evidence.
- 2.10 The interpreter's role is not to translate documents during a hearing. A party who wishes to rely on a document is required to provide a certified translation. The Tribunal may request an interpreter during the course of the party's or witness' evidence to translate at sight written words shown to the party or witness. However, an interpreter may decline to sight translate if the interpreter considers that they are not competent to do so or if the task is too onerous or difficult by reason of the length or complexity of the text.

Code of conduct for interpreters

- 2.11 An interpreter must comply with the Australian Institute of Interpreters and Translators (AUSIT) Code of Ethics and Code of Conduct.

The Tribunal controls proceedings

- 2.13 The Tribunal controls proceedings and may give instructions directed at or about the interpreter or the nature of interpreting during the hearing or throughout the course of the review. The kind of instruction given could include, but is not limited to, the number and type of interpreters required, the mode of interpreting, and the disqualification,

removal or withdrawal of an interpreter. The Tribunal is responsible for establishing the competence and expertise of the interpreter in the proceedings.

3. Case management proceedings

- 3.1 If the AAT thinks a user requires the assistance of an interpreter during a case management proceeding, the AAT will arrange and pay for the interpreter.
- 3.2 The principles outlined in section 2 above in relation to hearings generally apply to the use of interpreters in case management proceedings.

4. Other interactions between users and AAT staff

- 4.1 In any interaction between AAT staff and users where an interpreter is needed to aid communication, the AAT will obtain, at its expense, a professional interpreter usually from the Translating and Interpreting Service (TIS).
- 4.2 Users may contact TIS directly on 131 450 (call within Australia at local call rates) or +61 3 9203 4027 (international calls at international call rates) for interpreter assistance in contacting the AAT.
- 4.3 The use of friends, family members and children as interpreters should be avoided.
- 4.4 In very limited circumstances and in accordance with internal policy, bilingual staff may undertake simple communication with a user in a language other than English if the user has difficulty communicating in English. This does not apply to hearings and other formal proceedings such as conferences.

5. Feedback and complaints

- 5.1 Users or interpreters should contact registry staff if they have any concerns, questions or feedback. Feedback or complaints can be made by using the [online feedback form](#) on our website.
- 5.2 All complaints are treated seriously. Where a complaint is made about the quality or use of interpreter services, the AAT will handle the complaint in accordance with the Complaint Handling Guideline.