



Administrative  
Appeals Tribunal

# Handbook for Interpreters

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## Introduction

Professional interpreting services assist the Administrative Appeals Tribunal (AAT) to meet our objective to provide a mechanism of review that is accessible, fair, just, economical, informal, quick, proportionate and that promotes public trust and confidence in the decision-making of the AAT.

An interpreter's role is to facilitate communication between two parties by relaying accurately and completely everything that is said.

This handbook:

- sets out the AAT's requirements for interpreting at the AAT and information about the specialised nature of our work
- covers procedural aspects of hearings and case management proceedings at the AAT and describes the roles and responsibilities of interpreters
- should be read in conjunction with the Australian Institute of Interpreters and Translators ([AUSIT](#)) Code of Ethics (AUSIT is the national association for the translating and interpreting profession).

### TIPS FOR USING THIS HANDBOOK:

- If you are new to working at the AAT, we suggest you start with 'Part 2: About the AAT'.
- In this handbook, we use the word 'proceeding' to mean either a hearing or a case management proceeding such as a conference.

# Part 1: The role and responsibilities of interpreters

## Your role

1. Your role at the AAT is to interpret at a hearing or at one of our case management proceedings. We must appoint an interpreter if a party is not sufficiently proficient in English. We may appoint a signing interpreter if the party is hearing impaired or speech impaired. We arrange and pay for the interpreter.
2. In some instances, a party may indicate that he or she does not wish to have an interpreter present. In such cases, the Tribunal may request you to be on 'stand-by'. That is, the Tribunal may request that you be present at the proceeding to interpret if the Tribunal considers the party is not sufficiently proficient in English.
3. Where a party's command of English is good, the Tribunal may decide to conduct the proceeding entirely in English with you assisting if the party has difficulty understanding certain terms or expressions. The Tribunal will seek to avoid conducting the proceeding partly in English and partly in the party's language as this may lead to confusion.
4. It is not your role to translate documents at the proceeding. However, the Tribunal may occasionally request you to make a sight translation of a minor part (e.g. a date or name) of a document submitted by a party at the proceeding. If you are not an accredited translator, you may be asked to make a professional judgment on the difficulty of the relevant parts of the document for you to sight translate.

## Professional standards

5. Our statutory obligations will only be met if the interpreting service provided by us is adequate and competent in all circumstances. You therefore play a critical role in the review process. For this reason:
  - you should abide by the Australian Institute of Interpreters and Translators' (AUSIT) Code of Ethics. The full code is available at [www.ausit.org](http://www.ausit.org).
  - we prefer to use interpreters who hold formal qualifications.
6. Following a proceeding, we may provide feedback on your performance as an interpreter to the provider through whom you were booked.

## Preparing for an assignment

7. You may wish to prepare for an interpreting assignment by conducting background research. We have a wide range of information about our operations on our website at [www.aat.gov.au](http://www.aat.gov.au).

8. In addition, a broad cross-section of our decisions are published on the Australasian Legal Information Institute (AustLII) website at [www.austlii.edu.au](http://www.austlii.edu.au).

## **Interpreting at a hearing or case management proceeding**

9. Your role is to accurately, directly and fully interpret what is said during the course of the proceeding. You must not:
- explain procedures to parties, unless interpreting on behalf of a member, registrar or AAT staff member
  - explain meanings or words to parties (explanations should always be given by the member or registrar, not the interpreter)
  - advise a party how to answer or supply him or her with facts
  - elaborate or explain the meaning of a question (if a party is confused by a question or gives a confused response, you should interpret that faithfully and completely)
  - summarise a long question or answer
  - censor or tone down what is said (even if, for example, a party is angry or rude)
  - provide opinion about the accent and language of the party, except as it relates to the accuracy of the interpreting, even if asked to do so by a member
  - make comments or asides to a party or to the member/registrar (even if a party asks you a personal question, or says something which is irrelevant in your opinion, you should interpret what is said so that both the party and the member/registrar are aware of all communication during the hearing)
  - express an opinion as to whether a document tendered as evidence is genuine or whether a statement made by the party is true or not true
  - discontinue interpreting because you believe the party has a reasonable command of English (it is for the member/registrar to decide whether a party's command of English is sufficient); and
  - provide cultural or other commentary (in general, the member/registrar will seek clarification directly from the party if any cultural issues arise, for instance, non-verbal signs which may be culturally specific).
10. You should note the following:
- Where you do not hold a NAATI credential, or a NAATI credential is not available in your language, we request you to provide additional information relevant to your formal qualification and experience at the time of confirmation of the booking so that the Tribunal has information upon which to assess your competence and suitability, if necessary.

- As all hearings are recorded, the AAT prefers the consecutive mode of interpreting during hearings rather than the simultaneous mode of interpreting to allow a more audible recording.
- Where you have concerns about any matter, you may ask the member/registrar a question. If you need to clarify something said by a party, the member's/registrar's permission should be sought first.
- You should speak clearly and loudly enough for your voice to be picked up by any recording equipment.
- You should interpret in the first person according to normal practice (the member/registrar and party/witness should address each other directly).
- You should be neutral and impartial. You should take care with your demeanour and body language so that it does not show concurrence or disagreement with any party. It is important that you do not create the perception of favouring anyone.
- You should interpret as accurately as possible what is said. You should take care to ensure that information is not distorted by paraphrasing or exaggeration. Interpreters have an obligation to interpret precisely and accurately. The communication of a particular word or phrase used can be critical to the outcome of the review. For example, simple words such as 'brother' or 'family' can convey very different notions from one culture to another.
- You should follow all instructions given by the member/registrar.
- You need to be patient with parties who can be nervous, disoriented or who give long answers.
- You may ask a party or witness to pause if they speak in intervals that are too long for you to remember. You should closely follow any direction given to you by the member/registrar to stop a party or witness from speaking if they display a tendency to give long answers.
- You may, if necessary, seek clarification from the person speaking about a word or words to ensure you are able to interpret accurately.
- If you have a question or request for the member/registrar, you should preface the question or request with a remark that indicates that what is about to be said is not coming from a party or witness (e.g. "I am not interpreting now..." or "This interpreter would like to ask/mention/explain...").
- If a person addresses any questions to you personally, they should be interpreted directly to the member/registrar. Explanations should always be given by the member/registrar not the interpreter.
- Accuracy is more important than speed. If someone uses language not familiar to you, you should not guess what it means. If the term is an English term, you can ask the member/registrar to clarify. If the term is in another

language, advise the member that you have not understood a word and advise them that you will ask the witness to clarify. Alternatively, you may consult a dictionary or glossaries, or seek clarification from the member or person speaking.

- You may also need to consult references in order to achieve greater accuracy. In such instances, you should inform the member/registrar and explain the reason to avoid unwarranted concern about your abilities.
- If you find it necessary to paraphrase a concept because of its absence in the target language, you should advise the member/registrar that you are paraphrasing an expression or idea. You must also take particular care to interpret precisely when members explain the law as this too can be critical to the outcome of the review.
- If you find that problems are arising as a result of the accent or dialect of the person you are interpreting for, you should draw this fact to the attention of the member/registrar. In all such circumstances, the member/registrar will then decide whether it is necessary to adjourn.
- The member/registrar should speak in reasonable 'chunks' of information as this is more efficient for the member, interpreter and parties. If someone is speaking in 'chunks' which are too long for you to accurately remember, you should indicate that a pause is needed for interpreting.
- In keeping with accepted professional practice, you may take notes to ensure that you interpret everything. However, to maintain confidentiality, all notes must be destroyed. AAT staff will do this for proceedings on AAT premises if you leave the notes in the room.
- When interpreting for a witness, you should speak loudly enough for all parties to clearly hear everything that is being said to the witness.
- If a witness uses English, the interpreter must interpret everything said by that witness. If the witness uses a language other than English and the language of the applicant and a second interpreter is present, the principal interpreter must interpret everything that is said for the applicant. In such cases where interpreting on premises, the interpreter should sit beside or just behind the applicant and provide simultaneous interpreting using the 'whispering' technique. The whispering technique should also be used to interpret for the applicant any dialogue in English between the member and representative.
- You should not discuss the case or any information relating to it with a party to the case or any other person before or after the assignment.

## **Interpreting from a remote location**

11. A proceeding may be conducted by videoconference or telephone with the interpreter working in a different physical location than all or some of the other

participants in the proceeding. Proceedings conducted in this way add an additional layer of complexity and difficulty for all participants and we appreciate that remote interpreting is more cognitively taxing for the interpreter.

12. To assure the best possible service and accurate and competent interpreting, we have additional expectations of interpreters when they interpret for us remotely:

- You must have access to and use of appropriate technology, which may include:
  - i. a device with a microphone, speaker and webcam
  - ii. stable and adequate internet connection
  - iii. software compatible with the relevant video conferencing software used by the AAT.

You should familiarise yourself with the platform being used prior to the assignment and conduct a test call where possible. It is recommended that computers be connected to the internet by ethernet cable rather than Wi-Fi where possible. See [Appendix E](#) for more information.

- If, during the proceeding, you experience issues with your IT connectivity or equipment, or other issues arise in your location that may affect you accurately hearing what is being said, you should advise the member/registrar immediately.
- You must attend the job from a suitable location where privacy and confidentiality is assured, where you are not distracted, and where there are no (or minimal) background noises (for example, there should be no crying children or barking dogs). You must remain available at this location and in these conditions for the entire period of the booking.
- If participating by video, you should consider your position and lighting and ensure the light faces you and is not behind you. You should avoid swivelling if seated on a swivel chair.
- You should familiarise yourself with any other guides and training modules that are available from the AAT on the conduct of proceedings by videoconference or telephone. These are available on our website at [www.aat.gov.au](http://www.aat.gov.au).

13. The guidance and instructions elsewhere in this document generally also apply to proceedings where you interpret from a remote location. We would like to specifically mention some of that guidance here in the context of remote interpreting:

- If you do not have a NAATI credential for the assignment, you should provide information about your formal qualifications and experience at the time of booking so the Tribunal can assess your competence and suitability if necessary.
- You must follow all instructions and protocols explained by the member/registrar to all parties at the commencement of the proceeding. The member/registrar will always control the flow of the proceeding.

- You must present in a professional manner.
- Acknowledging the additional cognitive load involved in remote interpreting, you are encouraged to request a break if not offered one if you feel the need for a break so as not to compromise the quality and accuracy of the interpretation.

## Confidential information

14. You must maintain the confidentiality of any information obtained while performing your duties during the review process. There may also be negative consequences for an applicant or respondent, or for their relative or other dependent, if information discussed during the proceeding is made publicly available. For example, in some countries the mere knowledge that a person has applied for a protection visa could result in retribution targeted at them or their families.

## Conflict of interest and bias

15. You must avoid any conflict of interest, whether actual or perceived. It is important that you ensure that your general conduct does not display any judgment or give the appearance of bias. You should always be objective, neutral and impartial.
16. You should not engage in extended conversation with the member, registrar, parties, or any other person at the proceeding, and you must not engage in discussion with any person about the merits of a case. If you are approached by a party, their representative, or support person during a break in the proceeding, in circumstances other than where the member/registrar has requested that you interpret for them for the purposes of the proceeding, that person should be referred to a staff member. Interpreters are not on the side of the Tribunal or a party. You must be neutral and therefore must not create the perception of favouring anyone. You must not attempt to give a party or their friends or family members advice about our procedure or their case during the proceeding or at any other time after or prior to the proceeding.
17. A conflict of interest can give rise to actual bias or the appearance of bias. For this reason, we will not engage an interpreter specifically requested by name by a party or their representative. As we do not regularly provide the names of parties when booking interpreters, you may not become aware of a conflict of interest until the scheduled day and time of the proceeding. If you believe that you may have a conflict of interest, whether actual or perceived, inform the member/registrar immediately.
18. The following are examples of situations where a conflict of interest would arise (this is not intended as an exhaustive list):
  - where an interpreter is also a registered migration agent or where an interpreter has a financial or personal interest in the business of a migration

agent (it is our policy to not to book interpreters who are also registered migration agents)

- where an interpreter has a financial or personal association with a party, or his or her representative, support person, or any of his or her witnesses
- in relation to refugee matters, where an interpreter is or has been employed by a foreign government (e.g. an embassy, high commission or consulate) in any capacity, including on a full-time, part-time, or contract basis.

## Part 2: About the AAT

### Role and function

19. The AAT conducts independent merits review of many administrative decisions made under Commonwealth laws. We review decisions made by Australian Government ministers, departments and agencies, and in limited circumstances, decisions made by state and territory government and non-government bodies. We also review decisions made under Norfolk Island laws.
20. We exist to provide an independent and final merits review of decisions using a mechanism of review that:
  - is accessible
  - is fair, just, economical, informal and quick
  - is proportionate to the importance and complexity of the matter
  - promotes public trust and confidence in the decision-making of the Tribunal.
21. Merits review of an administrative decision involves taking a fresh look at the facts, law and policy relating to that decision. In most cases, we can look at new information that was not available to the original decision-maker. We consider all the material before us and decide what the legally correct decision is or, if there is more than one correct decision, the preferable decision. We can exercise all the powers and discretions available to the original decision-maker.
22. The AAT has the power to affirm, vary, set aside or remit the decision.
  - If we affirm the decision, it means the decision is not changed.
  - If we vary a decision, it means the decision has been changed or altered in some way.
  - If we set aside a decision and substitute a new decision, it means we agree or partially agree that the decision was wrong, and we have replaced it with a new decision that changes all or part of the original decision.
  - If we remit a decision, it means we are sending the matter back to the department or organisation to decide it again in accordance with our instructions or recommendations.

### Divisions and types of reviews

23. Applications made to the AAT are managed in one of nine divisions:
  - Freedom of Information Division
  - General Division
  - Migration and Refugee Division
  - National Disability Insurance Scheme Division
  - Security Division

- Small Business Taxation Division
  - Social Services and Child Support Division
  - Taxation and Commercial Division
  - Veterans' Appeals Division.
24. There are some differences in practice and procedure between some of the divisions.
25. Although we use interpreters in all divisions, the division in which we most often use an interpreter is the Migration and Refugee Division.
26. The types of decisions that we most commonly review relate to:
- Australian citizenship
  - child support
  - family assistance and social security
  - migration and refugee visas
  - the cancellation of visas on character grounds
  - the National Disability Insurance Scheme
  - taxation
  - veterans' entitlements, and
  - workers' compensation under Commonwealth laws.
27. Further information about the types of reviews where interpreters are most frequently used is below.
28. **Migration reviews** relate to a wide range of visas. Decisions we review include decisions to refuse to grant visas, to cancel visas, to refuse to approve sponsors, and to refuse to approve a nominated position or business activity. Most migration reviews are managed in the Migration and Refugee Division. Decisions to refuse or cancel visas under character grounds are managed in the General Division.
29. **Refugee reviews** involve reconsideration of decisions to refuse to grant or to cancel protection visas within Australia. These decisions usually involve a consideration of whether the applicant is a refugee. To be found to be a refugee, a person must meet the definition of 'refugee'. The definition includes the requirement that the person has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.
30. An applicant for a protection visa who is found not to be a refugee may nevertheless be a person to whom Australia has protection obligations on 'complementary protection' grounds.
31. See [Appendix B](#) for definition of 'refugee' and 'complementary protection'. Refugee reviews are managed in the Migration and Refugee Division.
32. **Reviews of refusals and cancellations of migration and refugee visas on character grounds** involve reconsideration of decisions to refuse or cancel, or not to revoke a mandatory cancellation of a visa, because of character issues under sections 501 or 501CA of the *Migration Act 1958*. In these reviews, certain matters (contained in a Direction made by the Minister) must be taken into consideration. There are also special rules about giving information to the Tribunal and the member

must make their decision within 12 weeks after the notification of the Minister's decision. Character reviews are managed in the General Division.

33. **Citizenship reviews** involve reconsideration of decisions to refuse to approve a person becoming an Australian citizen or to renounce Australian citizenship; to cancel an approval for citizenship by conferral; or to revoke a person's Australian citizenship. In these reviews, a range of eligibility criteria must be considered, including residence, citizenship test, character, and identity requirements. Citizenship reviews are managed in the General Division.
34. **Social security reviews** relate to a wide range of social security decisions, including decisions about family assistance, farm household support, paid parental leave, disability support pension, and student assistance entitlements. There are two tiers of social security review at the AAT. The first tier is in the Social Services and Child Support Division. An applicant may then apply for second review in the AAT's General Division.

## People

35. This section is about the key people you will encounter when working at the AAT.

### Applicants

36. An applicant is a person who applies for review of a decision that affects their interests. A person typically applies for review when they receive a decision made by a government agency that they disagree with.
37. A diverse range of people may apply to the AAT for a review, including:
  - people from different cultural and linguistic backgrounds who may require the assistance of an interpreter to communicate with us
  - people with a disability
  - Indigenous Australians
  - people who reside overseas or in regional or remote communities
  - people who may be vulnerable
  - people who have experienced torture, trauma or domestic violence, or who experience post-traumatic stress disorder
  - people on social security
  - people experiencing the breakdown of a family unit
  - people who used to serve in the Australian Defence Force.
38. Sometimes an applicant may be an organisation, such as an employer who wants to sponsor a person to work for their business. In migration matters, the applicant may be the person who applied for the visa or their sponsor or relative, or the person whose visa has been cancelled.

## **Representatives and support people**

39. A representative can be a professional person (e.g. a lawyer, migration agent, or disability support advocate) who helps the applicant (or other party) with the review and acts on their behalf. Not all applicants have a representative.
40. In the Migration and Refugee Division, generally a person is not entitled to be represented or assisted while appearing before the Tribunal at a hearing. Where a representative is present at a hearing, they may have a limited role.
41. The role of a support person is to help the applicant (or other party) before and during the hearing by providing support. For example, they provide emotional and psychological support and reassure the party. A support person is not usually allowed to give any evidence or offer their opinion at hearings. A support person is often a family member or friend of the applicant.

## **Respondents**

42. A respondent is the party who responds to or answers an application in certain divisions. The respondent is usually the department, agency or organisation that made the original decision.
43. In the Migration and Refugee Division and Social Services and Child Support Division, the respondent department does not take part in the review.

## **Staff**

44. AAT staff are Australian Public Service (APS) officers. Activities undertaken by AAT staff include:
  - processing applications and assisting with arrangements for hearings and case management proceedings
  - liaising with parties and representatives about their case and giving them information about our operations and procedures
  - providing administrative and other support services to registrars and members.
45. Some staff (registrars) also conduct case management proceedings such as conferences, call-overs, interviews, conciliations, or mediations. In migration and refugee matters, staff may be authorised by a member to take evidence at a hearing.
46. All staff members must abide by the Australian Public Service Code of Conduct and adhere to the Australian Public Service Values.

## **Members**

47. The member is the person who makes the decision on the review. Members are different from staff in that they are statutory appointees. A member may be appointed by the Governor-General on a full-time or part-time basis for a term of up

to seven years. Members may be reappointed. Members may be appointed as Deputy Presidents, Senior Members or Members.

48. Members come from a diverse range of backgrounds with expertise in areas such as accountancy, disability, law, medicine, migration, military affairs, public administration, science, social welfare and taxation. All members are obliged to abide by the Conduct Guide for AAT Members. The core values of the Conduct Guide are independence, impartiality, and integrity.
49. During the hearing, you may address the member by name (e.g.: 'Mr/Mrs/Ms Smith') or by their position title ('Deputy President, Senior Member, Member').

### **Witnesses**

50. A witness is a person who gives evidence at a hearing, other than the applicant or respondent.

## **Conduct of a review**

51. The review processes vary according to the type of decision we are reviewing. The differences reflect procedural requirements set out in the *Administrative Appeals Tribunal Act 1975*, the *Migration Act 1958* and social services legislation as well as case management approaches we have developed to deal with the broad range of decisions we review.
52. Our procedures are intended to give an applicant, and any other party to a review, reasonable opportunity to present their case. Parties can represent themselves or be represented or assisted by a lawyer, migration agent or other person.

### **Steps in a review**

53. In all cases, the decision-maker must give us a copy of the decision and all the documents they hold that are relevant to the review. A copy is also given to the applicant and any other party either automatically or on request. The Tribunal invites or directs parties to give us additional information that will be relevant to the case.
54. In the Migration and Refugee Division and the Social Services and Child Support Division, the decision-making Department does not take part in the review. In the other divisions, the decision-maker is an active party.
55. In some types of cases, the AAT uses case management proceedings, such as conferences, other alternative dispute resolution (ADR) processes and directions hearings to talk to the parties about the issues, give directions about what the parties must do and by when to progress the case, and try to resolve cases by agreement.
56. Hearings are held to give the applicant, and any other party, an opportunity to provide evidence and present arguments about the decision under review. Sometimes, the member will make a decision on the review without conducting a hearing.

57. If an application to the AAT is not withdrawn or otherwise resolved, the member makes a decision on the review and gives reasons for that decision. The decision may be published.

## **Types of proceedings**

### *Hearings*

58. The hearing gives an applicant, and any other party, an opportunity to provide evidence and present arguments about the decision under review. It also allows the Tribunal to ensure that all issues arising in the review are addressed. A hearing is conducted by the member or members directed by the President to constitute the Tribunal for the purposes of the review. The Tribunal may be constituted by one, two or three members but most reviews are conducted by a single member. The Tribunal is not bound by the rules of evidence and aims to conduct hearings with as little formality and technicality as is appropriate in the circumstances. Interpreters, and all persons giving evidence, are usually asked to take an oath or make an affirmation.
59. Hearings are relatively informal, are recorded, and may be held in person, by telephone and by videoconference. They are conducted in public, unless the Tribunal directs that a hearing be held in private or legislation requires a private hearing. Hearings must be held in private in refugee cases, in applications for review of Australian Security Intelligence Organisation security assessments, in all cases heard in the Social Services and Child Support Division and in some taxation cases.
60. In some migration hearings, multiple cases are heard in quick succession and presided over by the same member as part of a multi-applicant hearing list. Multiple applicants will be present and may speak a range of different languages. As a result, multiple interpreters may be booked for multi-applicant hearings.

### *Case management proceedings*

61. For some types of matters, a case management proceeding occurs before the hearing.
62. In most divisions, alternative dispute resolution is the most common category of case management proceeding, of which 'conferencing' is the primary example. When a review involves more than one party, conferences are often used to help the parties understand and narrow the issues in dispute, to identify further evidence that will be gathered, or to reach an agreement. In addition to conferences, we use other types of proceedings to resolve cases by agreement, including conciliation, mediation, case appraisal and neutral evaluation.
63. Other types of case management proceedings focus on preparing the party or parties for their hearing and are designed to identify further evidence that could assist the Tribunal in making its decision or assessing whether a matter can be listed for fast track processing.
64. Case management proceedings are typically conducted by registrars, who are legally qualified and accredited mediators. Registrars are not members and should

not be referred to as 'member' during proceedings. Registrars can instead be referred to by name (e.g.: 'Mr/Mrs/Ms Smith') or by the position title 'Registrar'. Some case management proceedings (i.e. directions hearings) are conducted by members.

65. Case management proceedings usually involve an informal, private meeting or phone call where the registrar (or member in the case of directions hearings) talks with the applicant and any other party about the case. Parties and interpreters aren't required to take oaths of affirmations.

## Part 3: Hearings and case management proceedings

66. This Part provides detail about how a hearing or case management proceeding is conducted and includes specific instructions about what you need, or may need, to do.

### Before the proceeding

#### Booking arrangements

67. We generally book interpreters in advance of the proceeding through preferred service providers. We may request an interpreter of a particular gender, dialect or ethnicity, if requested by an applicant and we consider it appropriate. For example, we may specify a female interpreter where claims relate to a traumatic experience by a female party such as sexual assault or physical abuse and it is important the applicant feels comfortable to discuss it. Parties are usually contacted prior to the proceeding regarding their interpreting needs in order to enable us to make appropriate interpreter arrangements. If applicable, we endeavour to provide the applicant's nationality or dialect when requesting an interpreter to facilitate the booking of the most appropriate interpreter. For protection visa hearings, we may also provide the main hearing topic or the context of the hearing (e.g. 'China – Falun Gong' or 'India – same sex relationships').
68. At time of booking, we will generally specify if we require an interpreter for a video hearing or telephone hearing. The interpreter agency usually confirms at the time of confirmation of the booking that the interpreter offered is able to meet the technology requirements for the specified booking. We will rely on this and generally we do not undertake test dials prior to the booking.
69. Confirmation of the booking is sought as far in advance as possible. However, changes in circumstances may result in the booking or cancellation of an interpreter at short notice.
70. We book interpreters for the estimated length of the assignment, but it is difficult to predict how long it will take, particularly for hearings. You must be prepared to stay for the full period of the booking. If onsite, an assignment cannot be interrupted to meet car parking constraints or other appointments. There are occasions when an assignment may take longer than initially expected. In these situations, we appreciate you remaining beyond the time booked if possible.

## **Preparing for a video assignment**

71. If the proceeding is being conducted by video, you should ensure prior to the assignment that you have the appropriate technology. See [Appendix E](#) for further information.

## **Beginning the assignment**

72. Neat and appropriate presentation is required, and mobile telephones must be turned off.

### *On AAT premises*

73. You must arrive at the location of the hearing at least 15 minutes before the start time of the hearing or case management proceeding and promptly advise reception of your arrival. You may be asked to provide the relevant case number given to you by the interpreting agency. AAT staff may direct you to a separate waiting room/area.
74. You must not engage in discussion with the applicants or other parties unless requested to do so by a member/registrar or by AAT staff. Any contact between the interpreter and any of the parties to the review must be approved by the member/registrar. If you are approached by any of the parties without prior approval of the member/registrar, you should immediately inform staff at the reception counter or the hearing officer.
75. A hearing officer may greet you and the parties and take you into the hearing room, where you will be seated. Every effort is made to seat you in a neutral position so as not to create an impression that you are on the side of one of the parties or the member. However, due to space limitations, achieving such a layout is not always possible.
76. The hearing officer may check your identity and that of the parties and witnesses and may briefly explain the hearing procedure. The hearing officer will require assistance from you in order to facilitate this process.
77. You may ask the hearing officer for clarification of procedures before the hearing. You may also clarify matters with the member during the hearing. Contact between members and an interpreter outside the hearing room or in relation to matters unrelated to hearing procedure is not permitted.
78. In some hearings, the hearing officer will invite everyone to stand as the member enters the room.

### *By telephone from a remote location*

79. An AAT officer will initiate your involvement in the proceeding by calling you at the pre-determined time.

### *By video from a remote location*

80. [Appendix E](#) sets out the steps you should take to join a proceeding by video from a remote location.

## Who will be present at the hearing or case management proceeding?

81. The following people will (✓) or will not (X) be present at the proceeding or may possibly (P) be present at the proceeding depending on the circumstances.

		Hearing	Conference
<u>Member</u>	The person who makes the decision on the review.	✓	X
<u>Registrar</u>	The person who conducts the conference (and other types of case management proceedings)	X	✓
<u>Applicant</u>	The party who is seeking review of the decision that they disagree with.	✓	✓
<u>Respondent</u>	Usually the Australian government minister or department who made the original decision.	P	✓
<u>Representative</u>	A person (such as a lawyer or migration agent) who is assisting the applicant or respondent at the hearing.	P	P
<u>Witness</u>	A person who is called by the applicant or respondent to give evidence at the hearing. In some hearings, there may be no witnesses.	P	X
<u>Support person</u>	A friend or other person who is providing support to the applicant or other party (other than a representative). This person does not play an active role in the proceeding.	P	P
<u>Hearing officer / Associate</u>	The officer of the AAT who assists the member in the hearing. In some hearings, the officer will be present at the start and end of the hearing and may be called upon to give assistance during the course of the hearing. In other matters, an officer will be present throughout the entirety of the hearing.	P	X
<u>Observer</u>	Most reviews are open to the public. Some social security and all security division and refugee hearings are closed to the public. Observers do not participate in the hearing.	P	X

## The hearing

82. The member will start the hearing with some introductory remarks. The member may:
- explain of the purpose of the hearing, how the hearing will be conducted, and the role of the interpreter
  - confirm the parties, witnesses and representatives in attendance
  - confirm what evidence will be relied upon by the Tribunal.
83. The way a hearing is conducted varies depending on the type of case. In most cases (including migration, refugee and social security cases), the member will ask all the questions and drive proceedings. In other cases, there is a representative of the Department that made the decision present. In these types of matters, the parties will state their cases and the member's role is focused on controlling the hearing and occasionally asking questions.

### Recordings

84. Hearings are recorded. If a hearing officer is present at the start of the hearing, they may announce the case for the recording (e.g. "The hearing is now in session. This is a hearing of..."). The interpreter should interpret this announcement.
85. For the purposes of the audio recording, the member may refer aloud to what is happening during the hearing (for example: "The applicant is now handing the hearing officer a copy of a letter", or "I am now reading the submission which the applicant's representative has just presented"). The interpreter must interpret these statements.

### Oaths and affirmations

86. In most hearings, you will be asked to take an oath or make an affirmation at the start of the hearing. Other people may also be asked to take an oath or make an affirmation, such as a party or witness. Requesting participants to take an oath or make an affirmation reflects the significance and seriousness of the oral evidence provided and the matters to be decided, and acknowledges the importance and professional obligations of the interpreters' role.
87. An oath is a promise based on religious belief. There is no requirement to use a religious text when taking an oath, but one may be used. If you do not wish to take an oath, you may make an affirmation, which is a promise. Under the law, an affirmation is the same as an oath.
88. Parties and witnesses are requested to take an oath or make an affirmation that the evidence they give will be true. Interpreters may be requested to take an oath or make an affirmation that they will interpret what is said to the best of their ability; and that they will not record, divulge or communicate any information or document that they become aware of in the proceedings other than as required by law. Examples of oaths and affirmations used by us are listed in [Appendix D](#).

89. When the member or hearing officer reads out the oath/affirmation for the applicant(s) and any witnesses, the interpreter should interpret the oath/affirmation for the applicant/witness. When the applicant/witness responds 'yes', the interpreter should interpret this into English.
90. A person who is taking an oath or making an affirmation may be requested to stand before the member.

### **Documents**

91. A party may submit additional documents and evidence during the hearing.
92. If the document is not in English, the member may ask the party to describe generally the nature and contents of the document. The member may then decide whether some or the entire document should be translated into English. Generally, the member will ask the party to provide this following the hearing by an accredited translator. However, there may be situations where it is appropriate to have the party identify the relevant part(s) of an untranslated document on which the party relies and ask you to sight translate this.
93. The member also refers to documents during the hearing. Some of these documents will contain evidence that have already been provided to the Tribunal or information provided by the government department or agency that made the original decision. The member may ask the applicant questions based on these documents.

### **Evidence from witnesses**

94. A witness may give evidence at a hearing. Before and after a witness has given their evidence, the member will generally ask the witness to leave the hearing. This is done to ensure that evidence given by a witness is not influenced by the evidence of other witnesses or the applicant.

### **Vulnerable applicants**

95. The member will take particular care when conducting a hearing that involves a vulnerable applicant or witness such as a child, or a person who claims to have suffered torture or trauma. It is important for the member and interpreter to work together to create a setting that allows the applicant or witness to explain their story with the least difficulty possible. Our '[Guidelines on Vulnerable Persons](#)' is published on our website at [www.aat.gov.au](http://www.aat.gov.au).

### **Breaks**

96. Decisions regarding breaks (adjournments) are generally a matter for the member. Depending on the length of the hearing, the member will endeavor to adjourn the hearing for a short break after approximately 90 minutes, and thereafter. However, if a shorter hearing has been scheduled, a break may not occur.
97. We are aware that the interpreter's job is intellectually demanding, and members are encouraged to provide regular breaks for interpreters. You are entitled to an

adjournment on request. If a short break is needed from interpreting during the hearing, you should not hesitate to advise the member. The member should then adjourn the hearing as soon as practicable.

98. If the member adjourns an in-person hearing for a short break, the hearing room is usually vacated. You should wait in the interpreters' waiting room until collected by the hearing officer. If the member adjourns a video or telephone hearing for a short break, the participants are disconnected from the session and required to reconnect at the time specified by the member. You must be ready to resume the hearing at the time directed by the member.

### **Oral decisions**

99. The member may make a decision and verbally notify the decision at the end of the hearing to those people present at the hearing. Usually, however, the decision is made sometime after the hearing.

### **Multi-applicant hearing lists**

100. In some migration hearings, multiple cases will be heard in-person in quick succession and are presided over by the same member. Multiple applicants will be present and may speak a range of different languages. As a result, multiple interpreters may be booked for multi-applicant hearings. Prior to the commencement of the hearing, the hearing officer will ask you to sit next to the applicant for whom you will interpret.
101. Multi-applicant hearings will usually have a shared introduction. You should interpret this introduction as normal. Any other interpreters present will also do the same. Following the introduction, cases will be heard back to back. The member or hearing officer will instruct you to wait until you are needed. When your matter has been called, you will be advised where to sit. When your matter has finished and the member has indicated that your services are no longer required, you can leave the hearing room, even if there are further matters to be heard.

### **After the proceeding**

102. When the member informs all participants the hearing is concluded, you may need to complete a receipt for services.

## **Part 4: Your feedback and wellbeing**

103. Your feedback, health, safety and wellbeing are important to us.

## Feedback

104. You should contact senior registry staff or the hearing officer and the interpreter agency if you have any concerns or questions. If you are not satisfied with how we have dealt with a matter, you may lodge a written complaint via the [feedback form](#) on our website. We will respond to your complaint in writing.
105. Complaints about us may also be made to the Commonwealth Ombudsman. The Ombudsman has an office located in each Australian State and Territory. The national contact phone number is 1300 362 072. Further information is available at [www.ombudsman.gov.au](http://www.ombudsman.gov.au).
106. Agency providers should have procedures in place to report and provide feedback to the AAT in a prompt manner about general operational/procedural/systematic issues that you experience while interpreting for the AAT.

## Support

107. You should be encouraged, and supported by, your service provider agency to undertake continuing professional development training, particularly in relation to remote interpreting.
108. Agency providers should have procedures in place to ensure interpreters can access appropriate support should you feel distress following an assignment.
109. The sensitive and sometimes traumatic nature of information discussed during hearings, particularly in a refugee matter, may in some instances leave an interpreter feeling distressed. If you feel distressed and are temporarily unable to continue interpreting, you should request a brief break. If you are still unable to continue, you should immediately advise the hearing officer or member and your interpreting agency.
110. You are encouraged to seek counselling through your agency if required, taking into account your confidentiality obligations (see [Appendix C](#)).

## Security, first aid, work health and safety

111. The AAT hearing and conference rooms are fitted with duress alarms that can be activated by the member or hearing officer should an emergency arise. The AAT has trained first aid officers and emergency wardens (the latter give instructions about safely evacuating the hearing room or building should a fire or other emergency occur). Emergency services will be called should the need arise.
112. Work Health and Safety (WHS) information is displayed in interpreter waiting rooms (where applicable) including contact details for local WHS representatives. Interpreters should familiarise themselves with this information.

113. While working at our premises, interpreters come under the AAT's duty of care. In the event of an emergency, listen to the instructions of the member or the AAT officer. Evacuation plans are clearly displayed in toilets and near emergency stairwells.
114. If you are injured in the course of your duties, or witness a WHS issue, you are required to notify the AAT and fill out appropriate forms.
115. First Aid officers are available in each registry. If you require first aid, please alert your member or a registry staff member.

# Appendix A

## Frequently used words and phrases at our hearings

Many terms used during hearings have an ordinary meaning as well as a technical/legal meaning in the migration and refugee review contexts. These terms should be interpreted with care and consistency. If you are unsure of the meaning of a term in context, you should ask the member to paraphrase or explain the term.

The following terms may be used by us in the review process:

- A** access
- address for service (of documents)
- adjourn (the hearing)
- administrative
- adverse (material/information)
- adviser
- affirm
- affirmation
- affidavit
- appeal
- applicant
- application
- approved (sponsor)
- arbitrary deprivation
- arrears (back payment)
- assessed score
- assessment
- assurance of support
- authorised recipient

- B** breach (of visa conditions)
- bridging visa
- burden of proof

- C** calendar (days)

cancel/cancellation (of visa)  
cease (visa, payments)  
character (grounds/assessment)  
circumstance  
citizenship by conferral  
citizenship by descent  
claim (for payment, protection claims)  
class (of visa)  
combined (application)  
compassionate reasons  
compelling reasons  
complementary protection  
comply (with a condition/requirement)  
condition (of visa)  
confidential/confidentiality  
constitute/constitution (of Tribunal)  
contravene/contravention  
credibility/credible  
criterion/criteria (for the grant of a visa)  
cumulative

**D** decision  
debt to the Commonwealth  
deemed (to be)  
degrading treatment  
defined (term)  
definition  
delegate (of the Minister/department)  
departmental  
Deputy President  
detain/detainee  
detention  
determine/determination

direction (given by the Minister)  
domestic violence

**E** eligible/eligibility  
entitled (to a visa)  
error (of law)  
evidence  
expert opinion

**F** failure (to appear/to comply)  
false  
family violence  
finding (of fact)  
fiscal year

**G** gazette notice  
grant (of visa)  
grounds

**H** hardship  
health grounds  
holder (of a visa)  
humanitarian

**I** 'I put to you'  
IELTS test (International English Language Testing System test)  
illegal (entrant)  
impairment (medical)  
Impairment Tables  
incompetent  
independent  
Independent Expert  
instrument (written)

interdependent (relationship)  
invitation (to comment)  
issue (at review)

**J**    judicial (review)  
        jurisdiction

**L**    legislative (requirement)

**M**    Medical Officer of the Commonwealth (MOC)  
        medical condition  
        Member  
        Ministerial discretion  
        Ministerial intervention  
        misleading

**N**    natural justice  
        nominate/nominator  
        nominated (occupation)  
        notify/notification

**O**    oath  
        objective (assessment)  
        offshore  
        on the merits  
        on the papers (a decision)  
        onshore  
        onus  
        opportunity (to be heard/to comment)  
        oral (submission/evidence)  
        overstay (a visa)  
        overpayment

**P** pass mark  
permanent  
persecution  
points test (a component of some skilled migration and business skills visas)  
policy (guideline)  
pool mark  
portability  
postpone (the hearing)  
prescribed (periods)  
primary (visa applicant)  
procedural fairness  
publication (of decision)

**R** reasonable  
reconsideration  
recovering a debt  
refugee  
refusal/rejection  
regulation  
relevant assessing authority  
remit (an application)  
removal (from Australia)  
representative  
respondent  
review  
Review Medical Officer of the Commonwealth (RMOC)  
reviewable (decision)  
revoke/revocation (a decision to cancel)  
risk factor

**S** satisfy (criterion)  
secondary (visa applicant)  
self-employment

Senior Member  
sensitive (information)  
serious harm  
set aside (a decision)  
significant harm  
special circumstances  
specified  
sponsor/sponsorship  
stabilised  
stateless  
statement (of decision and reasons)  
statutory declaration  
statutory (requirement)  
subclass (of visa)  
subjective (assessment)  
submission  
substantial (compliance)  
substantive (visa)  
summons

**T** temporary  
testimony  
time of (application/decision)  
Tribunal member

**V** vacate (a decision)  
valid/validity  
vary (a decision)  
voluntary

**W** waiving a debt  
waiver  
without permission

withdraw/withdrawal  
 working (day)  
 written (submission/evidence)  
 writing off a debt

Frequently used terms from the definition of ‘refugee’ and ‘complementary protection’ include:

- owing to well-founded fear of being persecuted
- for reasons of race, religion, nationality, membership of a particular social group or political opinion
- is outside the country of his/her nationality and is unable, or, owing to such fear, is unwilling to avail himself/herself of the protection of that country
- not having a nationality and being outside the country of his/her former habitual residence, is unable or, owing to such fear, is unwilling to return to it
- as a necessary and foreseeable consequence of being removed from Australia to a receiving country
- a real risk that he/she will suffer significant harm.

Other terms relating to refugee or complementary protection issues that may be used in hearings include:

exclusion clauses	refugee ‘sur place’	relocation
stateless persons	refoulement	serious harm
effective protection measures	receiving country	modify behaviour
significant harm	degrading treatment	arbitrarily deprived of life
cruel or inhuman treatment or punishment	systematic and discriminatory conduct	fundamental characteristic innate or immutable characteristics

Interpreters should be prepared to handle a wide range of vocabulary. For refugee cases this includes terms relating to:

**political opinions** – e.g. a range of political affiliations, party membership, party platforms, political ideologies, political activities such as demonstrations, petitions, formal or informal political groups/clubs, political institutions such as parliament, political control structures

**religious beliefs** – e.g. names of religions or sects, holy scriptures, places of worship, religious festivals/holy days, religious practices, ministers of religion and other religious offices such as nuns and monks, social practices based on religion, controls/expectations of behaviour based on religion

**nationality, citizenship, ethnicity and race** – e.g. ethnic background, cultural background, linguistic background, ancestry, country of birth, country of citizenship, country of residence

**social structure, economic issues, educational issues** – e.g. social class, occupational groups, employment/unemployment issues, poverty and restrictions on individual ownership of property, economic systems such as capitalism or communism, levels of education, access to education, levels of health care, access to health care, housing conditions

**gender, sexuality and reproduction issues and treatment of children** – e.g. women's issues, family planning, domestic violence, rights of children, homosexuality

**punishments** – e.g. imprisonment or detention, house arrest, harassment, penal code, torture, fines, discrimination, arrest, violent attacks

**difficult country conditions** – e.g. war, civil war, guerrilla warfare, violence, conscription, conscientious objection, exploitation, paramilitary groups, restrictions on freedom of movement or freedom of action, natural disasters

# Appendix B

## Definition of 'Refugee'

To be found to be a refugee, a person must meet the definition of 'refugee'. The definition includes the requirement that the person has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

The definition of a refugee contained in the *Migration Act 1958* includes the following definitions: 'refugee'; 'well-founded fear of persecution'; membership of a particular social group'; 'effective protection measures'; and 'receiving country'.

## Definition of 'Complementary Protection'

Section 36(2)(aa) of the *Migration Act 1958* (Cth) provides that a person is owed complementary protection if there are

... substantial grounds for believing that, as a necessary and foreseeable consequence of a non-citizen's removal from Australia to a receiving country, there is a real risk the non-citizen will suffer significant harm.

A person will suffer 'significant harm' if:

- he or she will be arbitrarily deprived of his or her life; or
- the death penalty will be carried out on the person; or
- he or she will be subjected to torture; or
- he or she will be subjected to cruel or inhuman treatment or punishment; or
- he or she will be subjected to degrading treatment or punishment.

Some of these concepts are further qualified in the *Migration Act 1958*.

# Appendix C

## Protected documents and information

### Subsections 66(1) and (2) of the *Administrative Appeals Tribunal Act 1975*

#### *Protected documents and information*

- (1) An entrusted person must not be required to produce a protected document, or disclose protected information, to a court except so far as necessary for the purposes of carrying into effect the provisions of this Act or another enactment conferring powers on the Tribunal.
- (2) An entrusted person must not be required to produce a protected document, or disclose protected information, to a parliament if:
  - (a) the document or information relates to a Part 7-reviewable decision within the meaning of the *Migration Act 1958*; and
  - (b) the production or disclosure is not necessary for the purposes of carrying into effect the provisions of this Act or another enactment conferring powers on the Tribunal.

#### **Subsection 66(4)**

**court** includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

**enactment** includes a Norfolk Island enactment.

**entrusted person** means any of the following:

- (a) a person who is or has been a Member of the Tribunal;
- (b) a person who is or has been an officer of the Tribunal;
- (c) a person who is or has been a Member of the staff of the Tribunal;
- (d) a person who is or has been engaged by the Tribunal to provide services to the Tribunal during a proceeding before the Tribunal.

**parliament** means:

- (a) a House of the Parliament of the Commonwealth, of a State or of a Territory; or
- (b) a committee of a House or the Houses of the Parliament of the Commonwealth of a State or of a Territory.

**produce** includes permit access to.

**protected:** a document or information is **protected** if it concerns a person and was obtained by an entrusted person in the course of the entrusted person's duties.

# Appendix D

## Examples of oaths and affirmations

### 1. Oath for Interpreter

*The hearing officer says:*

Do you promise [before Almighty God / before Allah / as a Buddhist / before (insert name of deity)] that you will interpret what is said to the best of your ability; and that you will not record, divulge or communicate any information or document that you have become aware of in these proceedings other than as required by law?

*The interpreter responds.*

### 2. Affirmation for Interpreter

*The hearing officer says:*

Do you promise that you will interpret what is said to the best of your ability; and that you will not record, divulge or communicate any information or document that you have become aware of in these proceedings other than as required by law?

*The interpreter responds.*

### 3. Oath for Witness (including parties)

*The hearing officer says:*

Do you promise [before Almighty God / before Allah / as a Buddhist / before (insert name of deity)] that the evidence you give will be true?

*The witness responds.*

### 4. Affirmation for Witness (including parties)

*The hearing officer says:*

Do you promise that the evidence you give will be true?

*The witness responds.*

# Appendix E

## MS Teams technology guide

### Technology requirements

You will need:

- a computer with camera or a tablet (remember to have them plugged in or fully charged). A smartphone is not recommended because the size of the images of the participants will be too small for visual cues. You should use headphones with an inbuilt microphone as this will improve the sound quality.
- broadband internet connection or a connection to a mobile network. If a mobile network is being used, then a 4G or 5G connection is strongly recommended
- the following software:

Windows 7	Windows 10	MAC OS/ iOS	Android
MS Teams Plug in installed OR Chrome as a browser	MS Teams app OR access through any internet browser	MS Teams app OR access through Google Chrome	MS Teams app OR access through any browser

You can download the MS Teams app for free onto the device you will be using from one of the links below:

- computer using Microsoft Windows: [Microsoft Teams Desktop Application](#)
- Apple Mac computer: [Microsoft Teams Desktop Application](#)
- Android tablet or phone: [Microsoft Teams for Android](#)
- Apple iPad or iPhone: [Microsoft Teams for iOS](#).

You can also download the app to your tablet or smartphone from the Apple App Store or Google Play.

If you do not want to download the app, you will need to have Microsoft Edge or Google Chrome installed on your device so you can open Microsoft Teams via the browser.

If you will be using a computer with Windows 7, you will need to either:

- download the MS Teams plugin for your web browser, or
- have Google Chrome installed on your computer so you can join via the browser.

### Making a test call

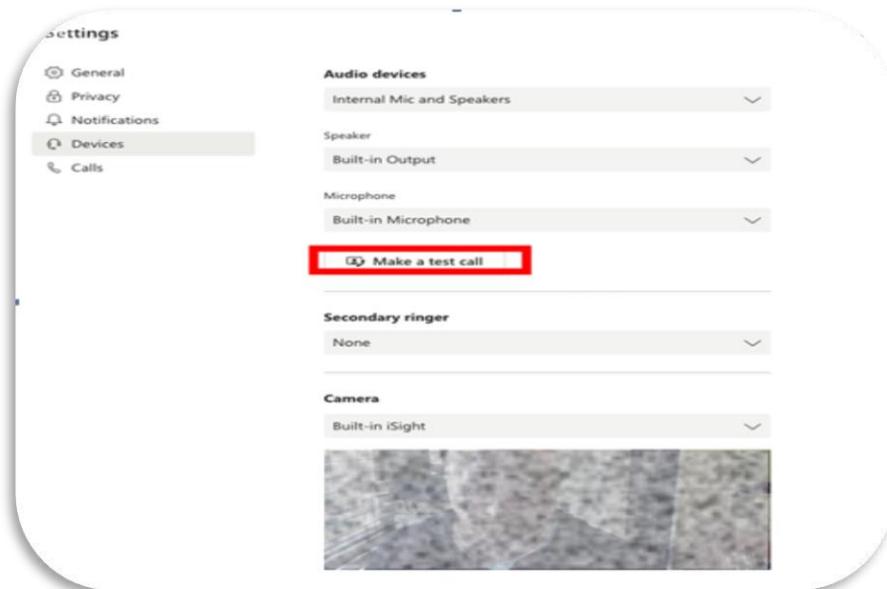
If you will be using a desktop or laptop computer, it is strongly recommended that you make a test call to:

- test your connection and ability to use Microsoft Teams; and
- make sure you are familiar with the microphone, speakers and webcam on your computer.

(MS Team apps for mobile and tablets do not contain a test call function).

To make a test call on your computer, make sure the audio and video options on your device are connected:

- click on the Profile icon in the top right-hand corner to reveal a drop-down menu;
- from this menu click Settings, then Devices;
- from the Device screen you will be able to check your microphone and camera settings to make sure they are working;
- click on Make a test call which will run a test for you and play back the results.



## Joining the proceeding

Click on the link in the email sent by the AAT:

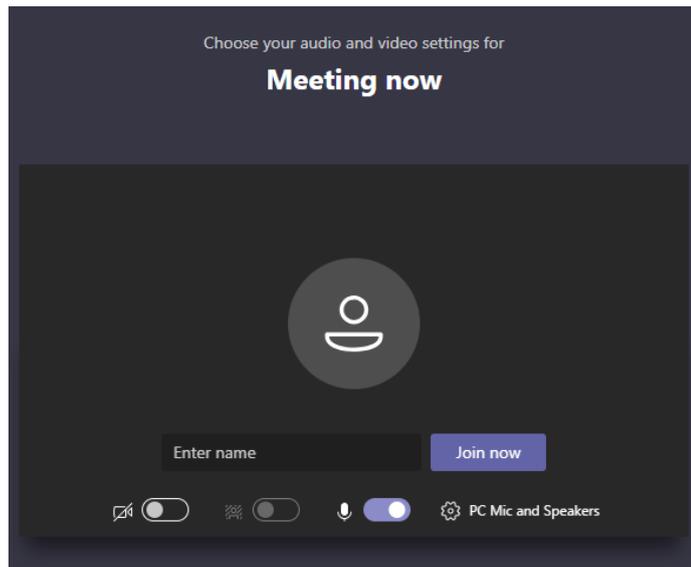


Two options become available:

### Option 1: Joining an MS Teams hearing through the app (app pre-installed)

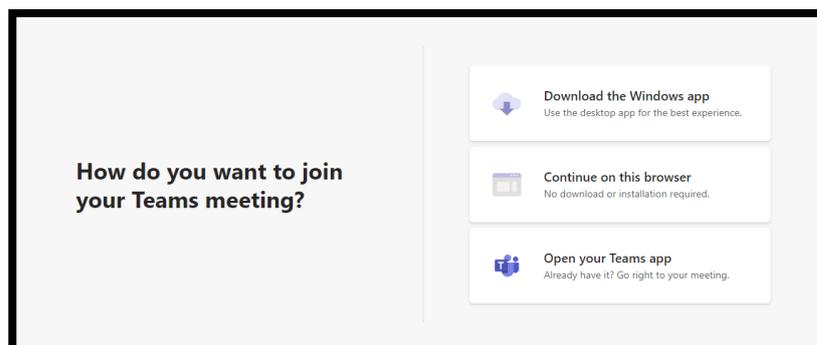
- The app will open when you click the link in our email.
- An option to enter your name will appear. Type in 'Interpreter' and toggle audio on and video on. This can be changed later depending upon the member preference.

- Then click Join Now.



### Option 2: Joining an MS Teams hearing through a browser (without the MS Teams app installed)

- When you click the link in the email, an option to download the app or join through the browser will appear.
- By choosing the browser option, a prompt will appear asking permission to turn on audio and video. You should accept this prompt.
- An option will appear to enter your name. Please type in 'Interpreter' and toggle audio on and video off. This can be changed later depending upon the member preference
- Then click Join Now.





You will now wait in a virtual lobby until the hearing officer admits you.

### **Difficulties?**

If you have difficulties entering a video hearing on the day, join by telephone using the phone number and conference ID in the email from us:

### Join Microsoft Teams Meeting

+61 2 9158 7123 Australia, Sydney (Toll)

Conference ID: 757 801 869#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

Join with a video conferencing device

530646548@t.plcm.vc VTC Conference ID: 1319190131

[Alternate VTC dialing instructions](#)