

Conducting proceedings with interpreters

It's important interpreters are supported in Court and have the information they need so proceedings can run fairly and effectively. You can read more about working with interpreters in the Interpreter Services Quality Framework.

How interpreting works

Interpreters interpret everything that is said during proceedings. Consecutive interpreting is used most frequently, meaning the interpreter conveys what was said, in short segments, into the target language after the speaker has paused.

Simultaneous interpreting is used when New Zealand Sign Language (NZSL) or te reo Māori interpreting is required. Specialist equipment is usually needed and/or interpreters may work together in a buddy system.

Roles and responsibilities of court staff and counsel

Court or tribunal staff and counsel have a range of roles and responsibilities when working with interpreters. For example, staff should:

- Greet the interpreter, give them a microphone and provide them with directions to the appropriate room
- introduce the interpreter to the court taker and let them know how to raise any concerns or queries, and how to get their timesheet signed
- introduce the interpreter to counsel, the person they are interpreting for, and any other justice sector professionals they may interact with

- remind the interpreter not to engage with the person they are interpreting for outside the hearing, except to make introductions and confirm they speak the same language dialect
- administer the oath/affirmation.

For remote hearings, court staff will meet with the interpreter online before the hearing starts to brief them on the case, and ensure the technology is working appropriately.

Court layouts differ but where possible, interpreters should be made aware of any dedicated rooms where they can wait, leave their belongings, be briefed, or debriefed on the case.

Responsibilities of counsel include briefing interpreters on the case and providing them with the appropriate materials they will need.

Counsel briefing interpreters

Counsel should brief interpreters before a hearing so everyone understands their role and can work well together. Counsel should brief interpreters on:

- the nature and complexity of the case
- whether an oath or affirmation is required
- what is likely to occur during the proceedings and what the possible outcomes are
- what to do if a conflict of interest arises during the hearing (for example, the interpreter knows the witness)
- legal or technical jargon that is likely to be used
- whether there are any written materials to be presented as evidence that have been or may be translated
- any cross-cultural issues that court may need to be aware of, such as the use of hand gestures or avoidance of eye contact.

If a participant is self-represented, it is the responsibility of the judicial officer or the adjudicator to brief the interpreter on the case.

Introducing interpreters to the court

Counsel for the person using an interpreter should introduce the interpreter by name and state the language they are interpreting in. The judicial officer should then inform the interpreter that as an officer of the court they have the responsibility to interpret everything accurately and impartially. An oath or affirmation will then be made.

Location of interpreters

Interpreters should be waiting in the foyer or gallery of the court or tribunal. When the case is called, counsel and court staff will ensure that the interpreter is positioned near the person they are interpreting for. The interpreter should be in clear view of all parties in the court or tribunal room. They should have a microphone so everyone can hear what they say and for a recording to be made.

If two NZSL interpreters are required, they should be seated near to each other. Where facilities allow, video recordings must be made of NZSL used in proceedings.

If a person is remanded in custody and connected to the court remotely, the interpreter must be in clear view of their own camera, or if they are in the room with the defendant, they must both be in clear view on the screen.

Accurate and impartial interpreting in court

The interpreter must interpret, exactly as said/signed:

- charges and/or disputes

- sentencing remarks
- explanations from the bench about adjournments and court processes
- any questions put to the party from the judicial officer or counsel
- bail or any conditions imposed by the court
- a prosecutor or judicial officer reading a victim impact statement
- examination and cross-examination of witnesses, including expert witnesses
- direct speech by the party or witness, including any comments addressed to the interpreter
- sentences, orders, and conditions.

Taking breaks

Interpreting is demanding work and therefore interpreters need regular breaks during proceedings. Judicial officers should ensure that interpreters are aware that they can ask for additional breaks if required. The frequency of breaks will depend on factors such as the intensity of the pace and content of the matters being discussed.

After the proceedings

Once the hearing has finished, the judicial officer may consider whether an interpreter is required for additional duties such as interpreting:

- the outcome of the proceedings, including any orders made or bail conditions
- for the defendant to facilitate communication with probation, health officials and report writers for any pre-sentencing reports
- any future events or that they are dismissed from future events.

The interpreter's timesheet will need to be signed off once the hearing has finished. They will approach the court registry officer or the court taker to get it signed. Any complaints about an interpreter should be referred to the court or tribunal staff where the hearing was held in the first instance.