

2.6 Assisting people from culturally and linguistically diverse backgrounds

Communicating with persons from culturally and linguistically diverse (CALD) backgrounds

An inability to communicate can be one of the greatest forms of isolation for people from CALD backgrounds. Culturally diverse people may have limited awareness of relevant legislation, laws, regulations and processes.

A language interpreter should be used on all occasions when communicating with such deponents.

How do I ascertain a client's ability to communicate in English?

When a client who you believe may need assistance with the English language approaches you, you should always ask open-ended questions and avoid questions that can be answered with 'yes' or 'no'.

When would I need to use a qualified interpreter?

You may refer the client to JP Branch for interpreting assistance if the client:

- has difficulties communicating in English
- requests an interpreter, either verbally or by presenting a Queensland Interpreter's Card (QIC). (Speakers who have difficulty speaking English use the card to inform people that they require an interpreter and identifies the language for which an interpreter is required. Multicultural Affairs Queensland distributes the cards.)

What do I say to an interpreter?

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'I am a Justice of the Peace (Qualified) and I have a person with me who wants me to witness their signature on a document. Because it is a legal document, I will need to ask you as interpreter to either swear an oath or make an affirmation and then I will need to ask the person here also to either swear an oath or make an affirmation with your assistance. Would you prefer to make an oath or affirmation?'

Ensure you also advise the interpreter of the type of document the person requires to be witnessed.

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Oath of interpreter

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I, (full name) swear by Almighty God that I understand the language of the deponent and am able to interpret between the deponent and the witness to this statement [add, if relevant: and any other persons speaking the English language or language of the deponent], and I shall, to the best of my skill and ability, truly and faithfully translate from the [language of signatory] language into the English language, and from the English language into the [language of signatory] language. So help me God.

.....

Affirmation of interpreter

I, (full name) solemnly, sincerely and truly declare and affirm that I understand the language of the deponent and am able to interpret between the deponent and the witness to this statement [add, if relevant: and any other persons speaking the English language or language of the deponent], and I shall, to the best of my skill and ability, truly and faithfully translate from the [language of signatory] language into the English language, and from the English language into the [language of signatory] language.

Once the interpreter is sworn or affirmed, you can proceed with the document in the normal manner.

According to the Queensland Government's *Language Services Policy (2014)* and *Language Services Guidelines (2014)*, it is recommended that a National Accreditation Authority for Translators and Interpreters (NAATI) accredited interpreter be used. Family members or friends should not be used for reasons such as protecting privacy, avoiding conflict of interest, preventing embarrassment and ensuring accuracy. Some legislation prevents the person interpreting from being a party to the document or related to the signatory e.g. documents under the *Powers of Attorney Act 1998* or a beneficiary in a will.

It is also advised not to use drawings or hand signals as these forms of communication are highly subjective and significantly increase the risk of misunderstanding and misinterpretation. These could lead to unfavourable outcomes for the deponent.

If, in the course of the witnessing process, it is determined the deponent is having difficulty with understanding the language, you should contact JP Branch on 1300 301 147 for further assistance.

When qualified interpreters are crucial

Consistent with the *Language Services Policy (2014)*, qualified interpreters are crucial for people who have difficulty speaking English but must complete the following documents:

- court documents (e.g. affidavits)
- enduring powers of attorney, advance health directives and wills
- statutory declarations (deponent must be able to understand the document's contents, nature and effects of the document, and consequences of the warning).

Using qualified interpreters will help avoid costly mistakes as well as complaints or litigation that results from neglecting to provide an interpreter.

What do I need to consider when using an interpreter?

You will need to:

- determine the appropriateness of telephone and onsite interpreting and/or translation
- ensure there is enough time for the translation/interpreting and questioning period to avoid rushing
- ensure a quiet, comfortable environment with minimal distractions
- provide privacy during the interview and interpreting process.

According to the *Language Services Policy (2014)*, difficulties may occur that could impact on the outcome if these factors are not met.

Taking into account the busy, noisy, crowded, time-poor environs of where you may be volunteering your services, the use of a telephone interpreting service could be impractical and detrimental to the client. You should contact the JP Branch for further assistance.

This practice will reduce the stress on both you and the deponent caused by frustration and pressure experienced due to the language barrier.

Alternatives include:

- Make a booking for a quieter time.
- Propose an alternate venue.
- Direct the deponent to the JP website to find another JP or Cdec who may be able to assist.

Things to bear in mind

You should keep a record that an interpreter or translator has been used. Your logbook should contain the following information:

- date
- name of the signatory
- type of document witnessed
- type of identification sighted
- location where the document was witnessed
- whether there were any special requirements you needed to take to ensure compliance with the document
- any questions asked and answers given to clarify the document contents and the signatory's understanding of the document
- if the signatory took a declaration, oath or affirmation
- the language and dialect used and the oath or affirmation of the interpreter
- your reasons for declining to witness a document, if this occurred.

Where can I get more information?

Department of Communities, Child Safety and Disability Services
www.qld.gov.au/multicultural

