

2.6 Assisting people from culturally and linguistically diverse backgrounds

Communicating with people 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 and linguistically diverse people may also have limited awareness of relevant legislation, laws, regulations and processes.

If needed, you should use the services of a language interpreter when communicating with a signatory from a CALD background. You should also check to see if the document, or the receiving agency, requires the use of a qualified interpreter.

How do I ascertain the signatory's ability to communicate in English?

You can clarify if a signatory with limited English language needs support by asking open-ended questions, rather than questions that can be answered with 'yes' or 'no'. Their ability to respond will indicate the level of their English language skills.

When would I need to use a qualified interpreter?

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

- have extensive limitations or are unable to communicate in English
- verbally request an interpreter or present a Queensland Interpreter Card (QIC). Issued by the Queensland Government, the QIC identifies the language for which an interpreter is required. If the signatory presents a QIC, follow the instructions on the card, or refer them to the JP Branch.

What do I say to an interpreter?

You can use the following script to introduce yourself and the signatory to an interpreter, describe the purpose of the meeting and the type of document the signatory requires to be witnessed.

'I am a Justice of the Peace (Qualified)/ Commissioner for Declarations, 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 the 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?'

Oath of interpreter

I, (full name) swear by Almighty God that I understand the language of the signatory and am able to interpret between the signatory and the witness to this statement [add, if relevant: and any other persons speaking the English language or language of the signatory], 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 I understand the language of the signatory and am able to interpret between the signatory and the witness to this statement [add, if relevant: and any other persons speaking the English language or language of the signatory], 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.

The Queensland Government's *Language Services Policy (2016)* (the policy) and *Language Services Guidelines (2016)* (the guidelines), recommend 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.

Do not use drawings or hand signals in an attempt to translate information as these are highly subjective and significantly increase the risk of misunderstanding and misinterpretation. These could lead to unfavourable outcomes for the signatory.

Technology should not be used as a replacement for a qualified interpreting service.

If during the course of the witnessing process you find the signatory is having difficulty with understanding the language, you should contact the JP Branch for further assistance.

When qualified interpreters are crucial

Consistent with the policy, qualified interpreters are crucial for people who have difficulty communicating in English but must complete documents.

A signatory must be able to understand the document's contents, nature and effects of the document, and consequences of the warning prior to signing their documents. 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?

According to the policy to avoid difficulties that could impact the signatory's outcomes, you need to:

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

This practice will reduce distraction for all parties, helping to avoid potential frustration and pressure.

Considering JPs and Cdecs are often providing services in busy and noisy locations, a telephone interpreting service could be impractical and detrimental to the signatory. Contact us (our details are in chapter 1.2) if you need help finding an alternative solution, which may include:

- making a booking for a quieter time
- arranging an alternate venue.

Things to bear in mind

- Speak directly to the signatory, not the interpreter.
- Avoid looking at the interpreter unless you are directly addressing them.
- Maintain your usual voice volume and conversation pace – you do not need to speak louder or slower.
- Use plain English and avoid using slang, metaphors or idioms.
- Ask questions one at a time.

Record keeping

Record all relevant information in your logbook as outlined in chapter 2.4.

Where can I get more information?

Queensland interpreter card

www.forgov.qld.gov.au/queensland-interpreter-card