



Position Statement on Interpreters Signing Legal Documents

The Australian Sign Language Interpreters' Association (ASLIA) is a not-for-profit body and is the national peak organisation representing the interests of Auslan/English Interpreters and Deaf Interpreters in Australia.

It is the position of ASLIA that interpreters, while executing their duties (whether paid or pro-bono), do not act as a signatory on any legal document beyond confirming that they are the interpreter present and have provided a faithful interpretation (ASLIA CoE 2.2).

It is the position of ASLIA that institutions and professionals inform themselves of the roles and responsibilities of interpreters they engage and respect the professional boundaries as stated in the AUSIT and ASLIA CoE (ASLIA CoE integrity of service 1.4).

This position statement has been developed in response to institutions and professionals requiring interpreters, while executing their duties, to act in ways that are in direct conflict with their CoE. Such situations have included interpreters being signatory to the legal understanding of others, as well as interpreters signing legal documents on behalf of Deaf individuals, thereby giving the interpreter nomination and legal powers.

There is no standardised interpreter or translator set of approved statements used across industries, states, and the commonwealth. This position statement provides all stakeholders with a clear set of statements which empower any interpreter in the scope of their duties to decline putting their signature on legal documents outside of their role.

Interpreters' Role

Interpreters are employed to deliver language services providing communication access for individuals who do not communicate in the same language. It is not an interpreter's role in the course of executing their duties to assume other roles and responsibilities such as offering guidance or advice to any party. This includes assuming or commenting on the understanding of individuals within the setting. (AUSIT CoE 6 – Clarity of role boundaries).

Professional Responsibilities

All parties are responsible for disclosing perceived or actual conflict of interest when while working with an interpreter (ASLIA CoE 1.4). All professionals have a responsibility to work within their professional scope of practice to avoid liability. Requiring an interpreter to engage in activities outside of their scope of practice is in breach of the professional duties as outlined in the ASLIA CoE (2020).

Interpreters have a professional responsibility to draw attention to any situation in which other parties have misunderstood the interpreter's role, have inappropriate expectations of their role (AUSIT COE 6.3) or requiring them to act in ways that are in conflict with the ASLIA CoE (ASLIA, 2020)

Interpreter Scope of Practice

It may be appropriate for interpreters to comment on the overall effectiveness of communication. However, interpreters will refrain from using their professional role to perform other functions that lie beyond the scope of an interpreting assignment and the parameters of their professional duties. They will not counsel, advise, or interject personal opinions. Interpreters will refrain from manipulating work situations for personal benefit or gain (ASLIA CoE 2020 1.3).

Therefore, interpreters should not sign a document as witness, or provide a professional opinion that any stakeholder has understood the communication.

An Example of an Appropriate Document

Medical Consent form

B. Is an interpreter required?	
If yes, the interpreter has:	
<input type="checkbox"/>	provided a sight translation of the informed consent form in person
<input type="checkbox"/>	translated the informed consent form over the telephone
Name of interpreter:	
<input type="text"/>	
Interpreter code:	Language:
<input type="text"/>	<input type="text"/>

“The interpreter has provided a sight translation of the informed consent form in person”

Note

Interpreters should amend this statement to be a true reflection of how the interpretation was provided. For example, “the interpreter has provided an interpretation of the information that was verbally communicated by the professional”

An Example of an Inappropriate Document

Mortgagor Execution

By signing this panel, I the registered proprietor request the Non - Issue of a Duplicate Certificate(s) of Title for the land above described.

Signed by xxxxxxxxxxxxxxxxxxxx by making _____

his mark, he being incapable of hearing and reading. Xxxxxxxxxxxxxxxxxx in the presence of (Interpreter). Translator of the Auslan Language being how to communicate with xxxxxxxxxxxxxxxxxxxx. He then appearing to understand fully its nature and effect.

Interpreter Witness Signature

Interpreter Witness Full name

Interpreter Witness Address

Interpreter Witness Occupation

Interpreter Witness Contact Number

Version History

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V1.0 2022	Belinda Roberts De Brown Dani Ferndale			

This position statement has been produced with collaboration and support from our industry stakeholders AUSIT and NAATI.

