

PRACTICE DIRECTION NUMBER 10 OF 2021

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

INTERPRETERS

This Practice Direction applies to the engagement of an Interpreter in matters before the Queensland Industrial Relations Commission (the Commission).

This Practice Direction should be read in conjunction with the Queensland Courts Guideline titled *Working with Interpreters in Queensland Courts and Tribunals*.

In this Practice Direction:

Interpreter—means a person accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) who is qualified to provide interpreting services.

1. The Commission recognises the need for some participants in proceedings before the Commission who have no, or limited, proficiency in the English language, to be assisted by an interpreter in order to properly understand and participate in a proceeding.
2. The role of an interpreter is important in the administration of justice in the Commission through accuracy and impartiality in the provision of their service. This role overrides any duty they owe to any party, even if the interpreter is engaged directly by a party.
3. The purpose of this Practice Direction is to provide direction for the determination of:
 - (a) when the Commission, rather than a party, will take responsibility for engaging an interpreter; and
 - (b) who bears the cost of engaging an interpreter.
4. Unless the Commission otherwise orders, a party calling a witness or giving evidence will be responsible for engaging an interpreter, if required, to interpret between the Commission and a witness.
5. Unless the Commission otherwise orders, the cost of interpreting between the Commission and a witness will be borne by the party calling the witness or giving evidence.
6. If the Commission is satisfied that, the interests of justice require that an interpreter be appointed to assist a party's comprehension of a proceeding (such

as a self-represented litigant), or to interpret between the Commission and a witness, the Commission may order the appointment of an interpreter and the Commission will bear the cost of the engagement of the interpreter.

7. Unless the Commission otherwise orders, a party wishing to have the Commission appoint and bear the cost of an interpreter:
 - (a) must file in the Commission, and serve on the other party/parties to the proceeding, an application in the prescribed form (Form 4 - Application in existing proceedings); and
 - (b) for a matter set for hearing, the application must be filed and served no later than seven days after receiving notification that the proceeding is set down for hearing, or at least 21 days prior to the hearing date, whichever is earlier.
8. On hearing of the above application, the Commission may:
 - (a) direct the Industrial Registrar, or the party requesting an interpreter, to locate and retain the services of an interpreter;
 - (b) specify the language and dialect (if applicable) of the non-English speaking witness or party;
 - (c) specify the level of qualification and accreditation required of an interpreter;
 - (d) state by whom the interpreter's fees and expenses will be borne; and
 - (e) state that directions should be sought from the Commission, by either the Industrial Registrar or the party requesting an interpreter, should any difficulties arise.
9. Where an interpreter has been retained by the Industrial Registrar, and it becomes apparent, prior to the proceeding, that the interpreter's services are no longer required, the Industrial Registrar must be informed immediately so that the retainer may be cancelled and costs not unnecessarily incurred.
10. This Practice Direction does not affect the capacity of a party to otherwise engage, at the party's expense, an interpreter to assist a party's comprehension of a proceeding.
11. This Practice Direction will commence operation immediately.

D.L. O'Connor, OAM
Vice President
21 May 2021