

Code of Conduct

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| Officer of the court | <p>An interpreter has an overriding duty as an officer of the court to assist the Court impartially.</p> <p>The paramount duty is to the court and not to any participant (including the person retaining or paying the interpreter).</p> <p>An interpreter is not an advocate, agent or assistant for a party or witness.</p> |
| Duty to comply with directions | <p>An interpreter must comply with any direction of the court.</p> |
| Disclosing a conflict of interest | <p>A conflict of interest arises when a person's independence, objectivity or impartiality can be called into question. A conflict of interest may occur if an interpreter has:</p> <ul style="list-style-type: none"> • any personal knowledge or involvement with the case • or may have a financial or other interest of any kind whatsoever in the outcome of the proceeding or proposed proceeding • personal involvement with the participants or other people involved with the case such as a lawyer • an appearance or perception of a conflict of interest. <p>An example could be assisting in a hearing where a witness is a relative or close personal friend of the interpreter.</p> <p>An interpreter must address any actual, potential, or perceived conflicts of interest in a transparent way.</p> <p>Where possible, interpreters must disclose any known conflict of interest to the Central Registry team or Court Registry Officer before confirming availability for a case. If the interpreter becomes aware of a conflict of interest after taking the case, they must inform the Court Registry Officer. If the interpreter becomes aware of a conflict of interest after the case has commenced, they must immediately inform the judge who will determine what should be done. This can be done via counsel, the court taker or by speaking to the judge directly (if interpreting).</p> <p>Deaf people and NZSL interpreters may be well known to each other as it is a small and well-connected community. NZSL interpreters should make Central Registry or court and tribunal staff aware of potential conflicts.</p> |
| Being impartial | <p>An interpreter must remain impartial at all times so as to be without bias in favour of or against any person (including the person whose evidence the interpreter is interpreting and the person who has engaged or is remunerating the interpreter).</p> <p>An interpreter must not interfere with or prejudice the independence of the judiciary or the court by:</p> |

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| | <ul style="list-style-type: none"> • attempting to involve, lobby or influence individual judges about decisions or matters that are the responsibility of the Ministry or the judiciary • behaving inappropriately with the Judiciary, such as attempting to discuss with a judge the details of a case, unless required to do so for work purposes • having unnecessary contact with participants, jurors, and parties to the case, including their families/whānau and lawyers. This should not limit appropriate contact, such as contact needed to adequately prepare for an assignment. • altering or minimising a complainant's or a witness's descriptions of violence, even if they are describing interpersonal violence perpetrated by a spouse, a senior, elder or any person of high regard within a community. <p>The interpreter must not act as an advocate or give legal advice to participants.</p> <p>The interpreter must not express a personal opinion on the case before the court. They must set aside any personal, religious, or cultural beliefs or circumstances that may influence their impartiality. If an interpreter considers their objectivity may be compromised, they must withdraw from the assignment.</p> <p>NZSL interpreters may need to explain terms and phrases to Deaf people and NZSL users to ensure understanding.</p> |
| <p>Keeping information private and confidential</p> | <p>Interpreters must keep all case information confidential, unless a court or tribunal orders them to disclose it.</p> <p>Information that must be kept confidential includes any information the interpreter is provided to help prepare for a hearing and any notes the interpreter may take. Interpreters can keep case information secure by:</p> <ul style="list-style-type: none"> • using a password or encryption on their computer • not leaving confidential documents where other people might see them or steal them (for example, leaving them in a car or on public transport) • not discussing case details in public places such as court waiting rooms • making phone calls or having discussions about a case at a time and a place where they will not be overheard. <p>Where an interpreter is assisting both defence counsel and the prosecution to communicate with the same participant, they must ensure that information about the case or the questioning strategy heard when working with defence counsel is not shared with the prosecution and vice versa.</p> <p>If a "suppression order" is in place, this restricts publication of certain details (for example, the participant's name or evidence given at trial). Interpreters could face legal action (including fines or imprisonment) if they breach a suppression order by disclosing any of the suppressed details.</p> |

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| | <p>The interpreter should be aware that the Oranga Tamariki Act (s37) prevents disclosure of information about the proceedings of a family group conference.</p> <p>Interpreters working in the Immigration Protection Tribunal should be aware of the confidentiality requirements in section 151 of the Immigration Act 2009.</p> <p>If an interpreter thinks someone has seen documents or information relating to a case who is not entitled to do so, they must:</p> <ul style="list-style-type: none"> • immediately inform the presiding judge, if the case has commenced • try to get the documents or information back, or stop the information spreading • evaluate the risk of the breach – has the information been recovered or destroyed, how many people’s information is involved, how sensitive is the information, could anyone be harmed by the misuse of the information? • report the breach to the Ministry as soon as practicable after becoming aware that a notifiable breach has occurred, and work with the Ministry to investigate the incident and mitigate any potential harm • analyse what caused the breach and take steps to prevent it happening again. <p>If an interpreter is contacted directly by the participant or anyone else about the case, they must not discuss the case in any way or share any information. The interpreter must tell the Central Registry if they are contacted by anyone about a case. The Ministry will investigate the matter and respond as appropriate.</p> <p>Interpreters and Language Service Providers (LSPs) must act in accordance with the Ministry’s Privacy Guidelines for Justice Providers, the Privacy Act 2020, and any other relevant obligations.</p> <p>The Ministry’s Privacy Guidelines for providers of Justice Services is a useful resource to help interpreters manage information in a way that is confidential, secure, and consistent with the requirements under the Standard Terms.</p> <p>It is best practice to seek the person’s consent before sharing their private information, but this is not always necessary if immediate action is needed to keep someone safe or uphold the law.</p> |
| <p>Duty of Competence</p> | <p>An interpreter or a LSP must only undertake work they are competent to perform in the languages they are qualified in.</p> <p>If it becomes apparent to the interpreter that they do not have the appropriate level of expertise, the interpreter must inform the court immediately to resolve the situation.</p> <p>Competency standards include:</p> <ul style="list-style-type: none"> • good comprehension of English • knowledge of the languages and cultures involved • knowledge of the subject matter and context of the legal setting • conversion of source language to target language to convey accurate meaning |

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| | <ul style="list-style-type: none"> delivering interpreting in a way that takes on the style of the original speaker, is in first person, and addressed to the person being questioned not at the interpreter. |
| Duty of Accuracy | <p>An interpreter must at all times use their best judgement to be accurate in their interpreting or sight translation.</p> <p>Accurate means the optimal and complete transfer of the meaning of the other language into English and of English into the other language, preserving the content and intent of the other language or English without omission or distortion. This means the interpreter must not alter, add, or leave anything out when interpreting - the interpreting should be precise including, as far as possible, translating offensive language such as derogatory terms and swear words.</p> <p>Interpreters require breaks to maintain accuracy. Depending on the duration of the court hearing, the judicial officer and interpreter should agree on frequent rest breaks.</p> <p>If an interpreter considers that their interpreting or sight translation is or could be in any way inaccurate, incomplete or requires qualification or explanation then:</p> <ul style="list-style-type: none"> the interpreter must inform the party who engaged them and provide the necessary correction, qualification, or explanation to that party; and if their evidence is being given or was given in Court, immediately inform the Court and provide the necessary correction, qualification, or explanation to the Court. |
| Managing disclosure of information relating to a case | <p>An interpreter should take steps to prevent being in a position where a participant discloses information to them about the case, this includes:</p> <ul style="list-style-type: none"> avoiding being alone with the participant explaining to the participant that they should not discuss details about the case with them asking the participant to stop disclosing information if they begin talking about the case. <p>Despite taking these steps, if prior to proceedings starting, the participant tells the interpreter information that the interpreter believes is relevant to the case (for example that they lied or shares what could be new evidence), the interpreter must record as accurately as possible what was said and inform the officer in charge/ prosecutor (for a prosecution witness) or the defence lawyer (for a defendant or defence witness) as soon as possible.</p> <p>If the interpreter is informed by defence counsel or the officer in charge/ prosecutor that the disclosure is substantive new information about the case, then the interpreter should submit an affidavit that includes verbatim transcript of the information disclosed. The affidavit is submitted to defence counsel for a defendant or defence witness and officer in charge/prosecutor for a prosecution witness.</p> <p>If the participant discloses information about the case to the interpreter during a trial, the interpreter should request to speak to the judge in private and tell them what they have heard.</p> |

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| <p>Information is not to be used for personal gain</p> | <p>An interpreter must not take advantage of knowledge obtained when acting as an interpreter or through access to court information, facilities, or privileges, for their own personal gain or to benefit another person.</p> <p>If an interpreter feels their role as an interpreter is being misused by any party, they must inform the Court Registry Officer.</p> |
| <p>Unauthorised payments or gifts must not be accepted</p> | <p>The Ministry will authorise payment for the interpreter's services. An interpreter must not accept any other payment (remuneration), gift or gratuity.</p> <p>If anyone offers to pay an interpreter (outside of the normal payments process) or give an interpreter a gift, they must inform the Court Registry Officer.</p> |
| <p>Protecting the reputation of the court</p> | <p>Interpreters must exercise good judgement based on integrity and honesty in every action taken representing the court and, in all situations, where their actions could reflect on it.</p> <p>It is important that interpreters respect other professionals and the roles they are required to do. If an interpreter disagrees with a decision of another professional, it should not be debated in public or in front of the participant and their whānau.</p> <p>Interpreters are expected to act lawfully during work and in their private life. Any actions that break the law can harm the reputation of the court or the Ministry.</p> <p>Interpreters must inform the Ministry (and their LSP if relevant), if they are subject to any Police investigation, charged with or convicted of any criminal offence (except an infringement offence) or become subject to any court order in relation to a criminal matter.</p> <p>All breaches and alleged breaches of the law by interpreters are of concern, particularly where the involve dishonesty, breaches of trust or violence</p> |
| <p>Respect for participants and cultural safety</p> | <p>Many people who require interpreters may face stigma and discrimination. Interpreters should behave in a manner that respects the participant's dignity. All participants must be treated with respect regardless of their mental health status, disability, age, cultural or ethnic identity, socio-economic status, language, religious or spiritual belief, sexual orientation, or gender identity.</p> <p>The interpreter must engage in ongoing self-reflection and self-awareness of their own views and biases to understand how they can impact on the delivery of their work. The interpreter must commit to acknowledging and addressing any of their own biases, attitudes, assumptions, stereotypes, prejudices, structures, and characteristics to create a culturally safe environment for all participants.</p> <p>If the interpreter recognises a cross-cultural misunderstanding, or comprehension or cognitive difficulties, the interpreter should seek leave (ask the court's permission) from their judicial officer to raise the issue.</p> |
| <p>Ethics</p> | <p>Interpreters must comply with the Code of Ethics or similar issued by their professional body or registration body.</p> |
| <p>Reporting concerns about family violence and sexual violence</p> | <p>New Zealand has very high rates of family violence and sexual violence. This means that many court participants will be affected now or at some time in their lives, whether they are involved in court due to violence crimes or for some other reason.</p> <p>The Ministry is committed to providing the best response it can to people affected by family violence and sexual violence. It's important that participants</p> |

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| | <p>feel safe and supported by the Ministry and interpreters providing services in courts and tribunals.</p> |
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If an interpreter has concerns about a participant's safety, they should arrange to speak privately with the judicial officer or a court victim advisor about their concerns.

Once it is available, interpreters will be expected to complete the Ministry's training to improve justice sector professionals' awareness and response to family violence and sexual violence.