



# Information sheet

## Interpreters appearing in Tribunal hearings

You have been engaged as an interpreter for a patient having a hearing before the Mental Health Review Tribunal (**Tribunal**). The following information about the Tribunal will assist you to prepare for your role interpreting at the hearing.

### What is the Tribunal?

The Tribunal is an independent decision-making body established under the *Mental Health Act 2000* and continued under the *Mental Health Act 2016 (Act)*. Its primary purpose is to review the involuntary status of persons with a mental illness and/or intellectual disability.

### What happens at a hearing?

The hearing is private, confidential and informal.

During the hearing, the Tribunal panel (usually three members which includes a lawyer and a psychiatrist) listens to the views of the patient and their treating team. The patient may be supported in the hearing by a nominated support person, lawyer or other person. The Tribunal will read and listen to all the information and will make a decision in accordance with the Act. Usually the decision will be about whether to confirm (continue) or revoke (cancel) the patient's current order and may also include a decision about the extent of treatment the patient may have in the community.

In other hearings, the panel may be deciding whether to approve a particular type of treatment, for example, electroconvulsive therapy (known as ECT). However, the process followed will be similar.

In most cases, the Tribunal will give their decision on the day of the hearing.

### Conflicts of interest and an interpreter's duties

An interpreter is an officer of the court/tribunal in the sense that they owe to the court/tribunal paramount duties of accuracy and impartiality. This means that above all else, the interpreter must interpret what is spoken during the hearing accurately and without any bias. It is expected that an interpreter will interpret exactly what is spoken during a hearing, without paraphrasing or summarising.

The interpreter must not provide any advice or guidance to a person about what they may say before the Tribunal panel.

If an interpreter identifies that they know any of the parties to the proceeding or identifies any reasons that a person may perceive that they have a conflict of interest in the proceeding, the interpreter will raise this as soon as possible with the Tribunal office. If the potential conflict is not identified until the interpreter joins the hearing, the matter should be raised with the Tribunal panel.



## What to expect when you are an interpreter for a patient at a Tribunal hearing

To carry out the role of interpreter the person must:

- be currently accredited, registered or recognised as an interpreter for the other language by a recognised agency or otherwise satisfy the Tribunal that they are qualified to carry out the office of interpreter
- be prepared to swear or affirm to interpret accurately to the best of their ability
- not be a person who:
  - is, or may become, a party to or a witness in the proceedings
  - is related to, or has a close personal relationship with, a party or a member of the party's family or with a witness
  - has, or may have, a financial or other interest of any kind whatsoever in the outcome of the proceedings (other than entitlement to a reasonable fee)
  - is or may be unable to fulfil their duty of accuracy or impartiality for any reason, including personal or religious beliefs or cultural circumstances
- cease to carry out of the office of interpreter if they become aware of any of the disqualifying.

### *Before the hearing*

A member of the Tribunal may meet briefly with you before the hearing, in the absence of the patient. Alternatively, the panel may have a conversation with you at the beginning of proceedings where all parties are attending by video conferencing facilities or telephone. The purpose of this meeting is to discuss how you and the Tribunal panel will work together.

A panel member will talk to you about the Tribunal process and any relevant issues regarding the patient. There may be some interpreting issues you wish to discuss with the panel member prior to the hearing commencing. Some topics that could be discussed include:

- information about the patient, including their name and how they may present during the hearing
- information about the nature and purpose of the hearing including who will be present and their roles
- explanation of any specific terminology that may be used
- how the communication process could be managed including when the interpreter will know that the panel member wishes them to interpret
- how and when the interpreter will alert panel members to linguistic misattributions, if they are unable to keep up with the words spoken, needs a concept or term explained, did not accurately hear what was said or if they cannot interpret words spoken for any reason
- expectations of confidentiality.

Where you are in person, you will be escorted into the hearing room and introduced to the patient. You will be given a few minutes to talk to the patient and decide the best way to communicate.

There may be circumstances where the patient does not wish to proceed with you as the interpreter. Whether you stay for the hearing is up to the Tribunal panel. Even if the hearing is adjourned to find another interpreter, you will still be paid.



### *During the hearing*

During the hearing, the panel will talk to the patient, their treating team and other attendees. All participants in the hearing are usually involved in this discussion unless a confidentiality order is made or a victim impact statement is to be discussed in the absence of the patient.

When interpreting during the hearing:

- it is intended that the panel will direct questions to the patient for you to interpret
- if you need to clarify a statement made by the patient, please inform the panel that clarification is needed
- if you need further explanation about a particular term or concept, please ask the panel to clarify and explain this interaction with the patient.

If you need to take a break during the hearing, please alert the panel and the patient. The hearing will be stopped so that the patient does not miss out on any discussions.

At the end of the hearing, the panel will ask everyone to wait outside or disconnect from the video conference/telephone so that they can engage in private discussion to come to a decision. The participants will then be invited back so that the Tribunal can deliver its decision.

### *After the hearing*

After the hearing has ended there will be a brief discussion between you and the panel to check whether you were distressed by anything that occurred during the hearing and how this can be managed. Please note that you will not be able to discuss anything about the hearing with anyone else so it is important to resolve any issues you may have with the panel before leaving the hearing.

If you have any concerns about the manner in which your interpreting services were utilised during a hearing, please contact the Tribunal office as soon as possible using the contact details below.

### **For more information about the Tribunal**

Please visit the Tribunal's website: [www.mhrt.qld.gov.au](http://www.mhrt.qld.gov.au) or call us on 07 3235 9059 or freecall 1800 006 478.