VCAT Victorian Civil & Administrative Tribunal

Practice Note – PNVCAT9

Interpreters in Tribunal Proceedings

Application	Proceedings in all Divisions
Effective date	27 June 2026
Supersedes Practice Note	Previous version of PNVCAT9 issued 1 February 2026
Special note	Please ensure that you are using an up-to-date version of this practice note. Other practice notes may also apply.
Further information	A complete set of current practice notes are available on the VCAT website at www.vcat.vic.gov.au.

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Special Note

1. With effect from 1 February 2026, amendments to the *Victorian Civil and Administrative Tribunal Rules 2018* (Vic) come into operation
   a. to establish new divisions of the Tribunal (see rule 2.01); and
   b. to provide for the President to give directions about divisions and practice areas of the Tribunal as a matter of the business of the Tribunal (see rule 2.02).

2. From 1 February 2026 new VCAT practice areas published on the VCAT website replace the former lists.

Introduction

3. In April 2022, the Judicial Council on Cultural Diversity published the second edition of the Recommended Standards for Working with Interpreters in Courts and Tribunals (the Recommended Standards). A copy of the Recommended Standards is available at https://jccd.org.au/publications/.
4. The Tribunal supports the Recommended Standards and this practice note seeks to apply them, with necessary or appropriate adaptations in the context of proceedings in the Tribunal.
5. Tribunal members must ensure that all parties receive a fair hearing.
6. A person whose rights and obligations are affected by the processes and decisions of the Tribunal has a right to participate in the process. To participate that person needs to hear and understand what is said and be able to be heard and understood.
7. The language of the Tribunal is English.
8. Any person who is not sufficiently proficient in the English language to participate in the proceedings may need an interpreter. Section 63 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) (the Act) provides:

> *Unless the Tribunal directs otherwise, a party may be assisted in a proceeding by an interpreter or another person necessary or desirable to make the proceeding intelligible to that party.*

9. An interpreter is a person who accurately conveys the meaning of one spoken or signed language into another orally or through sign.
10. The Tribunal will arrange an interpreter for any party who identifies, or is identified, as requiring an interpreter.
11. Whether or not arranged by the Tribunal, interpreters are officers of the Tribunal whose duty of accuracy and impartiality over-ride any duty or obligation to any party to the proceedings.
12. This practice note applies to all Tribunal proceedings in all Divisions unless the Tribunal varies its operation, at its discretion, in the circumstances of a particular proceeding by direction or order.
13. This practice note should be read in conjunction with the Act and the *Victorian Civil and Administrative Tribunal Rules 2018* (Vic) (the Rules).
14. This practice note has been issued by the Rules Committee under section 158 of the Act.

Definitions

Word	Definition
Act	*Victorian Civil and Administrative Tribunal Act 1998* (Vic)
AVL	Audio-visual link
Rules	*Victorian Civil and Administrative Tribunal Rules 2018* (Vic)
Recommended Standards	Judicial Council on Cultural Diversity, 'Recommended Standards for Working with Interpreters in Courts and Tribunals' (2nd edition, March 2022)
Regulations	*Victorian Civil and Administrative Tribunal (Fees) Regulations 2026* (Vic)

15. A word or term used in this practice note has the same meaning as defined in the Act or in the *Interpretation of Legislation Act 1984* (Vic).

What is an interpreter?

16. An interpreter is a person who accurately conveys the meaning of one spoken or signed language into another orally or through sign. At the Tribunal, an interpreter will ordinarily be a 'qualified interpreter' or a 'suitable person'. However, in exceptional circumstances, another person who appears with the leave of the Tribunal may interpret. The preference is for a qualified interpreter if available.

Qualified interpreters

17. A qualified interpreter will have sufficient education or training to enable them to accurately convey the meaning of spoken English into another language and the other language into English. There are four categories of qualified interpreter who are certified or recognised by National Accreditation Authority for Translators and Interpreters (NAATI):
    a. Certified Specialist Legal Interpreter;
    b. Certified Interpreter;
    c. Certified Provisional Interpreter; and
    d. Recognised Practising Interpreter.
18. A qualified interpreter is always preferred, however, the level of qualification of each interpreter engaged will depend on the specific language required and the

availability of appropriate interpreters. To inform this, languages have been categorised from Tier A to Tier D according to the level of qualification that can be expected based on known availability (see pages 42-44 of the Recommended Standards).

Suitable person

19. A suitable person has some of the experience or qualifications of a qualified interpreter but is not recognised or certified by NAATI. If a qualified interpreter is unavailable, a bilingual person may be a suitable person provided they:

    a. Can satisfy the member that they can carry out the duties of an interpreter;

    b. Have agreed to perform those duties in accordance with the Code of Conduct for Interpreters in Legal Proceedings (see Schedule 1 to the Recommended Standards), and are willing to swear or affirm to interpret accurately and to the best of their ability; and

    c. Are not:

        i. A party or witness in the proceedings;

        ii. Related to or have a personal or business relationship with a party, member of the party's family or a witness; and

        iii. Unable to fulfil the duty to be accurate and impartial for any reason including personal or religious beliefs, cultural or community or other circumstances

Other person (with leave)

20. In exceptional circumstances, and where all reasonable efforts have been made to find a qualified interpreter or suitable person, the presiding member may give leave to a person who does not satisfy one of the above requirements to be an interpreter, provided that:

    a. The member is satisfied that the person is equipped by reason of training, experience, study or specialised knowledge to interpret accurately to the level the member considers necessary in all of the circumstances;

    b. The person is willing to take an oath or affirmation to interpret accurately to the best of their ability;

    c. The member is satisfied that the person understands and accepts that in carrying out the role of interpreter they are not an assistant or advocate for the party; and

    d. The person is over the age of 18 years.

When is an interpreter required?

21. A party needs an interpreter if they cannot understand and speak the English language sufficiently to enable that party to understand and participate in the proceedings.

22. Before assessing language competency, the member will first seek to assess any other hearing impediments and barriers to communication. For example, the member may ask the party to paraphrase something that they have said. If the member is still in doubt, they may proceed to:

    a. Explain the role of an interpreter and ask the party what they think about asking an interpreter to help;

    b. Assess speaking ability by asking open-ended questions, for example: asking the party to tell the member about what they think will happen if they are unsuccessful in the proceeding; and/or

    c. Assess comprehension and speaking relevant to the context, by writing and reading out some sentences that might be used in the hearing and asking the person to explain them back to the member.

23. A member will only proceed without an interpreter where it has been requested by or for a non-English speaking party if the member is confident that the party is able to fully understand the language they will encounter, including its speed, technical terms and nuances.

24. As any interpreter is engaged to assist the Tribunal to fulfil its duty to provide procedural fairness:

    a. If the need for an interpreter only becomes known at a hearing and an interpreter cannot be arranged on short notice, it may be necessary to adjourn the hearing; and

    b. If a member determines that an interpreter is necessary, a party cannot refuse to have an interpreter in the proceedings.

25. However, the member will try to ascertain the reason for refusing an interpreter and will ask the party, in the absence of the interpreter, their reasons for doing so. It is possible that the party does not believe that the interpreter can be impartial because of a cultural or community or family connection. There may be gender or other concerns which may impact on the appropriateness of a particular interpreter being involved in the proceedings. This may result in a different interpreter being arranged, if appropriate.

26. A party's belief in their own English competency will generally not be a reason to excuse the interpreter where the party themselves has indicated the need or a member has identified the need.

27. Where an interpreter has been arranged for a party who chooses to conduct the proceedings personally in English, the interpreter should remain. Any request for clarification should be directed to the member.

When is an interpreter arranged by the Tribunal?

28. The Tribunal will arrange an interpreter for a party:
    a. Who requests an interpreter;
    b. For whom another person has requested or identified the need for an interpreter;
    c. On the initiative of the Tribunal Registry; or
    d. On the direction or request of a member.
29. The Tribunal may arrange an interpreter for another person who is not a party (e.g. a witness) where a member identifies the need to do so to ensure procedural fairness. If the need for an interpreter for another person is only identified at a hearing and an interpreter cannot be arranged on short notice, it may result in the adjournment of the hearing.
30. As indicated in Annexure 6 to the Recommended Standards, the duration of the hearing may be impacted by the manner in which the hearing is to be conducted (e.g. in person, via audio visual means or in a hybrid manner) and whether simultaneous interpretation is possible or the proceedings will need to be interpreted in consecutive mode. When an interpreter is being arranged, the impact on the duration of the hearing should be considered.
31. A member may make directions as she or he sees fit on matters such as the particular attributes required of an interpreter, the number of interpreters required for a hearing and the duration of the hearing (including the time required for the interpreter to be available for the hearing). The member may direct or allow an interpreter to participate in a hearing by telephone or audio-visual link even if the hearing is being conducted in person, if considered appropriate, noting the Recommended Standards suggest (at page 37) that interpreting via audio-visual link is to be preferred over telephone interpreting, whenever possible.

Standards expected of interpreters

32. Whether or not engaged by the Tribunal, every interpreter who appears at the Tribunal is expected to:
    a. Recognise their role as an officer of the Tribunal and their duty to be accurate and impartial;

b. Have acknowledged and be bound by the contents of the Code of Conduct for Interpreters in Legal Proceedings (see Schedule 1 to the Recommended Standards);

c. Take or be willing to take an oath or affirmation; and

d. Be competent in the language for which they have been booked to appear.

33. An interpreter's duty is to the Tribunal, and the interpreter is independent of all parties. An interpreter must be impartial and may not assist any person in the conduct of the proceeding other than by interpreting.

34. An interpreter's duty is to accurately interpret all spoken and signed communications in the hearing from English into the other language and from the other language into English. Accurate interpretation means the optimal and complete transfer of 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 (as the case may be) without omission or distortion, and including matters which the interpreter might consider inappropriate or offensive. Accurate interpretation does not equate to a literal or "word for word" translation and, where there is no direct equivalent, the interpreter may request, or provide the party with, an explanation.

35. While parties should always ensure appropriately translated documents are available, an interpreter may be requested to sight translate short documents from the written word into English or the other language as required. If the interpreter considers that they are not competent to translate or that the length or complexity of the text make it inappropriate, the interpreter may decline to translate any document. A rule of thumb is that interpreters should not be asked to sight translate a document of more than two pages.

36. The Tribunal recognises that an interpreter may need to interrupt, and is expected to do so, if the interpreter:

a. Becomes aware of a conflict or other reason why they should not continue or believe that they are in some way unable to perform their duty;

b. Did not hear something, needs clarification or needs to consult a reference;

c. Needs a break – as a general rule an interpreter should not be expected to interpret for any more than 45 minutes without a break;

d. Recognises a cross-cultural misunderstanding or comprehension or cognitive difficulties in the party; or

e. Needs time to read a document.

37. Members may also intervene to clarify matters if they believe it is necessary.

38. Interpreters should ensure that they:
    a. Attend the hearing (or join the teleconference or video conference) on time; and
    b. Remain available for the entire time that they have been booked to appear and promptly advise the member if they have any commitments which might result in them needing to leave before the conclusion of the hearing.

What support can interpreters expect from the Tribunal?

39. The interpreter may request a space to wait, prior to the hearing, where they are independent of parties and able to prepare for the hearing.
40. At the start of the hearing, the member will:
    a. Welcome the interpreter and ensure that they are placed in a position where they can best perform their duties, including a table to use for taking notes and a place for their belongings.
    b. Ask the interpreter to provide details of their certification and training and confirmation that they are aware of their duty to the Tribunal to be independent and accurate and that they agree to comply with the Code of Conduct for Interpreters in Legal Proceedings.
    c. Introduce the interpreter to the parties and explain the role of the interpreter, and explain the conduct the Tribunal expects of all participants in the hearing, particularly:
        i. the importance of speaking clearly and allowing adequate pauses; and
        ii. addressing the member where there is a request by a party or interpreter for clarification.
    d. Where possible and appropriate, provide (or ask the parties to provide) a brief overview as to the nature of the proceeding and who they will be interpreting for.
    e. Invite the interpreter to make an oath or affirmation before they commence interpreting for a witness.
41. The member will support the independence and role of the interpreter by:
    a. Referring to the interpreter by their surname or as “Mr Interpreter”, “Ms Interpreter”;
    b. Intervening when parties or their representatives speak too quickly or over each other; and

c. Discouraging parties from engaging the interpreter in discussion, which may give an impression of partiality.

42. At the end of the hearing, members may acknowledge and thank the interpreter for their assistance and indicate that the hearing has concluded.

43. Further guidance in relation to interpreting in matters where a party or the interpreter appears via AVL, or where the entire hearing takes place via AVL can be found in Annexure 6 to the Recommended Standards.

- END OF PRACTICE NOTE -