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“Establishing the contract”: Tribunal members’ practices when introducing interpreters and their role in migration review hearings

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Abstract: In community interpreting, interpreters facilitate communication between service providers and lay people. As not all parties are familiar with how to work effectively with interpreters, scholars have recommended introducing the interpreter’s role at the commencement of interpreted encounters. This practice, referred to as “establishing the contract” (Tebble, 1999), is particularly relevant in high-stakes settings such as medical and legal interpreting. The way in which the contract is established could influence the interpreters’ expected and, arguably, actual performance. This article reports the results of a section of a larger study: observations of 20 interpreted migration review hearings in Australia and semi-structured interviews with 12 tribunal members. It investigates whether, how, and why tribunal members introduce the interpreters in these hearings. The analysis reveals that members generally demonstrate commendable, consistent, and standards-aligned practices when introducing interpreters and their role. Members in this study also display a sound understanding of an interpreter’s function and express professional respect for their contribution. Participants attributed this awareness to interpreting-related training sessions. These findings contribute to the knowledge of *establishing the contract* in interpreted interactions and reinforce the value of training other professionals to work with interpreters.

Keywords: Legal interpreting, tribunal, immigration procedures, interprofessional, role, verbal contract

1. Introduction

Unlike interpreting in international settings, community interpreting “takes place in settings where the most intimate and significant issues of everyday individuals are discussed: a doctor’s surgery, a social worker’s or a lawyer’s office, a gaol, a police station or courtroom” (Hale, 2007, p. 25-26). In community interpreting, interpreters facilitate communication which often

occurs between service providers (officers or professionals) and lay people. Since not all professionals or lay people are familiar with how to work effectively with interpreters, many scholars have recommended formally introducing the interpreter's role at the beginning of an interpreter-facilitated encounter. This is referred to as *establishing the contract* by Tebble (1999), specifically in medical settings. According to Tebble, the *contract* is the stage when interpreters declare their role before the main interaction, and assure all parties of confidentiality, impartiality, and accuracy of interpreting. The occurrence of this stage will depend on the ethical requirements of the context and whether the interpreter has previously worked for both the physician and patient together, having already made such a *contract* (Tebble, 1999, 2014). The interpreter may also advise participants on seating and other arrangements to ensure the most ideal condition for interpreting (Tebble, 2009). Ozolins (2015) expanded on Tebble's notion of *contract* and argued that a *contract* may also be part of a team-building effort with another professional in a briefing session where the interpreting will have specific purposes – for example, the features of language that must be conveyed in a speech pathology situation; how incoherence in a psychiatric interview needs to be handled; how to build rapport in a business encounter; or how to interrogate civilians – or combatants – in a war zone.

The way in which the contract is established could arguably influence interpreter performance. Most research into interpreting activity, however, has concentrated on what happens during the interpreted event, overlooking the stage prior to the start of the interpreted event when the primary participants set the ground rules. Limited research in this regard suggests that a clear introduction of the interpreter's role at the outset could help prevent misunderstandings and minimize challenges during the interpreted interaction (Tebble, 2012; Hale, Goodman-Delahunty & Martschuk, 2018). In contrast, problematic instructions and introductions can lead to adverse consequences. For instance, Davidson's (2000) observation in medical consultations showed that the doctor's instruction to the interpreter to "keep the conversation short" at the beginning of the interpreting task influenced the interpreter's strategy in interpreting, resulting in the interpreter assuming the role of an institutional gatekeeper who filtered the questions and answers.

Despite the importance of role clarification, it is not always consistently implemented in practice. In a national survey in Australia, Hale (2011) explored judges' and tribunal members' perspectives on role clarification in interpreter-facilitated legal proceedings. When asked whether they explained the interpreter's role to the parties or expected the interpreter to do so, responses were divided: 48.6% of respondents stated that they provided an explanation, while 49.3% did not. Additionally, more than half (56.1%) did not expect interpreters to introduce their own role, and only 12.2% explicitly expected interpreters to do so (p. 41). Interestingly, judges and tribunal members who did not ask interpreters to state their qualifications did not expect them to explain their role either. Those who had a say in the choice of interpreter were more likely to explain their role; when they explained the interpreter's role, they were also more likely to provide them with background materials (Hale, 2011).

In other settings, empirical research suggests that role introductions are often neglected. In her observations of Legal Aid lawyer-client interviews in Australia, Xu (2019) found that no lawyers introduced the interpreter's role, even though Legal Aid NSW guidelines require them to do so; nor did any interpreter introduce their own role (p. 62). Similarly, in her study set in an Australian hospital, Ra (2022) reported a lack of role introductions in observed

medical consultations (p. 138). Goodman-Delahunty and Martschuk (2016) interviewed 121 investigators from various countries and found that only 24% of practitioners explicitly provided interpreters with clear instructions on their role in interviews. Some professionals advised interpreters to adopt a direct approach by interpreting everything said by all parties precisely, without omissions or additions. With the same sample of participants, it was also found that role introductions can serve additional functions for the institutional users of interpreting services. Some investigators use the introduction of the interpreter's role as a rapport-building strategy. These findings suggest that, in many cases, role introductions either by interpreters themselves or by other professionals (public service providers) are not systematically considered a procedural step, leading to inconsistencies in practice.

This article reports the results arising from two sets of data which are part of a larger study: observations of 20 migration review hearings in Australia involving 8 tribunal members, and semi-structured interviews with 12 tribunal members, 3 of whom also participated in the observations. The paper explores whether, how and why members introduce the interpreter's role in migration review hearings.

2. Introducing the interpreter and their role in Australian migration review hearings

Migration review hearings in Australia are conducted by the Administrative Review Tribunal¹, where presiding officers, known as tribunal members (hereinafter also as 'members'), are responsible for both conducting the hearing and making decisions on the case under review. These hearings are high-stakes legal proceedings conducted in English, where applicants seek to challenge administrative decisions affecting their residency, asylum, or visa status. In most cases, applicants do not speak English and interpreters are required for all parties to be able to communicate.

The demand for interpreting services in these proceedings is substantial. According to the former Tribunal's annual report (MRT/RRT, 2015), over 20,000 hearings were conducted each year across Australia, with approximately two-thirds requiring interpreting services across more than 90 languages. Yet even as of 2025, interpreter certification issued by the National Accreditation Authority for Translators and Interpreters (NAATI) is not available for all languages. The *Recommended National Standards for Working with Interpreters in Courts and Tribunals* (RNS) (JCDI, 2022) outlines a tiered language classification system based on the availability of certified interpreters. Only a limited number of languages requested by the Tribunal, such as Mandarin and Arabic, fall under Tiers A and B—those with a robust pool of certified professionals (JCDI, 2022). Many of the languages in Tiers C and D (e.g., Urdu and Tagalog) lack formal certification at the highest levels and

¹ The Administrative Review Tribunal (ART) is a newly restructured federal tribunal established following legislative reforms enacted in 2023, replacing the former Administrative Appeals Tribunal (AAT). The AAT was originally established in 1976 and underwent a restructuring in 2015, when several specialist tribunals, including the Migration Review Tribunal and the Refugee Review Tribunal (MRT/RRT), were amalgamated into the AAT. The data in this study was collected in 2023, prior to the introduction of the ART. To avoid confusion caused by multiple name changes, the term "the Tribunal" will be used hereinafter.

formal interpreter training programs, raising concerns about interpreter quality and knowledge of recommended professional protocols in those languages.

In Australia, various codes of ethics and professional standards endorse the practice of establishing the verbal contract for interpreters, highlighting the responsibilities of both interpreters and judicial officers (including tribunal members). The RNS (JCDI, 2022) specifically encourages presiding officers in courts and tribunals to introduce the interpreter and clearly explain their role to all parties. The guidelines recommend that presiding officers state the interpreter's professional responsibilities and provide a model explanation at the outset of proceedings as follows (JCDI, 2022, p.62):

This person is an interpreter. Their job is to interpret everything that the lawyers and I say to you in your language, and to interpret everything you say into English. Please give your answers in short sections to give the interpreter an opportunity to interpret what you say. If you have any questions about what is happening or do not understand something, please do not ask the interpreter. It is not the interpreter's job to explain things to you or to answer your questions. If you have a question, ask me directly and the interpreter will interpret your question to me.

In addition, the Tribunal's *Procedural Law Guide* (MRD/AAT, 2019), a key document that members are expected to consult and adhere to, explicitly advises members to "explain the role of the interpreter (if present)" at the commencement of a hearing (entry 13.3.5).

For interpreters, the Australian Institute of Interpreters and Translators Code of Ethics (AUSIT, 2012) requires interpreters to introduce their role and establish clear role boundaries with all parties involved (Code of Conduct: Obligations Towards Recipients of Services). These professional guidelines reflect a broader recognition of the need to clarify role expectations to ensure effective communication.

3. Observation of interpreted migration review hearings

3.1 Methods and data

The results presented here are part of a larger study on interpreting in migration and refugee review hearings. The data analysed in this section were collected through observations of interpreted migration review hearings held by the Administrative Appeals Tribunal in Australia in 2023.

To gain access to these hearings, a prior notice was sent out by a Tribunal liaison staff member to all members under the Migration and Refugee Division. Eight members, coded as M1 to M8, agreed to be included in the study, seven of whom were female and one was male. The eight tribunal members were observed in 20 interpreted hearings in different cases that are now closed. Two tribunal members were each observed in five hearings, one member was observed in three hearings, while the remaining members were involved in one or two hearings each. A total of 18 interpreters were engaged, across 12 languages and dialects including Arabic (Standard, Sudanese and Lebanese Arabic), Mandarin, Cantonese, Punjabi, Nepalese, Vietnamese and Tagalog.

Since the request to audio or video record these hearings for the research project was denied, detailed fieldnotes were taken and later organised for analysis. Data were analysed through open content coding in a process of breaking down, examining, comparing, conceptualizing, and categorizing data, with the assistance of NVivo 14 software.

3.2 Functional stages of interpreted migration review hearings

To understand the dynamics of a migration review hearing, it is important to first outline its general structure and stages. While the specifics varied from case to case, the observed migration review hearing typically followed a standard process. Inspired by a table of functional stages in Danish court proceedings developed by Christensen (2008), Table 1 was developed from the present study's data to illustrate the functional stages of the observed migration review hearings.

Table 1: Functional stages in migration review hearings observed in the present study

Procedural Stage <i>Participants' behavior</i>	Communicative structure
1. Preliminaries 1a. Identity check 1b. Confirming oath or affirmation 1c. Informing the tribunal member's name and how to address the member <u>The hearing attendant leaves the hearing room</u> <u>The hearing attendant and the member enter the hearing room.</u> <u>The hearing attendant starts the recording.</u>	Dialogue between the hearing attendant and all other participants including the interpreter Monologue by the hearing attendant
2. Oath/affirmation of applicants, witnesses and interpreters	Dialogue between the hearing attendant and all participant
3. Opening remarks by the member 3a. <i>Introducing process and rationale of decision making</i> 3b. <i>Informing the purpose and process of the hearing</i> 3c. <i>Introducing the role of the interpreter</i> 3d. <i>Explaining the considerations the member has to make regarding legal requirements for this review</i> <u>Other witnesses leave the room and will be called back in one at a time</u>	Monologue by the member
4. Interview(s) with the witnesses	Dialogue between the member and the witness(es)
5. Oral submission by applicant/legal representative	Monologue by applicant/legal representative
6. Conclusion 6a. <i>Instructions on additional documents</i> 6b. <i>Informing when and where to expect the decision</i>	Monologue by the member

Once the interpreter, applicant, and witness(es) arrived at the registry, a hearing attendant led everyone to the hearing room and started the preliminaries. The preliminaries typically began with verifying the identification of all participants and introducing the observer (in almost all cases, the researcher). The hearing attendant then informed everyone of the member's name and outlined the procedural expectations, such as standing when the member enters and addressing them as 'Member'. In some instances, hearing attendants also advised the applicant to immediately notify the member

if they had difficulty understanding either the member or the interpreter. Next, the hearing attendant confirmed with each witness and the interpreter whether they preferred to take an oath or affirmation before providing testimony. In cases involving participants joining remotely, the hearing attendant verified the contact information provided by the representative to ensure a proper connection for the applicant. It is important to note that this preliminary stage involves interpretation but is not recorded. Once the member enters the room, the formal proceedings commence and the audio recording starts, followed by the oaths or affirmations of the witnesses and interpreter. After the oaths or affirmations are taken, members start their opening remarks, which typically cover several key elements: an overview of the case background, including the visa type under review; an explanation of the tribunal's role in reassessing the application; references to the relevant legal framework; a summary of the types of evidence to be considered and the introduction of the interpreter and their role.

As mentioned earlier, existing guidelines require members to introduce the role of the interpreter at the beginning of a hearing (JCDI, 2022; MRD/AAT, 2019). In practice, all members in the 20 hearings adhered to this guideline and dedicated part of their opening remarks to explaining the interpreter's role. As such, it was the members, rather than the interpreters, who established the interpreters' professional *contract*. The way in which the interpreter's professional role was introduced could have a bearing on the interpreters' performance in the rest of the interaction (Hale, Delahunty, & Martschuk, 2020), as this is where interpreters explain, or are reminded of their obligations as outlined in the code of ethics, such as accuracy, impartiality, and confidentiality. The next section introduces the key elements included in the members' introduction of the interpreter's role.

3.3 Members' introduction of interpreters and interpreting

In the observations, all eight members included a dedicated short paragraph on interpreters and interpreting in their introductory remarks. Although some variation in phrasing and specific details was noted, these introductions were broadly similar in both content and length, generally addressing three key components, as outlined below.

3.3.1 Introduction of the interpreter's role

During the introductions, there was a consistent emphasis across hearings on the interpreter's neutral and non-advisory role. Members routinely explained that interpreters were there to assist with communication, not to offer opinions or provide any commentary. For instance, in Hearings 11 and 12, M7 explained that "the interpreter is here to assist you [the applicant] and me understand each other, not to offer advice or commentary." In Hearing 5, M2 highlighted that the interpreter is an independent professional who cannot give advice or answer questions beyond what is said during the hearing.

Some members also took the time to reassure the applicant about the interpreter's confidentiality, highlighting the interpreter's binding code of conduct. For instance, in Hearing 8, M5 stated, "The interpreter is bound by a code of conduct and will not disclose any case information after the hearing." This level of reassurance was not universally provided, which could leave some applicants uncertain about the interpreter's role, especially in sensitive cases involving personal or legal information.

3.3.2 *Instructions on speech and communication*

Another common thread across hearings was the instruction for applicants to speak in short segments to allow the interpreter to relay the information accurately and to pause when the interpreter signals the need for a break in speech. In Hearing 5, M2 instructed the applicant to “speak in short segments and make pauses to give the interpreter time to translate accurately.” This instruction was reinforced by five out of eight members observed. Importantly, some members also advised the applicant to pause if asked by the interpreter and continue once the interpreter finished interpreting.

One member—M7, who hosted Hearing 11, Hearing 12, and Hearing 20—was also observed to instruct the witnesses to have direct communication and eye contact with the member, instead of the interpreters. This member specifically asked that the applicant and witnesses have eye contact with him rather than addressing the interpreter directly, saying “although it might be a bit odd, it’s better for us to have direct eye contact, but not with the interpreter.” But such instruction was absent in other hearings, suggesting a lack of uniformity in how members handle this aspect of the interaction.

3.3.3 *Encouragement of applicant feedback*

Before the hearing, the members usually checked if the applicant was comfortable with the interpreter and able to understand them clearly. For instance, in Hearing 5, M2 asked the applicant if they were satisfied with the interpreter and could hear them well. Similarly, in Hearing 9, M5 made similar inquiries to confirm the applicant’s understanding of the interpreter and to ensure they felt comfortable. This practice ensures that any concerns about dialect mismatch and conflicts of interest can be addressed at the outset.

Some members also instructed applicants to notify them if there were issues in understanding either the member or the interpreter, or if there were concerns about the interpreter’s performance. This is evident in hearings held by M6 (Hearing 10) and by M7 (Hearing 11, 12, and 20), where applicants were explicitly encouraged to communicate any confusion or difficulty in understanding.

Overall, the eight members observed consistently included the detailed interpreter-related introductions by announcing the interpreter, introducing the interpreter’s role, and instructing the witnesses how to work with interpreters. This practice helps establish the *contract* for interpreters’ work and is particularly valuable for applicants and witnesses who may have limited experience working with interpreters. Yet, despite the efforts made by most members to introduce the role of interpreters, their introduction was mainly addressed to the applicants and witnesses present at the outset of the hearing. Other participants, especially witnesses and overseas applicants in multi-applicant cases (e.g., spouse visa reviews) who joined remotely at a later stage did not hear such an introduction of interpreters and interpreting in full. Observations revealed inconsistent practice: while some members repeated the interpreters’ role clarification for participants who joined remotely later in the hearings, others did not. Legal representatives were also not reminded of appropriate protocols for working with interpreters, such as how and when they might intervene during interpreted exchanges. Additionally, no member was observed to have confirmed the interpreters’ qualifications and that the interpreter “has acknowledged the Court Interpreters Code of Conduct” as suggested by RNS (JCDI, 2021, Standard 17.6).

4. Interviews: Members' perceptions on establishing the verbal contract

4.1 Methods and data

This section draws upon data collected through semi-structured interviews with tribunal members. With the help of a Tribunal staff member, an email advertisement was sent out to all members who presided over the migration and/or refugee review hearings. A total of 12 members responded and participated in the interviews during the timeframe from October to December 2023. Table 2 below shows the demographic information of the members who participated in the interview.

Table 2: Participant demographic information

Participants	Registry	Cases	Gender	Observed	Reappointed by ART	Length of interview
01 M3	Melbourne	Migration	Female	Yes	Yes	30min
02 M9	Sydney	Both	Male	No	Yes	40min
03 M7	Sydney	Migration	Male	Yes	Yes	41min
04 M6	Sydney	Refugee	Female	Yes	Yes	34min
05 M10	Sydney	Both	Female	No	Yes	38min
06 M11	Melbourne	Migration	Male	No	Yes	60min
07 M12	Sydney	Both	Female	No	Yes	65min
08 M13	Melbourne	Migration	Female	No	Yes	46min
09 M14	Brisbane	Refugee	Female	No	Unknown	29min
10 M15	Sydney	Migration	Female	No	Yes	40min
11 M16	Melbourne	Migration	Male	No	Unknown	73min
12 M17	Melbourne	Refugee	Male	No	Yes	44min

Among the 12 members, three (M3, M6 and M7) participated in the abovementioned observations, and nine were new participants, coded as M9-M17. Most members were in Sydney and Melbourne, with only one residing in Brisbane. At least 10 out of the 12 interviewed members were reappointed to the ART after AAT was restructured in 2024. This means that most participants' perceptions and practices collated in this study are not only reflecting their practices in the past but can be deemed to also be relevant to the current ART practice.

Interviews lasted approximately 30 minutes, with a few lasting longer than others. The interviews were semi-structured, with a list of questions prepared beforehand (see Appendix). The interviews were conducted online through Microsoft Teams and recorded using the Teams recording function. The transcription was automated by Microsoft Teams and proofread by the first author. The transcriptions were coded via NVivo 14. Responses were grouped in a main theme that subsumed categories, subcategories and codes bringing together recurrent ideas, concepts or themes. Only themes and subcategories relevant to this article are discussed below.

4.2 Reasons behind introducing the interpreter's role

The first observation drawn from the data is that participants reported practices that aligned closely with the field observations. The interviewed members

consistently indicated that they include, as part of their introductory remarks, a dedicated segment on the role of the interpreter and how to work with them. For example, M11 described a structured and comprehensive approach to introducing the interpreter's role at the outset of the hearing, as seen in the quote below.

Quote 1: "In my instructions of my hearings, I do an introduction about the role of the interpreter, so just very quickly what I say at the outset: 'We've retained an interpreter to assist, to communicate with each other every day and to assist any witnesses. Today's not to test your English language skills. The interpreters are independently trained and qualified professionals whose role is to provide first person interpretation of what we say.' And then I say 'there's some things we can do to help interpreters do a good job, which is short sentences', but explain 'if there are long answers, just break it in parts', and also that 'when the interpreter starts interpreting, it is important that no one in the hearing room talks over them because it becomes confusing'. [...] And then 'do they have any questions about the role of the interpreter?' [...] 'if you have any concerns about the interpretation, please let me know and I'll address them in time.'" (M11)

While such observations confirm the prevalence of introductory comments about interpreters in the members' practice, the semi-structured interviews shed further light on the motivations underlying these practices.

4.2.1 Establishing a procedural contract for applicants and witnesses

To inform the process. One of the most frequently cited reasons for introducing the interpreter's role was to inform applicants and witnesses about how interpreted hearings function. Participants highlighted the benefits of using such an introduction to inform the applicants and witnesses of the best way to work with interpreters, as many had no experience working with interpreters before, as seen in the quotes below.

Quote 2: "I feel I need to generally at the beginning of a hearing—because it's a strange process for an applicant, it shouldn't be for the interpreter and it's not for me—I might just tell the applicant how it works. [...] So, it's a process that we just need to get used to, but after a few minutes you'll probably get the hang of it. So, I try to control it that way." (M13)

Quote 3: "The whole opening remark is that it's a chance to do a few things. Obviously, a major one is to inform the parties about the process." (M16)

M13's remark that the hearing "shouldn't be a strange process for the interpreter" suggests an underlying expectation that interpreters are already acquainted with tribunal protocols and hearing procedures. These comments support the rationale proposed by Tebble (1999), who opined that the *contract* could be established for the benefit of those who worked with interpreters for the first time. As will be shown in the following sections, however, the members' motivations for such introductions extend beyond what Tebble originally envisaged.

To check understanding and appropriateness. Beyond informing applicants and witnesses about the hearing process, another key reason cited by interviewed members for introducing the interpreter's role was to assess the initial dynamics between the interpreter and the applicant. Members in my observations typically asked the applicants whether they can understand and are comfortable with the assigned interpreter (see Section 3). This is often the first direct interaction between the members and the applicants in hearings. M12's

comment below revealed that she used the role introduction to see if interpreters and applicants were communicating well, as seen in the quote below.

Quote 4: “That’s a little bit of an opportunity to see how things are at the start. [...] So, the big one about that is obviously you need to know if they understand the interpreter.” (M12)

This reason is echoed by other participants. Participants noted that inviting applicants to comment on their understanding or comfort with the interpreter provides an opportunity to identify potential issues, including possible conflicts of interest or dialect mismatches. Such concerns are closely tied to the principle of procedural fairness. Under the *Migration Act 1958 (Cth)* (Australia, 1958), the Tribunal is required to afford applicants an opportunity to present their case, which includes the provision of an interpreter if necessary. In this context, the interpreter role introduction not only facilitates the interaction but also serves procedural purposes.

To build respect and reassurance. In the interviews, several participants reported introducing interpreters as “professionals”, describing them as “trained”, “certified”, and independent from the Tribunal. Interestingly, after sharing his screen to display his introductory script, M16 realised that the description he routinely used was not entirely accurate, as seen in the quote below.

Quote 5: “So this one (Our interpreter is a professional interpreter who’s been trained and certified to interpret everything accurately and impartially and maintain strict confidentiality) obviously is to the parties, to try to assure them that this is a professional interpreter. You know, he’s been certified—Well, some of them haven’t been certified, so that’s actually not quite accurate. I might need to change that. [...] The other one is just also to let the parties kind of calm down a bit because it’s a very stressful situation. So having one of these things that might go on for about 5 minutes might just be a good chance for them to calm down and might also get them used to my voice and my way of operating.” (M16)

M16’s comment reveals a deeper motivation behind this introduction: to reassure applicants and help them “calm down”, in what is often a stressful situation in tribunal hearings. Beyond this, he further elaborated:

Quote 6: “But in terms of the interpreters, I think it’s important to let them know that I respect them. I say that “we are working with an interpreter”. I’m not saying that “we have an interpreter who is working for us”, because they’re professionals. They work on our level. They’re not subordinate to us. They are basically on the same level as we are.” (M16)

This comment is illustrative of this participant’s respect for interpreters. Such an attitude of wanting to build and demonstrate respect for interpreters contrasts with interpreters’ own accounts of not always being treated as professionals or feeling respected in other institutional settings (Crezee, Jülich, & Hayward, 2013; Hale & Napier, 2016). As seen in Quote 6, M16 acknowledged that not all interpreters working in the tribunal are certified, which might be particularly true for languages for which certification or training are unavailable. Yet still, M16 deemed it important to let the interpreters know that he respects them, regardless of their actual certification or qualification levels. In an Australian survey of interpreters, Hale (2011) found that untrained interpreters were more likely to complain that they are not respected by legal professionals than trained interpreters. From this result, it might be postulated

that some legal professionals could base their respect for interpreters on positive appraisals (e.g., interpreters' qualifications or performance). In contrast, M16's response above indicates that his respect for interpreters is not merely based on positive appraisals but rather reflects a principled recognition of interpreters as a professional group in their own right, which could arguably be seen as a higher and more profound level of respect.

Similarly, M11, who also reported introducing interpreters as "independently trained and qualified professionals" (see Quote 7) at the outset of hearings, explained that he used the introduction to establish respect for interpreters within the hearing room, as shown in the quote below.

Quote 7: "So that's my start. I want to set up the interpreter as a respected part of the hearing and acknowledge their professionalism, because I think it's an incredibly difficult thing to do." (M11)

In other words, by explicitly framing interpreters as professionals, the member sought to foster applicants' and witnesses' respect for interpreters' role and contribution. This approach aligns with practices observed in investigative settings, where officers similarly introduce interpreters and explain procedures to interviewees as a way to establish trust, rapport, and a productive working relationship (Goodman-Delahunty & Howes, 2017).

4.2.2 Establishing a contract for interpreters

Several participants indicated that the interpreter role introduction is not solely directed at applicants and witnesses; rather, it also serves as a communicative contract for the interpreter, as seen in the quote below.

Quote 8: "So that's really important for me to explain to the interpreter as well as the applicant and the representative and anyone else in the room, so that everyone is clear about what their role is, because, again, I know for some interpreters, it's their first time, and so that is important. And for the applicant, it's often their first time before us, so it's very important. So, it's for everyone." (M12)

M12's emphasis on role clarity in Quote 8 suggests that the introductory remarks are designed to align participants' expectations to interpreters' conduct and boundaries from the outset. M16's quote below extended this rationale, describing the role introduction as a strategic reminder to interpreters about their ethical responsibilities.

Quote 9: "But it's also a bit of a reminder to the interpreter themselves about making sure that they're accurate and impartial and, you know, make sure that they don't leak on to their friends about it. [...] Some communities are quite small, and people might know each other; if they don't know each other, they might have mutual friends. So, I think that's important". (M16)

Here, M16 links the interpreter introduction to core professional principles of accuracy, impartiality, and confidentiality, particularly in the context of tight-knit language communities where personal connections could compromise neutrality.

Interestingly, one participant, M3, described adapting the way she introduced the interpreter's role in response to a pattern of perceived unprofessional conduct by a particular interpreter, as seen in the quote below.

Quote 10: “Just occasionally there’s one interpreter [...] I’ve had repeated cases where I can tell he’s trying to help the applicants. I’ve tried multiple times. I’ve even changed the way I’ve done my introduction to say, ‘It’s not your job to assist the applicants in any way. You need to be independent’, specifically with this man.” (M3)

This example illustrates how the interpreter role introduction can be tactically deployed to manage previously perceived problematic behaviour. What is particularly notable in M3’s comment is the shift in addressee: unlike other members who directed their introductory remarks exclusively to the applicant, M3 tailored her introduction directly to the interpreter, using the second-person pronoun (e.g., “you need to be independent”) to assert role boundaries. In the observed hearings, even when outlining interpreter boundaries (see Section 3.3.1), members were addressing the applicants and referring to the interpreter in the third person (e.g., “the interpreter is not to offer advice”). M3’s quote is the only example in the dataset that demonstrates an explicit attempt to establish the *contract* directly with the interpreter. Notably, such a strategy was not observed in any of the 20 hearings, including the two hearings M3 presided over (Hearing 3 and Hearing 6), confirming M3’s comment that it was meant for a specific interpreter only. While the approach to establishing the *contract* and outlining the role boundary for the interpreters may not substitute systemic solutions such as quality assurance or formal training, it reflects members’ practical strategies. These measures are especially significant given the scale and linguistic diversity of cases handled by the Tribunal. For languages where certification exams and interpreter training programs are absent or underdeveloped, concerns regarding the performance of interpreters may arise.

4.3 Training as a main contributing factor

Where participants demonstrated a sound understanding and knowledge about working with interpreters, follow-up questions were posed regarding how they acquired such knowledge. More than half of the interviewed members attributed their competence in working with interpreters to their participation in interpreter-focused training (see quotes 11 and 12).

Quote 11: “When we’re first inducted into our roles, we get some onboard training around working with interpreters. Sometimes we get some presentations.” (M14)

Quote 12: “And we have annual sessions with Professor Sandra Hale and there’s usually a panel of interpreters. It’s always valuable. [...] I take it seriously. Every year I go to the session; I listen.” (M11)

These comments illustrate that the heightened awareness among the interviewed members stemmed, at least in part, from participating in interpreting-related training. Additionally, M11 referenced having consulted other materials and resources, referring to “the standards for interpretation”. Though he did not specify which documents he was referring to, it is possible that he was alluding to the RNS, given the context. Notably, M11 was the only participant who mentioned referring to policy documents.

These insights reinforce the importance of equipping other professionals with the skills and knowledge required to manage or navigate interpreted interactions. As mentioned by the participants, the training sessions are provided by Professor Sandra Hale from the University of New South Wales. A glimpse of such training workshops could be seen in the descriptive article Hale

(2015) wrote outlining her presentations. Training initiatives, such as those described above, not only enhance procedural fairness but also foster more collaborative and respectful working relationships between interpreters and other professionals. The Tribunal's institutional commitment to training provides a strong explanatory basis for the observed members' practices among participants, particularly in the ways they introduce and manage interpreter roles.

5. Conclusion

Through analysing and comparing data from the observations of migration review hearings and in-depth interviews with tribunal members, this article examined the way in which and the reason why tribunal members introduced interpreters and their role and thereby established the *contract* for interpreting services provided in migration/refugee review hearings in Australia.

The analysis of observational data suggests that tribunal members in this study adopted a protocol to introduce interpreters and interpreting that is overall aligned with the RNS (Standard 17.8). All eight observed members in 20 hearings dedicated a segment in their introductory remark to introduce the interpreter and interpreting issues. These members consistently introduced interpreters' neutral role, instructed applicants to speak in short paragraphs, and checked if the applicants could understand the interpreters. Nonetheless, when additional participants joined the hearing remotely after it had commenced, some members reiterated the interpreter role clarification for these individuals, while others did not. Legal representatives were also not reminded of appropriate protocols for working with interpreters, such as how and when they might intervene during interpreted exchanges. A more inclusive and consistent practice would involve establishing the interpreting contract with all users of interpreting services, regardless of the language they speak or the time at which they join the proceedings. Furthermore, no members were observed to confirm the interpreter's qualifications or to state that the interpreter had acknowledged the Code of Conduct, as recommended by the RNS (Standard 17.6).

The findings in the interviews with 12 members demonstrated a good level in participants' understanding of and respect for interpreters' work. The study showed that members established the *contract* not only to inform applicants and witnesses who potentially had limited experience and knowledge about working with interpreters, but also for some interpreters who might have less working experience or less perceived professionalism. These considerations illustrate a high level of awareness achieved among some tribunal members to jointly safeguard the quality of interpreting in migration/refugee review hearings. Importantly, participants attributed this awareness to interpreting-focused training sessions. This indicates that dialogue and mutual understanding between other professionals and interpreters are not only attainable but also effective. Nevertheless, as Hale (2015) noted, "it takes much more than raising awareness among the legal profession to ensure quality of interpreting services. The quality of practising interpreters must be the first priority..." (p.176). Establishing the contract by introducing the interpreter's role and respecting interpreters' work, albeit commendable and necessary, do not guarantee quality interpreting; paying appropriately to hire competent, qualified, well trained professional interpreters does.

A limitation of this study is that observations were conducted without access to audio or video recordings, which may have constrained the level of

detail captured, particularly in relation to tone, pacing, and precise wording. Additionally, the observation schedule was arranged by the Tribunal administration, and participation in interviews was voluntary. This introduced the possibility of sample bias, as those who agreed to participate may already be well-informed and reflective members with existing awareness of best practices for working with interpreters. While it is possible that participants may be more inclined to adhere to recommended protocols when being observed, the findings from interpreter interviews reported elsewhere in the larger study corroborate the observations presented in this article. Nonetheless, the study contributes meaningfully to ongoing discussions around the establishment of the *contract* for interpreting users and offers a contrast to previous empirical research in which such introductions by other professionals were often the exception rather than the norm. Future research could build on these findings by experimentally examining the effects and efficacy of verbal contract practices on interpreter performance and interactional outcomes.

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Appendix

Interview guide for tribunal members

Sociodemographic questions:

How long have you been working at the AAT?

How often do you preside over interpreted hearings? (e.g., how many per week, how many compared with non-interpreted cases, etc.)

Questions related to interpreting:

1. Could you describe your impression on and overall experience of working with interpreters, both as a speaker and a listener, during migration and refugee review hearings?
2. What kinds of case-related information is provided to interpreters when booking a hearing? What kinds of cases-related information could be provided?
3. What is your understanding of the role of the interpreter? Do interpreters always act according to the role expectations?
4. Have you ever needed to adjourn a hearing because of interpreting issues?
5. What may suggest to you that an interpreter is not professional and/or ethical? (examples) What do you do under those circumstances?
6. What are the most common problems or challenges (either for you or for the witnesses) that arise when working with interpreters?
7. Do interpreters ask for clarification/repetition in hearings? If yes, how do they do that? Does it always happen like that?
8. Have you encountered any instances when the applicants and/or their legal representatives challenge the interpreter's performance? What did/would you do in that situation?
9. What do you think of telephone/online interpreting?
10. Is there a channel for you to give feedback about interpreting issues?
11. How do you think different parties can do better to improve the interpreting services?