

PRACTICE DIRECTION NUMBER 3 OF 2010

SUPREME COURT OF QUEENSLAND

INTERPRETERS: SUPREME COURT

The purpose of this Practice Direction is to streamline the process of engaging an interpreter in criminal proceedings pursuant to an order of the court made under s 131A of the *Evidence Act 1977*, and for bail applications and applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

1. (a) Unless the court otherwise orders, a party to a criminal proceeding, an application for bail or an application under the *Dangerous Prisoners (Sexual Offenders) Act 2003* needing the court to appoint an interpreter to assist his or her comprehension of the proceeding or to interpret between the court and a witness (including an accused person giving evidence) must file and serve on the other party or parties to the proceeding and, for an application under the *Dangerous Prisoners (Sexual Offenders) Act 2003* the Crown Solicitor, an application for the appointment of an interpreter and supporting affidavit material.
 - (b) The application should be filed no later than seven days after the proceeding is set down for hearing or 28 days prior to the hearing date, whichever is the earlier.
 - (c) The affidavit should –
 - (i) specify the language and the dialect (if applicable) of the non-English speaking witness and any special requirements;
 - (ii) identify the source through which the engagement of an appropriately qualified and accredited interpreter might be arranged; and
 - (iii) state by whom the interpreter's fees and expenses would be borne.
2. On the hearing of the application, the court may—
 - (a) direct the registrar to locate and retain an interpreter;
 - (b) direct the registrar to seek directions from a judge should the registrar encounter difficulty; and
 - (c) make further or other orders as appropriate.

3. The court will bear the cost of interpreting the proceeding to an accused person where the interests of justice require the appointment of an interpreter for that purpose.
4. Unless the court orders otherwise, the costs of interpreting between the court and a witness will be borne by the party calling the witness or giving evidence.
5. When the interests of justice require, the costs of interpreting between the court and an accused person giving evidence will be borne by the court.
6. Where an interpreter has been retained by the Registrar, and it becomes apparent prior to the hearing that his or her services will no longer be required, the Registrar must be advised forthwith, so that the retainer may be terminated and costs not unnecessarily incurred.
7. A Registry officer will be designated to facilitate communications between the profession and the court, and between the interpreter and the court. That officer may be contacted at: courtinterpreters@courts.qld.gov.au.
8. This Practice Direction does not affect the capacity of a party otherwise to engage, at that party's expense, an interpreter to assist a party's comprehension of a proceeding in court.
9. The current practice in civil proceedings, where a party requiring the services of an interpreter engages the interpreter and bears the expense of doing so, will continue.



Paul de Jersey
Chief Justice
10 June 2010