

Policy: Interpreter and Translation Services

Purpose

This policy gives effect to legal principles and clarifies NSW Trustee & Guardian's use of interpreters and translators, to enable effective customer service to all customers, regardless of their disability, cultural or linguistic background.

The provision of language services helps make the services provided by NSW Government agencies more accessible to people who have limited English or prefer to communicate in a language other than English, in accordance with the [Multicultural Principles](#).

This policy should be read in conjunction with the Interpreter and Translation Services Procedures.

Policy statement

NSW Trustee & Guardian staff will use language aids, interpreters and translators to provide equitable customer access to our services where required when English is not their first language or if they have a hearing impairment.

The policy gives effect to the following legal principles:

- people must have mental capacity to execute documents and enter into legal transactions,
- people must execute documents and enter into legal transactions of their own volition, that is there must be no undue influence, no unconscionable conduct, no improvident transactions and with informed consent,
- people are able to understand the full nature and purpose of the legal document they sign or any legal transaction they enter into.

The policy also gives effect to [the principles of the Guardianship Act 1987 \(NSW\)](#) which we have an obligation to observe, including but not limited to:

- the freedom of decision and freedom of action of such persons should be restricted as little as possible,
- such persons should be encouraged, as far as possible, to live a normal life in the community,
- the views of such persons in relation to the exercise of those functions should be taken into consideration,
- the importance of preserving the family relationships and the cultural and linguistic environments of such persons should be recognised,
- such persons should be encouraged, as far as possible, to be self-reliant in matters relating to their personal, domestic and financial affairs.

NSW Trustee & Guardian will use and pay for language aids, interpreters and translators to provide equitable customer access to our services where required, when English is not their first language or they have a hearing impairment. To ensure the service is equitable, customers of NSW TG do not pay the charges of professional interpreter services. Customers

do not pay for charges for translated materials, except in relation to deceased estates, trusts, civil forfeiture matters and power of attorney services. This is due to specific laws that provide for payment of costs from the estate or relevant fund under testamentary expenses.

Matters will be referred to Director Trustee Services as needed.

The level of language assistance required will depend on the customer's needs. This may range from seeking assistance from a staff member accredited under the [Community Language Allowance Scheme \(CLAS\)](#) for general information; a telephone interpreter; or formal face to face interpreting and translation. [CLAS accredited staff](#) have a basic level of competency in a language other than English and their language can be used to assist customers with general enquiries. Eligible staff have either passed a CLAS examination or have [National Accreditation Authority for Translators and Interpreters \(NAATI\)](#) recognition at a para-professional level.

CLAS accredited staff are not qualified interpreters and must not interpret or translate legal or financial documents such as Wills, Powers of Attorney, Enduring Guardianship Appointments, contracts, deeds, agreements. These documents require a qualified interpreter or translator.

Scope

All NSW Trustee & Guardian staff engaging with customers who require language assistance.

Related resources

Interpreter and Translation Services Procedures

Definitions

Customer: a person represented by NSW Trustee & Guardian. Or in cases where the customer cannot communicate with us, NSW Trustee & Guardian directly, the guardian or their support person. Where NSW Trustee & Guardian has to speak to family members who require an interpreter to deliver service to the customer, these people would be considered customers for this purpose. Beneficiaries are considered customers for the purposes of this policy.

Community Language Assistance Scheme (CLAS): an allowance paid to accredited employees who have a basic level of competency in a language other than English. The Community Language Allowance Scheme has been established to address the need for government agencies to provide on-the-spot assistance for simple, uncomplicated matters. Some examples include answering counter enquiries, community education, providing directions to another office, or making appointments for a further visit.

Interpreting: the oral rendering of a spoken message from one language (source language) into another language (target language). An interpreter is a person who orally renders the message of the source language into the target language. In the case of sign language, interpreters render the meaning of sign into speech and vice versa.

Language Assistance: a term, which covers the full range of communication assistance that may be required to facilitate communication between the staff member and a customer

having difficulty understanding the English being used. This could range from Community Language Assistance Scheme recipient to a professional interpreter or translator.

Translating: the written conversion of a text from one language (source language) into another language (target language). A translator is a person who transfers in writing a written message from the source to the target language.

Document information

Title:	Interpreter and Translation Services Policy
Owner:	Customer Experience
Approver:	CEO Adam Dent
Date of Effect:	15 March 2021
Next Review Date:	15 March 2024 (no later than three years)

Document history

Version	Date	Reason for amendment	Name/s
1.0	01/01/2019	Policy to apply across whole of NSWTG client services, replacing all previous OPC and PT policies	
1.1	04/05/2011	Incorporation of feedback on policy and to reflect feedback from within NSWTG and put in place the payment provisions.	
1.2	04/05/2011	Clarify the legal position for deceased estates	
1.3	05/05/2011	Clarify service delivery standards and options for translation and interpreter services	
1.4	17/01/2012	Reflect the need for client service staff to engage interpreters appropriately to provide professional service to clients and family members of non-English speaking background.	
1.5	17/02/2012	Reflect consultations with Manager Diversity Services DAGJ, Director Assistant Director Client Services and Director Client Services	
1.6	20/02/2012	Clarification of charging	
1.7	31/05/2012	Change in circumstances where a CLAS recipient can explain a will	
1.8	14/06/2012	Account code inserted	
1.9	22/03/2013	Links to TIS Interpreting Forms & CRC Interpreting Form added	
2.0	13/02/2017	Updates to links and service providers	
2.1	13/02/2017	Update to when CLAS speakers can be engaged and clarify the charging to the business for professional interpreters.	
2.2	05/07/2019	Update links to Multicultural NSW	
2.3	01/09/2020	Policy Statement updated to included reference to the Guardianship Act	
2.4	01/09/2020	CLAS and NAATI hyperlinks included	