

Guide for interpreters

This guide is designed to provide background information about the Mental Health Tribunal (Tribunal) and the specific context and requirements for interpreting in Tribunal hearings.

About the Mental Health Tribunal

The Tribunal conducts hearings to determine whether a person requires compulsory treatment for mental illness. Compulsory mental health treatment can be provided to a person even if they do not want and do not consent to treatment. The Tribunal also conducts hearings to decide whether to approve electroconvulsive treatment (ECT) for some patients.

The Tribunal is established by law and is independent from the hospital or health service where the hearing is held.

There are three members on each division of the Tribunal – a legal member, a community member and a psychiatrist or medical member.

Tribunal hearings

The parties to a Tribunal hearing are usually the patient and the treating team from the hospital or community mental health clinic. The patient may be supported by members of their family and a lawyer. Occasionally, interpreter services are requested due to the needs of the patient or members of their family. The treating team may include one or a number of people such as a psychiatrist, doctor, nurse or case manager.

Everything discussed at a hearing is private and confidential. The patient's identity, their treatment and all matters discussed at the hearing cannot be discussed with anyone outside the hearing.

Hearings are generally not as formal as court hearings. For example, evidence is not given under oath or affirmation. Tribunal hearings are more like a meeting and are conversational in style.

The Tribunal members will introduce themselves and provide an outline the hearing process. This may include a brief explanation and summary of the law the Tribunal must apply in reaching a decision. Under the law the Tribunal needs to consider:

- whether the person has a mental illness
- whether they need immediate treatment for their mental illness (and if so why), and
- options for how the treatment can be provided.

These matters will be the focus of what will be discussed at the hearing. Everyone's perspective is relevant and important. The Tribunal will ask questions and listen to each of the parties.

At the end of the hearing the Tribunal will ask everyone to leave the room so that the Tribunal members can talk in private and make a decision. Everyone will be invited back into the room for the Tribunal to



explain their decision and to provide the patient with a written determination which is a record of the decision.

If the Tribunal makes an **Inpatient Treatment Order** the patient will receive compulsory mental health treatment in hospital.

If the Tribunal makes a **Community Treatment Order** the patient will receive compulsory mental health treatment while living in the community. For example, the patient may be required to attend fortnightly appointments at a community mental health clinic to have an injection.

If the Tribunal **approves an application for ECT**, this treatment may be provided while the patient is in hospital; while living in the community; or at an aged care facility.

Role of interpreters at the hearing ...

- When introducing yourself, please state your name and level of NAATI accreditation.
- Sit next to the patient or family member requiring interpreter services.
- Interpret everything faithfully and impartially in the first/second person. Even though interpreting faithfully does not mean that you should interpret word-for-word, it is still important that the Tribunal hears evidence that may indicate the patient is:
 - thought disordered, for example, making nonsensical or bizarre statements or saying things that are strange
 - confused and disorientated to time and place, or
 - experiencing problems with their memory.

Therefore when interpreting you should not correct incongruent wording or expressions used by the patient. It is also expected that you will interpret vulgar language, including expletives.

- Advise the Tribunal if you are having difficulty understanding the members, the patient or any other person involved.
- There is likely to be discussion about medical conditions and medication. Ask for clarification or spelling or repetition of any part of the discussion if you require it.
- Advise the Tribunal if there is too much dialogue to be interpreted at any one time.
- Explain to the patient and their family that your role is to assist communication between the parties and the Tribunal.
- Ask for a break if needed.

Safety

Some patients may need your assistance prior to the hearing, for example, to go through the Compulsory Treatment Report prepared by the treating team. Interpretation of written materials prior to a hearing can assist the hearing process. However interpreters should never be alone with a patient or family members. A member of the treating team must always be present.