

Using interpreting services: conflict of interest



Government of South Australia
Department for Communities
and Social Inclusion

Real conflicts of interest

A real conflict of interest is one where there is an actual conflict between an interpreter's duties and responsibilities, and their private interests. This is particularly true when the interaction could result in, or be manipulated to result in, financial gain for any party involved.

EXAMPLE – when the interpreter is also a relative of the person who has limited English language proficiency

Although the credentialed interpreter is expected to act impartially, a conflict may arise if the interpreter acts in a particular way to protect their own interest and/or to protect their relative.

EXAMPLE – when the interpreter is also the registered migration agent of the person with limited English language proficiency

The interpreter has an active interest in the outcome of the case, which could impact on their capacity to be impartial in their interpreting responsibility.

Perceived conflicts of interest

A perceived conflict of interest can exist where a third party could form the view that an interpreter's private interest could improperly influence the performance of their duties, now or in the future.

EXAMPLE – when the interpreter is also a decision maker in a child support case.

It may be perceived that a conflict of interest exists as the interpreter is not seen to be acting impartially and independently from the decision-making process.

Avoiding conflicts of interest

Conflicts of interest can be identified and avoided through the effective use of credentialed interpreters and translators. NAATI-accredited interpreters and translators are bound by the Australian Institute of Interpreters and Translators (AUSIT) Code of Ethics, which requires disclosure when a conflict of interest occurs, or has the potential to occur.

Although the onus of declaring a conflict of interest rests with the individual interpreter, departmental staff should encourage the disclosure by:

- directing staff to ask the interpreter whether there is a real or potential conflict of interest before the assignment, and
- requesting interpreters to sign a conflict of interest declaration before the engagement.

To minimise any possibility of conflicts of interest in the future, departmental staff should record any relevant information on a client's file.

Bilingual staff and conflict of interest

A conflict of interest can arise when a bilingual staff member fulfils both the role of decision maker and interpreter.

While Government agency staff must adhere to the South Australian Public Sector Code of Ethics, the scope of this Code is not explicit in regard to circumstances where a bilingual staff member is communicating with individuals or groups. Staff are not bound by the AUSIT Code of Ethics which requires disclosure of any real or potential conflict of interest.

Refer to [The role of bilingual staff](#)

Family and friends and conflict of interest

Where information is complex, technical or sensitive, it is strongly discouraged to rely on a client's family member, friend or carer to provide interpreting. Should this occur, a conflict of interest may arise.

If a family member, friend or carer acts as an interpreter in a situation where a conflict of interest cannot be avoided, that conflict of interest must be appropriately managed and documented. Consent should be sought from the client to rely on the family member, friend or carer to interpret, particularly if they have a financial or other vested interest in the matters under discussion.

Refer to [Can family and friends provide interpreting services?](#)