



Fact sheet 7: Using interpreting services: conflict of interest

This guide is for use by service providers to consider the different real and perceived conflict of interests that can arise when using interpreting services.

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 requiring the interpreting service

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

Example – when the interpreter is also the registered migration agent of the person requiring the interpreting service

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 forms 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.

National Accreditation Authority for Translators and Interpreters (NAATI) credentialed 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, government agency 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
- requesting interpreters to sign a conflict of interest declaration before the engagement.

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

Bilingual staff and conflicts 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 about 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.

For more information, refer to Fact sheet 6: The role of bilingual staff in your organisation.

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.

For more on the risks of family or friends providing interpreting services, please refer to Fact sheet 5 - Can family and friends provide interpreting services?

Supporting resources

This document is part of a series of resources available to other South Australian Government agencies when developing their interpreting and translating policies.

South Australian Interpreting and Translating Policy for Migrant and Non-Verbal (Sign) Languages

Fact sheets

Fact sheet 1: Using interpreting services – a guide for service providers

Fact sheet 2: Using translating services for written materials

Fact sheet 3: Language list by country and place

Fact sheet 4: Deciding when to use an interpreting service

Fact sheet 5: Can family and friends provide interpreting services?

Fact sheet 6: Role of bilingual staff in your organisation

Fact sheet 7: Using interpreting services: conflict of interest

Fact sheet 8: Interpreting services: your rights and responsibilities

You can access all of the interpreting and translating resources on the [Department of the Premier and Cabinet website](#).

For more information:

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