

# Magistrates Courts

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## Practice Direction No. 6 of 2017

### Engaging Interpreters for domestic and family violence civil proceedings in Magistrates Court

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1. This Practice Direction applies only to a private domestic and family violence civil proceeding before a Magistrates Court (“the court”). It does not apply to the following:
  - 1.1. A police domestic and family violence civil proceeding;
  - 1.2. Where the Court is a Childrens Court hearing a child protection proceeding;
  - 1.3. Where the Court convicts a person of an offence involving domestic violence;
  - 1.4. Criminal proceedings and bail applications before the court;
  - 1.5. Other civil proceedings before the court.
2. The purpose of the Practice Direction is to provide direction about:
  - 2.1. When the court, rather than the aggrieved or the respondent, will take responsibility for engaging an Interpreter; and
  - 2.2. Who will bear the cost of engaging an Interpreter?
3. For the purpose of this practice direction:
  - 3.1. “a private domestic and family violence civil proceeding” means an Application for a domestic violence order or an application for a variation of a domestic violence order made by an aggrieved person being a person who is not an officer of the Queensland Police Service;
  - 3.2. “a police domestic and family violence civil proceeding” means an Application for a domestic violence order or an application for a variation of a domestic violence order made by an officer of the Queensland Police Service;
  - 3.3. “first mention” means the first time a private domestic and family violence civil proceeding is before the Court; and
  - 3.4. “the Registrar” means the Registrar of a Magistrates Court at the court location where the application is filed.
4. The Registrar will ensure that where a private domestic and family violence proceeding is received in the Registry, the applicant/aggrieved has indicated on the Application whether an Interpreter is required for the aggrieved or respondent.

5. The Registrar will then:
  - 5.1. Identify the language and dialect (if applicable) of the non-English speaking aggrieved/respondent and any special requirements;
  - 5.2. Specify the level of qualification and accreditation required of an interpreter;
  - 5.3. Identify how the Interpreter will be engaged;
  - 5.4. Locate and retain an Interpreter; and
  - 5.5. If the Registrar encounters difficulty engaging an Interpreter for the first mention, the Registrar will seek directions from a Magistrate.
6. The Queensland Courts Service will arrange and pay for an Interpreters to assist the aggrieved's and/or respondent's comprehension of the proceeding at the first mention or to interpret between the court and the aggrieved and/or respondent at first mention.
7. Where an Interpreter has been retained by the Registrar, and it becomes apparent prior to the first mention that the Interpreter's services will no longer be required, the Registrar must be advised forthwith, so that the retainer may be terminated and costs not unnecessarily incurred.
8. At the first mention, if the Court is satisfied that the interests of justice require an Interpreter to be appointed to assist the aggrieved's and/or respondent's comprehension of the proceeding, or to interpret between the Court and aggrieved and/or respondent giving evidence, the Court will order the appointment of an interpreter for further mentions. In these circumstances, Queensland Courts will bear the cost of Interpreter engagement.
9. This Practice Direction does not affect the capacity of the aggrieved or the respondent to otherwise engage, at their own expense, an Interpreter to assist their comprehension of a proceeding in court.



Judge Orazio Rinaudo  
Chief Magistrate  
Date: 2 June 2017