

# BEST PRACTICES FOR THE TRANSLATION OF OFFICIAL AND LEGAL DOCUMENTS

## 1. Scope

The following are AUSIT's recommendations for the translation of official and legal documents into English and other languages for use in Australia. They have been based on the NZSTI (the national association of interpreting and translating professionals in New Zealand) "Guidelines for the Translation of Official and Legal Documents" (© Copyright NZSTI 2005).

Disclaimer:

Some recipients of such translations (government departments, authorities, courts et al.) may have additional or varying requirements.

## 2. Heading

2.1 The translation should be headed "Translation from [source language]".

2.2 The translation may also be headed "Extract translation from [source language]" in the case of an extract translation, or "Certified (extract) translation from [source language]" if the translator adds a certification formula at the end (see 20.2).

2.3 In the case of translations into a foreign language, the corresponding heading should be written in that language.

## 3. Original/Copies (also see 20.)

The document to be translated is to be considered as:

- Original, if the latest stamp of issue or certification by the issuing authority of the country of origin or a related entity bears an original signature;
- Certified Copy/Certified Photocopy, if the latest stamp of certification in the document has been put in place by a party other than the issuing authority, i.e. a person authorised to authenticate copies by laws in force at the place of issue or in the country of use of the document. The person so certifying should be identified in the translation (e.g. J.P., notary);
- Uncertified Copy/Photocopy, if the latest stamp of issue or certification in the document is already included in the copy;
- Facsimile, if the document has been received by facsimile;
- Electronic copy, if the document has been received electronically.

## 4. Completeness and Correctness (also see 20.)

4.1 The source texts should be translated **completely and accurately**. Notes relating to publishing or printing matters do not normally require translation.

4.2 If the client requires only extracts to be translated, the sections that have been omitted should be indicated in the translation or a template for extract translations of standard documents be used that allows for all relevant translated information to be entered. Templates are available for download in the Members Area of the AUSIT website, [www.ausit.org](http://www.ausit.org).

## 5. Format/Layout

5.1 A full translation should approximately follow the format and layout of the source text.

5.2 If this is not possible, appropriate notes should be inserted within square brackets (e.g. [above right:], [left margin:], [vertical:], etc.). In the case of documents in which the text is not continuous (e.g. academic reports, family books, etc.), the page number of the source text should be inserted within square brackets before the text in question.

5.3 When translating forms, empty columns may be omitted or should bear the words "No entry/No entries" within square brackets.

5.4 Such typographical conventions as a dotted line used to prevent unauthorized insertions in the source text may either be reproduced or their meaning indicated by a Translator's note.

5.5 Signatures should be represented by the insertion of [signature] or [signed] only, and should not be copied and pasted into the translation as images. There is no need to indicate whether or not the signature is legible.

5.6 Logos, taglines or slogans should be identified as such within square brackets and not be copied and pasted into the translation as images. Relevant text within a logo or tagline may be translated within the brackets (e.g. [company logo; tagline underneath: 'Accredited provider']).

## 6. Special features

6.1 Mention should be made in the translation, by way of translator's notes, of special features in the document (e.g. erasures, hand-written corrections, deletions, etc.) which could be of significance in establishing the authenticity or otherwise of the source text.

6.2 Crossed out but still legible sections should be translated and a note inserted stating that they were crossed out in the source document. Alternatively, they may be translated and crossed out as in the source document. If such sections are not translated, a note should be inserted to this effect. A note is also required for sections which have been crossed out and are consequently no longer legible and parts of the document which are illegible.

## **7. Translation hardcopy (also see 20.)**

7.1 The materials (paper, pen, ink, etc.) used for the translation hardcopy must be acceptable for official purposes, able to resist erasure and indelible. For the translator's signature, the use of blue or red ink / a blue or red pen is recommended.

7.2 If the translation consists of several pages, these should be numbered sequentially and the total number of pages indicated (e.g. "Page 1 of 5").

7.3 A printout or photocopy of the source document may be attached to the translation.

7.4 The sheets should be joined together in such a way that any separation would cause externally visible damage (e.g. with staples, not paper clips).

7.5 The left hand corner of the sheets may be folded, stapled and sealed with the imprint of the translator's seal.

## **8. Electronic version of the translation (also see 20.)**

8.1 If the translation consists of several pages, these should be numbered sequentially, with the total number of pages indicated, and all pages should be contained within one file.

8.2 The translator's stamp and/or signature may be inserted as an image. The translation should then be saved and provided to the client in PDF format (or an alternative file format that typically hampers document manipulation). Alternatively, the translator may scan the hardcopy and provide the scan to the client.

8.3 Using an appropriate software program, the electronic version of the translation may be protected against copying and/or editing of document contents.

## **9. Insertion of notes in the translation**

9.1 Translator's notes (i.e. notes of an explanatory, detailing or commenting nature) should be inserted in a suitable place in the text in the form of footnotes and should include the words "Translator's note". In translations into a foreign language, an equivalent translation of "Translator's note" should be employed.

9.2 All notes inserted in the translation including translator's notes, footnotes and other notes should be written within square brackets so they can easily be identified as such.

## **10. Names of official bodies and courts**

In cases where it is important for official purposes that the name of an official body, court or educational institution be left in the original language or transliterated, a translation of the name should be inserted in square brackets after the name or as a footnote. Alternately, a translation of the term may be followed by the original language version or a transliteration either in square brackets or in the form of a footnote.

## **11. Fee stamps, official seals and stamps**

Fee stamps, official seals and stamps in the source text should be mentioned in the translation within square brackets (e.g. [seal] or [stamp]) and should not be copied and pasted into the translation as images. Relevant text contained within official seals and stamps may be translated within square brackets, or explained in a note (e.g. [stamp; within: Mayor's Office, received 14 August 2014]).

## **12. Notes of Certification, Attestation and Authentication**

Notes of Certification, Attestation and Authentication should be translated or described in square brackets, indicating the issuing authority or person, place, date and reference number. Apostilles issued by competent authorities as part of the Hague Convention should be translated in full with their layout approximately reflected.

## **13. Address details**

Address details should not be translated. They should be transliterated or transcribed if necessary.

## **14. Numbers and dates**

14.1 Reference numbers (as opposed to dates) should be copied without change (e.g. as Roman or Arabic numerals).

14.2 To avoid ambiguity, on official documents intended for use in Australia, dates should appear in the format: 1 January 2004, with the month written in full.

14.3 Numbers written in words in the source text should also be written in words in the translation.

14.4 If the stated date is based on a different calendar, the conversion should be mentioned in a translator's note, i.e. [date converted].

## **15. Abbreviations**

Abbreviations should be deciphered and translated in full. If this is not possible, a note should be inserted to this effect. Very common and known abbreviations may be translated using equally known abbreviations in the target language (for example "e. g.", "et al." etc.).

## **16. Spelling/typing errors/discrepancies**

If the original document contains words with spelling/typing errors/discrepancies, they should not be corrected. However, a note should be inserted to this effect immediately following the error i.e. [sic].

## **17. Certificates and diplomas**

17.1 In the translation of certificates and diplomas, the type of school, the marks, the profession or the academic degree should be translated as accurately as possible. It is recommended that their original designation in the source language be inserted underneath in square brackets; if necessary, they should be explained in a translator's note. Academic titles that typically either precede or are appended to the name of their holder should not be translated, but may also be explained in a note within brackets.

17.2 The assessment of the Australian equivalent is the responsibility of the relevant authorities as applicable, e.g. AEI-NOOSR or Trades Recognition Australia. It is not the responsibility of the translator to attempt to indicate or explain exact equivalency with the Australian education system in marks or qualifications. The translator may include an appropriate footnote to that regard.

Example wording: *"[By law, the value of overseas qualifications in Australia is assessed by the competent authorities. This translation should not be seen as an assessment or validation of any qualifications.]"*

## **18. Names of people**

18.1 As a general rule, names of people and marks of nobility and titles that are part of the name (e.g. van, von) should never be translated, but copied in the original spelling, including diacritic marks. (Some titles, e.g. "Prince", "King" in Arabic, may be an exception to this rule and may be translated if they have an equivalent in the target language, depending on context.) Alternative spellings without diacritic marks can be added and/or explained in form of a translator's note, if the person concerned can produce a person's birth, marriage or death certificate, passport or driver's licence issued by Australian regulatory authorities containing such an alternative spelling. If other official Australian documents are submitted, the alternative name as given in these documents

may also be added, but a note should be inserted to this effect. In some languages, (e.g. in Slavonic languages) it may be necessary to indicate the masculine nominative form of a surname.

18.2 If it is difficult to distinguish between the first name and the surname of a foreign-language name, the surname may be written in block letters, or a footnote inserted indicating the surname.

18.3 If the language in question uses lettering other than Latin, the following applies:

18.3.1 If the person concerned can produce a person's birth, marriage or death certificate, passport or driver's licence issued by Australian regulatory authorities containing an existing transliteration or transcription of his/her name, this should be used in the translation. If other official Australian documents are submitted, the name as given in these documents may be used but a note should be inserted to this effect.

18.3.2 If the person concerned cannot produce any such document, his/her name should be transliterated. Transliteration should follow as closely as possible the transliteration standards recommended by the International Standardisation Organisation (ISO). A copy of the ISO standards for transliteration can be downloaded from the ISO website ([www.iso.org](http://www.iso.org)).

18.3.3 If transliteration of the original is not possible (e.g. Arabic script), the name should be transcribed according to their pronunciation and English phonetics.

18.3.4 When transcribing Chinese names, as a general rule, the translator should check the origin country of the client and his preferred/official translation, requesting proof if necessary. If this is not possible, the Hanyu-Pinyin system (without accents) should be employed and a note added that it was used to transcribe the name. Former common spellings may be added in brackets for clarification, if such spellings have been established for common use (e.g. Beijing [Pekin]). Note: Equivalent rules apply to Japanese.

## **19. Names of places and countries**

19.1 When translating into English, names of countries, places or other geographical designations should be written with the foreign spelling. If an English designation is commonly in use, then this should be employed instead. We recommend that all translators of official and legal documents use the designations contained in the Times Atlas or in the Lippincott Gazetteer or, for recent designations, in the Statesman's Yearbook (Macmillan Press), or designations from / verified with a credible online resource. The foreign spelling - as a transliteration or transcription if necessary - may be indicated in a note. Note: No. 18.3.2 and 18.3.3 also apply here.

19.2 If the translator is aware of changes to names of places or other geographical designations, he/she may state this in a note by adding [formerly ...] or [now ...].

19.3 In the case of translations into a foreign language, the same applies. Translation rules of the target language remain unchanged.

19.4 The official term used in the original document should not be changed when translating into another language (e.g. "Bundesrepublik Deutschland" should be translated "Federal Republic of Germany" in English, not German Federal Republic or FRG.)

## 20. Additional notes and translator's certification

20.1 An additional note should be inserted at the end of the translation, describing the type of document submitted for translation. Example:

**[Translated from the original, or: a certified photocopy, or: an uncertified copy, or: a facsimile, or: an electronic copy].**

If applicable, "Original sighted" may be added in parentheses.

The date of the translation should be stated, the translation stamped with the translator's stamp (see below) and signed.

If the translator does not have a stamp, he/she should add their name and accreditation details to the note. Example:

**[Translated from a certified photocopy by John Doe, Professional Translator**

**French > English, NAATI No. 12345].**

**[Date, Signature]**

Stamp:

If a stamp is used, this is recommended to be a round stamp of 45 mm in diameter containing the name, accreditation details and language pair (as can for example be purchased from NAATI). Note: The translation may be signed in the centre of the stamp if such space is provided.

The use of a round stamp of this kind is not compulsory but it is at any rate recommended. It is also recommended that each sheet of the translation hardcopy be sealed with the imprint of the translator's stamp and signature or initials of the translator. For the electronic copy, insertion of the signed stamp at the end of the translation suffices.

20.2 If the client has requested a "certified translation", the translator should add a certification formula. It can replace the simpler note described in 20.1 above and may be worded along the following lines:

"I, .....(include full name and accreditation details if no stamp is used), certify that this is a true and accurate translation, to the best of my knowledge, of ... (state the nature and title of the document and specify whether source was original or copy)."

Example:

**I, John Doe, Professional Translator French > English, NAATI No. 12345, certify that this is a true and accurate translation, to the best of my knowledge, of the birth certificate for ... (source document: electronic copy).**

The following sentence may be added, to facilitate the electronic use and submission of the translation, but leave its acceptance in only electronic form up to the recipient of the translation:

**A photocopy/a printout of the source document has been attached to the certified translation hardcopy.**

(The sentence informs that by checking the hardcopy, the recipient may verify whether the electronic copy of the translation has been presented together with the correct source document.)

20.3 The translator may choose to add a disclaimer underneath the certification (e.g. in smaller font) as to the authenticity of the source document. Example:

**The translator, in providing this certification, gives no warrant as to the authenticity of the source document. Any unauthorised change to the translation renders this certification invalid.**

In the case of translations into a foreign language, an equivalent additional note or certification should be inserted in that language. If the translator makes exclusive use of an English round stamp, he/she should at least insert a note in the language in question referring to accreditation status.

20.4 Documents to be presented to a court may require an affidavit instead of a simple certification. An affidavit sets out the translator's qualifications, lists and certifies each source document and lists the associated translations and certifies them as true and correct. Affidavits are usually prepared by the lawyers requesting the translation and need to be sworn or affirmed before a Justice of the Peace, who will stamp and sign each page of the affidavit, source documents (copies) and translations.

**certification** [ˌsɜːtɪfɪˈkeɪʃ(ə)n] / 1) свидетельство, сертификат, удостоверение, аттестат labor certification — справка о наличии профессии 2) выдача удостоверения 3) аттестация, сертификация 4) засвидетельствование, заверение (документа, факта) certification of signature — засвидетельствование подписи

**certified copy** заверенная копия

**issuing authority** ведомство, орган власти, издающий приказы, выдающий ордера, разрешения и пр.

**authenticate** [ɔːˈθentɪkeɪt] 1) заверять, свидетельствовать, подтверждать, удостоверить Syn: confirm, certify, attest 2) устанавливать подлинность The painting was authenticated as genuine. — Картину признали подлинной.

**facsimile** [fækˈsɪm(ə)li] 1. факсимиле 1) телефакс, факс (устройство электронной передачи документов) 2) факсимиле; (точная) копия (массива данных или программ) 3) факсимильная связь

**template** [ˈtempleɪt], [-lɪt]; = templet; лекало, образец, трафарет, шаблон

**layout** [ˈleɪaʊt] / 1) планировка, план, расположение; разметка

**tagline** подзаголовок (строка с дополнительной информацией о статье)

**illegible** [ɪˈleʒəbl̩] / нечёткий, неразборчивый, трудный для чтения

**hardcopy** документальная копия; печатная копия || выдавать документальную или печатную копию

**attestation** [ˌæteˈsteɪʃ(ə)n] 1) подтверждение; засвидетельствование (документа) I bowed down, and kissed the turf, in solemn attestation of my vow. — Я склонился и поцеловал землю, торжественно подтверждая свою клятву. 2) свидетельское показание 3) приведение к присяге

**attestation** 1) удостоверение, засвидетельствование (чего-л.) **notarial attestation** — нотариальное засвидетельствование 2) свидетельское показание

**apostille** [əˈpɒstɪl̩]; 1) замечание на полях, заметка 2) апостиль (печать на документе, для признания его за рубежом)

**апостиль** (печать, проставляемая компетентными органами (разными в разных странах) на любом нотариально заверенном документе, написанном в соответствии с требованиями Гаагской конвенции 1961 г.; документ с такой печатью автоматически действителен не только в стране выдачи, но также во всех государствах, подписавших конвенцию, т. е. при наличии такой печати не требуется консульских либо иных документов, удостоверяющих подлинность такого документа)