

Sworn translation – what to think of Plain language in terms of the Consumer Protection Act



Court interpreting hindrances

2011 bursary recipients

# The South African Translators' Institute and its Council



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Members who wish to reestablish the Gauteng, Kwa-Zulu-Natal or Interpreters Chapters should contact the SATI office. The same applies to anyone wishing to start a new chapter

The SATI constitution makes provision for members to form chapters if they wish 'to

be recognised as a distinct group on the grounds of their geographic proximity to one another or of a common interest that is acceptable to the Institute'. Chapters are formal structures of the Institute and operate in terms of a set of regulations approved by the members of the Institute. The intention of chapters is to offer members opportunities for networking and professional advancement, which can often be more readily achieved at a local rather than a national level



SATI Web-site: http://www.translators.org.za (South African Translators' Institute)



FIT Web-site: http://www.fit-ift.org (International Federation of Translators)



Journal of the South African Translators' Institute

Jenale ya Institute ya Bafetoledi ya Afrika-Borwa

Joernaal van die Suid-Afrikaanse Vertalersinstituut

Muratho is the Venda term for 'a bridge', the symbol of the communicative activity facilitated by language workers

Muratho ke lentšu la Sevenda le le hlalošago 'leporogo', gomme le swantšha kgokagano ye e hlolwago ke bašomi ba polelo

Muratho is die Venda term vir 'n "brug", die simbool van die kommunitkatiewe aktiwiteit wat deur taalwerkers gefasiliteer word

Information on the name of the journal is given in English plus two other official languages on a rotational basis (in this issue Sepedi and isiZulu).

Muratho accepts articles in all the South African official languages, provided they are accompanied by an English summary.

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Cover photo: Esfahan's 300 m long, 13 m wide, 33-arch Si-o-Seh Bridge, Iran. Photo by Reinoud Boers Other photos in this issue: Marion Boers, Pharos Dictionaries, dreamstime.com

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# Editor's Notes

nce our AGM is over in May, our thoughts will start to turn to our next big event – celebration of International Translation Day on 30 September. This is the day that allows is to raise the profile of the work that we do as translators and interpreters. The International Federation of Translators (FIT) is working towards having this day included in the list of those recognised by the United Nations; while this may not make much difference to us as practitioners, since we celebrate anyway, it will help raise the status of the celebration.

The theme chosen for this year's celebration is "Bridging Cultures". Below is the text of the communiqué issued by FIT in preparation for ITD 2011.

Imagine a world without translators: How would we communicate with each other? With nearly 7,000 languages spoken around the globe, trade and cultural exchange would be impossible. Leaders of nations could not talk to each other. Scientific discoveries could not be shared. Books could be read only by those who speak the author's language. Cross-border traffic would come to a halt. Breaking news would reach only a select few. The Olympic Games could not be held. Nations in distress would not receive assistance from more fortunate ones.

The professional translators, interpreters and terminologists represented by FIT member associations build bridges between cultures and facilitate communication that creates prosperity and cultural enrichment. They are brokers of peace and mutual understanding. They open national literatures to the world. They make international assistance in disaster areas possible. They are the voice of politicians, religious and intellectual leaders, and all other people who influence our daily lives. They are gatekeepers of information. They are cultural ambassadors. They are absolutely indispensable.

Thanks to translators, interpreters and terminologists, peoples around the world can preserve their cultural heritage while being active participants in the "global village". Cultural diversity makes our world a better place, but we have to understand each other

in order to avoid international conflicts and to help each other in times of need. We have to understand each other to appreciate our cultural differences. **Bridging Cultures** is the theme of both this year's XIX FIT World Congress and International Translation Day 2011, and the ultimate objective of all FIT member associations.

Member associations are encouraged to mark ITD through activities that raise awareness among the public of this important function of translators, interpreters and terminologists as well as giving practitioners the opportunity to celebrate their craft. This might be by highlighting the different cultures represented within the association, presentations on the challenges of cultural adaptation when translating, or considering the role of translators, interpreters and terminologists in world events, as just a few examples. However you do it, make 30 September a day of celebration!

Let us know what you think we should do to celebrate International Translation Day this year!

Until next time

### Marion

### **About FIT**

The International Federation of Translators is a world-wide federation of professional associations bringing together translators, interpreters and terminologists. With more than 100 members in 55 countries, it represents the interests of nearly 100,000 language professionals. Further information can be found on the FIT website: www.fit-ift.org.

## To swear or not to swear?

n relation to sworn translation, the important thing is not whether you want to swear to the truth and accuracy of a translation, but whether you have been sworn in by the relevant High Court of South Africa so that you can – legally and without compromising or prejudicing your client provide a sworn translation service.

Sworn translators bear a heavy burden, as any errors or inaccuracies in their work may have far-reaching consequences for their clients. Gillian de Jager highlights some elements that bear special consideration.

### **Hague Convention**

Clients and some professional translators may not be aware that South Africa became a signatory to the Hague Convention in February 1995. Many other countries are signatories to or bound by this convention. Its website can be accessed at www.hcch.net/. In particular, Articles 1 to 6 (quoted in full in the manual Sworn Translation, first published in 2004 by SATI) list the requirements for the translation of the public and other documents issued by the authorities of Contracting States, including the bodies that are competent to issue certificates or other relevant documents. There may also be other requirements, for example certain countries require an apostille confirming the authenticity of the signature, the capacity in which the person signing the documents has acted and the identity of the seal or stamps on the documentation.

The authorities in South Africa that are competent to issue an apostille are -

- a magistrate or additional magistrate;
- a registrar or assistant registrar of the High Court of South Africa; and
- any person designated by the Director-General: Justice or the Director-General: Foreign Affairs.

For the purposes of sworn translation, unless the other country concerned stipulates that an apostille has to be issued with one's sworn translation, the translator must make sure his/ her full name, certification statement, signature, and date and place where the translation is certified appear on every page of the sworn translation. If there are several pages in the sworn translation, a header containing the information 'Page X of Y' (current page number and total number of pages) should be inserted in the document, to prevent other pages from being inserted. Also, the information on the original document should be given on that page of the sworn translation,

i.e. do not translate the text of the next page of the source document on the current page of the sworn translation. It is not compulsory but, if the client desires this, put the translator's stamp on the first or last page of the translation. The stamp should contain the sworn translator's full names, registration number on the roll, the High Court where the translator was sworn in, the translator's physical address and phone number, and the statement that the translator is ex officio a Commissioner of Oaths. This could also appear in a covering letter, if the client asks



"Certain countries require an apostille confirming the authenticity of the signature"

What is crucial when a client asks a translator for a translation of legal documents and records, e.g. certificates, contracts, court proceedings, affidavits, financial statements, etc. (there is a comprehensive list in the SATI manual) is that the translator MUST be a sworn translator and must personally sign, date and enter the place of translation on each page of the translation. No one else may certify a translation on any other translator's behalf: not an attorney or advocate or SA Police Service officer or any other Commissioner of Oaths; nor may a translation be certified as 'sworn' by any person not qualified as a sworn translator in the language combination concerned. Only the sworn translator who actually did the translation may sign and stamp the translation.

Article by Gillian de Jager. Gillian began her career in nursing, later obtaining honours degrees in Psychology and English. She has been a freelance editor and translator since 1987 and a sworn translator since 1997, and held full-time positions as a language practitioner from 1989 to 2002.

be accepted by

a Contracting

Country."

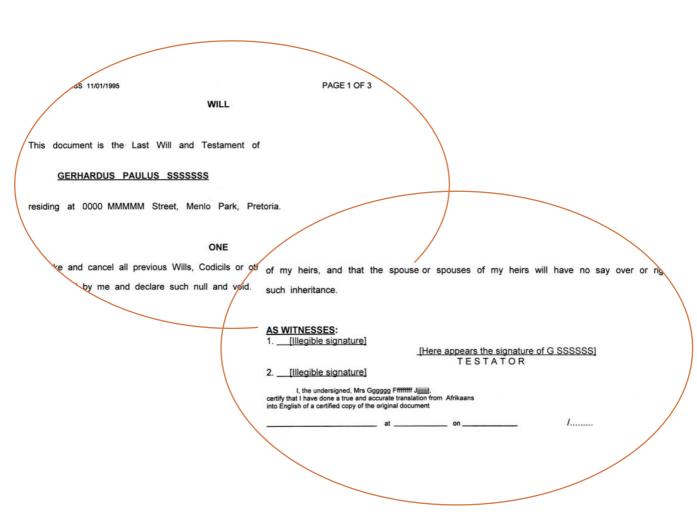
### Requirements for becoming a sworn translator

Anyone in South Africa who complies with certain requirements of the Rules Board for Courts of Law Act, Act 107 of 1985, may apply to the High Court of South Africa to become a sworn translator. The South African Translators' Institute was recognised in 1998 as an examining authority for prospective sworn translators. The examination is administered under the Institute's system of accreditation and facilitates the process for candidates. After having passed the qualifying examination, there is a judicial process involved in being placed on the roll. For example, the sworn translator must swear or solemnly and sincerely affirm before a High Court judge that he/she will translate any document faithfully and correctly into an official language of the Republic of South African from any other language for which the translator, after passing the relevant examination, has been admitted and enrolled as a translator.

Translators can work as translators in South Africa without needing to become sworn translators. It does help if translators pass an accreditation examination, such as the one set by SATI, to show that they have the required competence and proficiency in the languages between which they translate. They will then more easily find work with publishers, municipalities and companies, or they can work as freelancers.

Sworn translation is a specialised field, and should not be confused with 'certified translation' or 'accredited translation'. Some countries instruct prospective immigrants, students or job seekers to have their documents translated by an 'accredited' or 'certified' translator, adding to a lay person's and a client's confusion.

It is up to the translator to explain that only the sworn translation of documents will satisfy the requirements of the Hague Convention and be accepted by a Contracting Country. Australia, for example, has the National Accreditation Authority for Translators and Interpreters Ltd, which awards recognition or accreditation to a translator who works in Australia. This does not apply to sworn translators from other countries, where only the court procedure and enrolment by the High Court of South Africa satisfy the 'accreditation' requirements of the Australian government. Another example is Canada, where the Canadian authorities recognise the translation done by a South African sworn translator, but because of the occasional require-



ment that a Notary Public must certify the identity of the sworn translator, one has to fulfil this requirement and have one's ID certified by a Notary Public to be sent with the sworn translation to the client in Canada.

### Perjury and errors

When certifying that a document is a true and accurate translation of either the original or a certified copy of the source document, the sworn translator is in effect taking an oath. Naturally, if the sworn translator makes gross errors, adds text not in the original or omits important words or information, that translator commits perjury and can be held accountable in law. That is why it is extremely important to check your translation against the certified copy of or the original document, and even better if you can ask someone else to check it for you. A colleague, or failing that a spouse, relative or friend, could help ensure your translation is correct.

### **Documents in paper format**

Sworn translators have to certify that their translation is true and accurate. This is why they must, wherever possible, use the original or a certified copy of the document as the basis for their translation. It is also advisable to put every detail of the original in the translated version, for example in a final order of divorce include the J661 in the top right corner, the TED 18 in the same position in a Senior Certificate, the student number if any in a diploma or degree certificate, as well as the stamp of the certifying person or body in the case of a certified copy of the original. These details make the translation authentic and credible, and are just as important as using the correct spelling of names and avoiding errors in dates and ID numbers. The sworn translator also has to adhere strictly to the form of the original, to make it clearly recognisable and comparable with the original format. For example, if a settlement agreement has only five sentences per page, that is what the sworn translation must reflect on that page.

The exception is sworn translation of court documents, since a translator often receives photocopied and uncertified versions of applications, affidavits, proceedings and other evidentiary documentation. In such a case, the translator can give a covering letter certifying that the translation is of the 'documents as seen by me'. The SATI manual gives extensive details of such covering letters. A point to bear in mind is that, if the name of the issuing institution has changed, the covering letter should indicate this; for

example it should state that the Potchefstroom University for CHE (so named until 1 January 2004 when the provisions of section 23(2H)(i) and (ii) of the Higher Education Act, Act 101 of 1997, as amended, came into effect regarding the merging of certain South African universities) was renamed the North-West University. Another example is that the Rand Afrikaans University was similarly renamed the University of Johannesburg in terms of the same Act. Orders issued in the Supreme Court or the former provincial divisions should be similarly mentioned in the covering letter: for example that, following the enactment of the Constitution of the Republic of South Africa (Act 108 of 1996) and the subsequent establishment of the Constitutional Court, the Supreme Court of South Africa was renamed the High Court of South Africa. Moreover, in terms of the Renaming of High Courts Act, Act 30 of 2008, the former Transvaal Provincial Division of the High Court was renamed the North Gauteng High Court with effect from 1 March 2008. Translators can use the gov.za website to obtain full details of the new names of the other High Courts.

These are only a few examples of the changes in the names of institutions such as the former technikons and State organs like the former SA Defence Force or SA Police. Covering letters should mention what names have changed, why, and when the new names came into effect. Then the letter will add to the credibility of the sworn translation and protect the client against claims that a certain body no longer exists under the name given in the translation.

### **Documents in electronic formats**

Faxed documents are often sent to a sworn translator and an ever-increasing number of documents are being sent as e-mail attachments in word-processing or pdf format, or even as e-mail messages that require sworn translation.

Faxes: Sworn translators should heed the warning that a fax transmission is not a legal document. Only in cases where for valid reasons the original or a certified copy cannot be supplied, the sworn translator should certify in the covering letter as well as at the bottom of every page that the document is 'a true and accurate translation from [language A] into [language B] of a faxed copy of the original document', preferably adding the name of the entity that sent the fax. In addition, it is advisable to enter the details of

"If the sworn translator makes gross errors, adds text not in the original or omits important words or information, that translator commits perjury and can be held accountable in law."



the fax print, at either the top or bottom of the page, for example 11/04/2007 11:20 FAX 0583031115 Harringtons Inc P 3. This might make the sworn translation acceptable to the authority that assesses an applicant's documentation, but as this is no guarantee of acceptability, sworn translators should insist on having the original or a certified copy of the document sent to them so that their translation is done from an impeccable source, one that cannot be forged, falsified or otherwise amended.

E-mail attachments and e-mail messages: In some cases, a client's representative (attorney, immigration adviser, etc.) sends documents for sworn translation. The sworn translator may, in certain cases, translate a scanned attachment. For example, if the scanned documents are sent by a firm of attorneys in a foreign country where the original would take too much time and expense to send to the translator, the translator may provide a sworn translation, provided that the translator certifies in the covering letter as well as at the bottom of every page that the document is 'a true and accurate translation from [language A] into [language B] of a scanned and e-mailed copy of the document sent to me by ...', naming the sender of the e-mail message and giving the sender's e-mail address.

There are cases, for example in a disciplinary hearing or in arbitration, where e-mail messages have to be translated and sworn. Such a sworn translation should state in the covering letter and, if possible, in the translated e-mail that the translation was done from an electronically forwarded e-mail containing the original e-mail, also stating the sender and the date of the e-mail, for example 'e-mail message sent on [date] by [name and capacity], concerning a disciplinary hearing relating to [person being heard]'.

Certified copies: Sworn translators should bear in mind that some countries do not accept the copies certified by certain South African bodies, for example if your client intends going to Australia, inform the client that the Australian authorities do NOT accept certification by the South African Police Service, only by other commissioners of oaths. Newly sworn-in translators may also be asked to certify copies of the original documents, and should have a stamp for this purpose, stating: 'I hereby certify that this document is a true copy of the original to which no visible alterations have been

effected'. Also remember a copy of a certified copy may not be certified as a copy of the original. Some clients might request this, in ignorance of this requirement, so do warn them that such double certification will not be accepted.



The instances and examples in this article are intended to protect not only the client, but also the sworn translator. By stating where, when and how a document was submitted to a sworn translator for translation, the authority to which the client must submit the sworn translation as well as the sworn translator have full details and can make an informed decision on that basis.

Because clients do not generally know how to distinguish between sworn translators, accredited translators and other translators, it is a translator's duty to inform the client that a sworn translation is required for legal documents, certificates, wills, court orders, etc. Any translator who does not tell the client that a translation falls outside the scope of the translator's authority, competence or knowledge does not comply with the requirements of the new Consumer Protection Act (CPA), Act 68 of 2008, which came into effect earlier this year. Under the CPA, all translators and other language workers should take note of the provisions for services, quoted from the summary of the Act:

'Service includes any work or undertaking performed by one person for the direct or indirect benefit of another. This includes the provision of education, banking, financial and insurance services, information, consultation, transportation, accommodation, entertainment, access to electronic communication infrastructure, access to an event, right of occupancy and rights of a franchisee.'

If a translator takes advantage of clients' ignorance and the dissatisfied clients complain that they have been charged twice for the same service because the first translator did not mention that the services of a sworn translation were required, causing a delay and incurring more costs in obtaining a sworn translation, the client may well complain to the National Consumer Commission or take legal action.

As translators, we should all comply with SATI's code of ethics. In particular, now that the CPA protects clients who are vulnerable or do not know their rights, the consequences could be far-reaching if a translator who has not been sworn in misleads a client about



"Sworn translators should bear in mind that some countries do not accept the copies certified by certain South African bodies." being a sworn translator. Sworn translators have the onerous responsibility of being called upon to verify before a court, an attorney or a commissioner of oaths that their translation is a true translation (i.e. a correct rendering of the source text) to the best of their knowledge and belief.

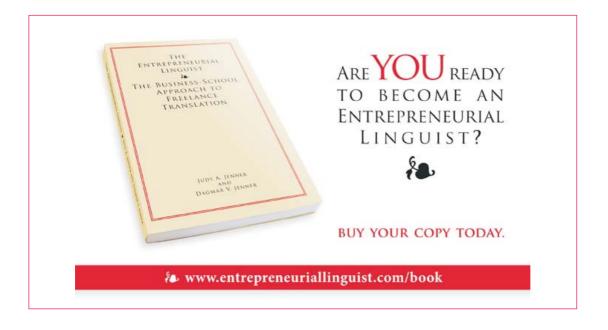
As an aid to sworn translators, a checklist like the one below could be used for marking off the items involved in completing the translation. SATI will provide such a checklist on request, to help sworn translators (especially beginners) to ensure that they have done everything that is required and also asked the client all the essential questions.

### Checklist for sworn translations

- 1. Is the source document the original or a certified copy of the original?
- If not, have the full details of the origin of the source (e.g. photocopies of court proceedings, electronic sources) been given in the translation as well as in a covering letter?
- 3. Do the translator's stamp, date and signature appear on each page of the sworn translation?
- 4. In a multi-page document, does the header contain the page number of that page and the total number of pages (Page X of Y), so that no other pages can later be inserted fraudulently?
- If the source text ends before the end of a page, has a line been drawn under the translated text before entering the translator's stamp and signature to prevent information being fraudulently included later in that sworn translation?
- 6. Has a covering letter been provided if the client has requested one?
- Are all details of the source text correct and have they been checked at least twice, for example the titles, names and ID numbers?

- Does each page of the sworn translation resemble the text and layout of the source text as closely as possible?
- Does the covering letter contain the following details?
  - \* The sworn translator's full names
  - \* Sworn Translator in the language combination(s) that the sworn translator may translate between
  - \* Admitted to the (give the relevant court's name) High Court of South Africa
  - \* Registration number on the roll of the High Court where that translator was sworn in (if available)
  - \* The sworn translator's physical address, including the country where the translator resides
  - \* The sworn translator's international telephone number
  - \* The statement: officio Ex Commissioner of Oaths

For a copy of the checklist as an MS Word document, contact the SATI office at office@translators. org.za





# Talent vir die toekoms **Nurturing talent**

Met waardevolle borgskap van R10 000 van die ATKV saam met sy eie fondse kon SAVI vanjaar beurse aan sewe taalpraktykstudente toeken. Hier stel die toekomstige vertalers en tolke hulself voor.

ondersteuning



Adriaan Cupido



Alvenna Hendricks



Christina Mashobane

### Adriaan Cupido

Ek het groot geword op 'n plaas genaamd Diemersfontein in Wellington. Ek is die jongste van vier kinders. Ek is ook al kind van my ouers wat die geleentheid gekry het om verder te studeer. Voor ek begin studeer het, het ek niks belangstelling gehad in tale nie; ek wou 'n dokter word, 'n ingeneur en selfs 'n tandarts. Maar toe ek by Stellenbosch Universteit begin studeer het, het ek 'n liefde vir taal ontwikkel, Afrikaans spesifiek. Tesame met hierdie liefde het ek besluit om verder te gaan met tale. Vandag studeer ek vertaling en tolking. Ek het besluit om vertaling en tolking te studeer omdat ek dink ek kan'n redelike bydra tot die voortbestaan van Afrikaans maak. Met vertaling kan ek Afrikaans ondersteun deur vertalings in Afrikaans te doen en met tolking deur in Afrikaans te tolk. Ek beoog om 'n gesogte vertaler, tolk sowel as 'n redigeerder te word/wees. Ek wil 'n baanbreker wees, ek wil net my deel doen om die voortbestaan van Afrikaans te verseker. Dankie aan SAVI en die ATKV vir die beurs en dat hulle my as 'n goeie belegging gesien het. Geweldige druk word van my ouers se skouers afgehaal met hierdie beurs. Ek het nie juis groot geword in bevoorregte omstandighede nie, maar ek het definitief nie toegelaat dat dit my toekoms bepaal nie. Dankie SAVI en die ATKV vir nog 'n hupstoot in die regte rigting.

#### Alvenna Hendricks

Ek is tans 'n student aan die Universiteit Stellenbosch. My BA-graad het ek by die Universiteit van Wes-Kaapland voltooi. My hoofvakke was Linguistiek en Engels. Ek was nog altyd geinteresseerd in tale en het besluit om die Nagraadse Diploma in Vertaling en Tolking te kom doen.

Ek is tweetalig: my moedertaal is Afrikaans en my tweede taal is Engels. Ek kan ook 'n bietjie Our bursary-holders for 2011 tell us something about themselves and their plans for the future.

Duits praat en skryf, maar my Duits is baie minimal. My skoolonderrig was in Afrikaans en op universiteit was dit Engels. Ek het vanaf my eerste tot tweede jaar Duits gedoen. Tans by die Universiteit van Stellenbosch is my onderrig in Afrikaans.

Ek het voor my studies by 'n Duitse ouetehuis gewerk, waar ek belangstelling gekry het om Duits te doen. Ek het ook as 'n subredakteur by Media24 gewerk; daar het ek redigering en vertaling by een van hul Afrikaanse koerante gedoen. Ek het baie geleer i.t.v. die Afrikaanse taal, maar het die werk gelos om die kurses te kom doen om my taalkennis 'n bietjie op te skerp.

Ek sal graag eendag as 'n taalpraktisyn wil werk en sal ook graag tolking wil doen. Dit is vir my interessant om tolking te doen, want jy bekom die stem vir ander.

Hierdie beurstoekenning beteken vir my baie. want dit help my om my droom te bewerkstellig om 'n professionele en goeie taalpraktisyn of tolk te word. Ek wil baie graag alle dank bring aan die ATKV en SAVI vir die finansiële ondersteuning wat hulle aan my toedien, want nou kan ek met gemoedsrus verder op my studies konsentreer.

### **Christina Mashobane**

Christina Mashobane is a second-year Linguistics students at the University of Johannesburg. She was born in Hammanskraal, on the outskirts of Pretoria. It was in primary schooling that she discovered a flair for languages. Christina's grandmother also encouraged her granddaughter to learn other languages, as she was also multilingual. The primary school pupil used to travel with her grandmother around the township when Afrikaans missionaries came to teach the residents about the Bible. The young girl's grandmother would translate from Afrikaans to Setswana, their mother tongue. Christina continued to study languages though high school, where she had Setswana as a first Continued on page 24

## The consumer as reader

### **Empowerment through language**

■he new Consumer Protection Act (CPA) has taken South Africa by storm! With the introduction of this Act, government acknowledges that vulnerable consumers need protection from signing documents they do not understand. Louw (2009: 2) indeed points out that more and more South Africans are now in a position to qualify for credit and it is especially first-time borrowers who need special protection. The Act will undoubtedly impact on businesses and consumers alike. Of particular interest to the language profession is the requirement that all consumerrelated documentation must be made available in clear and easily understandable language. In contemporary South Africa, consumers will only be empowered by documents they are able to understand. The definition of plain language in the CPA is comprehensive; it seeks to provide businesses and language practitioners with clear guidelines for writing consumer documents in plain and understandable language. The CPA applies to all transactions in which goods and services are supplied to consumers. Companies must ensure that they comply with the requirements of the Act, as non-compliance may result in substantial penalties.

Against this background, a number of questions immediately arise: If information is to be made available to consumers in plain language, what should this language look like? Is the use of plain language attainable in legal documents? What about the problem of the specialised nature of the law? Will it be possible to convey complicated legal ideas and information in plain language? If legislation requires that information be made available to the public in plain language, there can be little doubt that the real world problems of (1) deciding what plain language is and is not, (2) producing information in plain language so that a consumer could be expected to understand the information, and (3) assessing whether a document is in plain language indeed fall within the field of applied linguistics and linguists must suggest solutions to these problems.

Let us now turn our attention to the definition of plain language in the National Credit Act and the Consumer Protection Act.

The new Consumer Protection Act requires legal documentation to be written in 'plain language', understandable to the man and woman in the street. What does this really mean?

### The definition of plain language

Section 64 of the National Credit Act (NCA) and section 22 of the CPA provide essentially the same definition of plain language:

### Right to information in plain and understandable language.

- (1) The producer of a notice, document or visual representation must produce that notice, document or visual representation in -
  - (a) in the form prescribed in terms of this Act or any other legislation, if any, for that notice, document or visual representation; or
  - (b) in plain language, if no form has been prescribed for that notice, document or visual representation.
- (2) For the purposes of this Act, a notice, document or visual representation is in plain language if it is reasonable to conclude that an ordinary consumer of the class of persons for whom the notice, document or visual representation is intended, with average literacy skills and minimal experience as a consumer of the relevant goods or services, could be expected to understand the content. significance and import of the notice. document or visual representation without undue effort, having regard to-
  - (a) the context, comprehensiveness and consistency of the notice, document or visual representation;
  - (b) the organisation, form and style of the notice, document or visual representation;
  - (c) the vocabulary, usage and sentence structure of the notice, document or visual representation; and
  - (d) the use of any illustrations, examples, headings or other aids to reading and understanding.

The content of this article has been adapted from a seminar. 'Don't let them pull the wool over your eyes! The promise of plain language', offered by the author at the University of Johannesburg on 24 March 2011.

### Article by **Eleanor** Cornelius.

Eleanor is a lecturer in the Department of Linguistics and Literary Theory at the University of Johannesburg. Her fields of interest include the language of the law, plain language and legal translation. Eleanor is an accredited simultaneous interpreter and a member of SATI's accreditation committee.

"Writers will have to carefully consider the information and knowledge they present in the text so as to better match any gaps in the world knowledge of this class of consumers. Then again, the writer or text producer must be aware that some consumers may indeed have some prior experience with contracts, but may regard these experiences as negative and alienating, owing to the ways in which the content is presented."

(3) The Commission may publish guidelines for methods of assessing whether a notice, document or visual representation satisfies the requirements of subsection (1)(b).

[...]

As companies and businesses are now turning to the language profession to assist with the rewriting of contracts and other consumer documents in plain language, language practitioners must pay careful attention to these requirements.

On closer inspection, the language practitioner will soon appreciate that there is no material difference between these requirements for plain language and the tasks that are executed by text editors on a daily basis. The definition of plain language in the CPA provides particular cues that are intended to bring into play all the various aspects of textprocessing that are involved when writers write and when readers read. Most experienced language practitioners (translators and text editors) possess – or should possess – the necessary procedural knowledge and skills to apply that knowledge in the production and reception of texts (Bell 1991: 206). Indeed, in an insightful article, Carstens (2003) points out that both text linguistics (as theory) and text editing (as practice) share the common goal of rendering successful texts that communicate clearly at first read.

Let us now consider more closely, from a text-linguistic perspective, the different aspects of text-processing that are brought to bear in the definition of plain language. The first part of the definition focuses on the reader-writer, whereas the second part provides guidance on textual aspects for producing documents that are easier to understand.

Text-processing: writing and reading

The definition acknowledges that textprocessing essentially involves two skilled activities, namely production (writing, synthesis) and reception (reading, analysis). Furthermore, the definition provides for the fact that text-processing involves essentially two texts: the text of the writer, which reflects the intentions of the writer, and the text of the reader, which reflects the reader's uptake of the writer's text, the context of reading, the reader's goals and the real world knowledge the reader possesses (Bell 1991: 213). The first part of the definition is essentially interpersonal. There is a producer – a writer – of a notice, document or visual representation, and then there is the consumer - the intended, but real, as opposed to ideal, reader – who receives the notice, document or visual representation. The acknowledgement of the existence of a producer and a receiver brings De Beaugrande and Dressler's (1981) notions of 'intentionality' and 'acceptability' into play.

A profile of the reader

The definition provides a profile, a sketch, of the intended reader: he/she is a member of a class of persons for whom the notice, document or visual representation is intended. In addition, this person has only average reading skills and only limited experience of the goods he/she intends to buy or the services he/she intends to contract. This characterisation of the intended reader is helpful, in the sense that the producer of the text is not confronted with the so-called two-audience or multiple-audience dilemma (writing for both a specialist and a lay audience). If more research is done to find out if and how consumers with average literacy understand consumer documents, text producers will be better equipped to find a closer match between the lexico-grammatical, discourse and other textual features they employ and the linguistic competence of the intended reader.

From this definition, the text producer is able to conclude that the consumer may very well be a first-time buyer, investor, borrower or user of these products or services. One can assume that this person has not entered into many contracts of this kind in the past, which brings in the notion of 'intertextuality'. Intertextuality involves 'the ways in which the production and reception of a given text depend upon the participants' knowledge of other texts' (De Beaugrande & Dressler 1981: 183). Since consumers with minimal experience have not encountered many contracts before, they cannot rely on any stored knowledge. Writers will have to carefully consider the information and knowledge they present in the text so as to better match any gaps in the world knowledge of this class of consumers. Then again, the writer or text producer must be aware that some consumers may indeed have some prior experience with contracts, but may regard these experiences as negative and alienating, owing to the ways in which the content is presented (dense information, use of legalese, etc.). The consumer's motivation to read the document may suffer as a consequence.

Ease of reading

The processing difficulties consumers may

experience when they are confronted with consumer documents are also acknowledged in the definition. The definition refers to the amount of mental energy a consumer can be expected to devote to the processing of the text. The definition requires that 'consumers could be expected to understand the content, significance and import of the notice, document or visual representation without undue effort' (own emphasis) - possibly upon first reading? De Beaugrande & Dressler (1981: 11) refer to the regulative principle of efficiency and they suggest that '(T)he efficiency of a text depends on its use in communicating with a minimum expenditure of effort by the participants'.

The notion of 'informativity' refers to the 'extent to which a presentation is new or receivers' for the unexpected Beaugrande and Dressler 1981: 139). The higher the informativity, the more demanding the text becomes. De Beaugrande and Dressler (1981: 9) warn against too high levels of informativity and density: the receiver - the consumer - may become overburdened in terms of his/her processing capacity, and the result will be that communication is endangered. If the description of the consumers' literacy skills are taken into account, the level of informativity must be carefully balanced with readers' problemsolving abilities during reading - since textprocessing is essentially a kind of problemsolving – and the level of informativity must match the text-presented information with the reader's text processing capabilities. The definition essentially requires that the textpresented information must fit the linguistic competence of the target audience. Carstens (2003: 31) asserts that a balance is needed between old (known) and new (unknown) information to render a text that is readable and interesting.

Plain language work entails the simplification of texts: there is a source text that is too complex and too dense for a particular target audience. If the goal is to communicate successfully and efficiently, this text must be altered to unlock meaning and fit the linguistic competence of the intended target audience. If the writer or editor finds a balance between textual features and the linguistic competence of the audience, successful communication is facilitated and access to information is achieved.

Macro-structure vs. micro-structure The guidelines that are provided in the second part of the definition incorporate both macro-structural issues, such as comprehensiveness, consistency, organisation, form and style, and micro-structural issues, such as vocabulary, usage and sentence structure. The latter speak to the nature of the linguistic knowledge communicators are required to possess: syntactic, semantic and pragmatic knowledge (Bell 1991).

In this part of the definition the notions of 'cohesion' and 'coherence' (how the component elements of the text fit together and make sense) and 'context' are brought to bear. If the goal is that the consumer must understand the text without undue effort, the producer must employ whatever devices and techniques at his or her disposal to ensure that textual connections are made explicit and that the real links between words and sentences are clear. In addition, the document must demonstrate textual unity and an underlying logical structure, and must avoid the occurrence of any mental gaps. By referring to issues such as comprehensiveness, consistency, organisation, form, style, vocabulary, usage and sentence structure, the definition draws the attention of the text producer to the importance of cohesion and coherence in any text.

The context of the consumer document is also foregrounded in the definition. Carstens (2003: 31) describes the importance of context as follows: '... any possible knowledge that might have a slight influence on the interpretation of the given text is important when determining whether a text is successful for or in a particular context'. For instance, the producer of a text may come up with a longer text to facilitate clarity and to be more explicit, but such texts take longer to read. If a consumer is in a shop to buy a product, he or she may not have enough time to read a long, albeit more explicit, text. If a shorter text is available, less reading time is needed, but more cognitive processing is required and the reader will have to fill in many gaps by way of inferencing. The reader will have to bring more world knowledge to the text and will have to contribute in this way to the coherence of the text. This tension is created by the context in which the document is read. Context or situation will determine the appropriacy of a text.

Visual aids to comprehension

The definition is not limited to verbal communication: writers are reminded of the need to consider visual aids to communication, such as illustrations, examples, headings, and so on. Text producers need to consider the impact of aspects such as document design and typography on comprehensibility,

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"Do plain language practitioners in South Africa have the expertise to expertise to deal with complicated legal ideas, and to convey these correctly without omitting or changing information or jeopardising the legal status, effect and consequence of a consumer document? And do legal practitioners and the drafters of consumer documents have the requisite textlinguistic knowledge and the required skills to write in ways that will enhance readers' understanding of the content of legal texts?"

readability and legibility. A well-written document, which is presented in plain and clear language, is hardly useful if the reader struggles with small font sizes and long line lengths, insufficient leading (line spacing), inadequate white space, and so forth.

### Shortcomings of the definition

Although the definition of plain language is comprehensive and addresses many aspects relevant to text-processing, there are problems that are not pertinently addressed in our plain language legislation.

Language landscape in South Africa The definition ignores the South African linguistic landscape, with the dominance of a single language, which is used more often than not to the exclusion of other languages (remember, only 8,2% speak English as a home language). It provides no guidance on how to deal with the multilingual and multicultural landscape of South Africa. In the broader sense, Du Plessis (1999: 12) points out that language practice in South Africa does not reflect multilingualism. And this holds true for plain language efforts as well. It seems that a particular assumption which equates 'plain language' with 'plain English' is fostered in South Africa, yet again affirming a practice of linguistic and cultural exclusion. Although the consumer is placed in a central position in the CPA, their language preferences are not. This may be the result of the deep-rooted practice of consumers on the one hand, who do not assert their language rights by insisting on documents in their preferred languages; and organisations, companies, businesses and institutions on the other hand, who assume that all consumers understand English, since consumers never ask for documents in other languages. The NCA does stipulate in section 63 that '(A) consumer has a right to receive any document that is required in terms of this Act in an official language that the consumer reads or understands, to the extent that is reasonable having regard to usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population ordinarily served by the person required to deliver that document.' Later on, reference is made to making consumer documents available in at least two official languages. But again, as in the case of the language provisions in the Constitution of South Africa, the back door is left wide open with the 'to the extent that is reasonable' reference. Volumes have been written on this topic. The reference to 'average literacy' becomes useless if this issue is not addressed. This begs the questions: Literacy in which language? There is a pressing need to reconcile language policy, in the broader sense, with plain language policy, in the narrow sense.

The gap between theory and practice A second problem relates to the gap between theory (the definition) and practice (documents that adhere to the legislative requirements and that are readily understood by lay audiences). This problem essentially highlights the importance of the language profession in this process. Plain language work is highly specialised. It draws on theoretical insights from text linguistics, cognitive science, psycholinguistics, the study of reading and readability, sociolinguistics (language variation and language planning) and other knowledge domains. Plain language as a goal will only succeed if plain language capacity exists and if plain language practitioners are able to reconcile plain language theory successfully with plain language practice. It is doubtful, however, that this kind of competence currently exists on the scale and to the extent required by the plain language laws.

A related problem is the rare blend of knowledge of the law, on the one hand, and knowledge of language and text linguistics. on the other hand, combined in a single person: do plain language practitioners in South Africa have the expertise to deal with complicated legal ideas, and to convey these correctly without omitting or changing information or jeopardising the legal status, effect and consequence of a consumer document? And do legal practitioners and the drafters of consumer documents have the requisite textlinguistic knowledge and the required skills to write in ways that will enhance readers' understanding of the content of legal texts? Unless answers to these questions are found, an unfortunate consequence may be that businesses and organisations pay lip-service to plain language, by effecting superficial modifications in consumer documents to avoid substantial penalties.

More research is needed to find out if and how consumers with average literacy understand consumer documents. This will enable text producers to closely match textual features with the linguistic competence of the intended reader. Moreover, research must be done in languages other than English as well. There is a shortage of empirical studies and an empirical methodology in South Africa that focus on the other official languages, to determine whether or not a document is comprehensible to the intended readership.

Norms and standards for assessing consumer documents

Section 22(3) of the CPA stipulates that '(T)he Commission may publish guidelines for methods of assessing whether a notice, document or visual representation satisfies the requirements of subsection (1)(b)'. At this stage, there are no guidelines available and a vacuum is created by the lack of plain language standards for assessment purposes. In the absence of guidelines, organisations and companies – and plain language practitioners - are aware only of the fact that their consumer-related documents will be assessed. but there is no indication of the assessment criteria or standards that will be applied. Lack of standards for plain language poses a serious problem in contemporary South Africa, especially in view of the fact that the CPA came into force on 1 April 2011. It may jeopardise the enforceability of the laws and may have serious cost implications for companies and consumers alike. Testing on real readers is an invaluable tool for assessing the quality and success of a text. However, companies and businesses are reluctant to consider testing in the face of the assumed cost implications.

#### Conclusion

Plain language work is highly specialised. It requires different kinds of procedural knowledge and expertise. As Joseph Kimble (1996-1997), one of the most prolific proponents of plain language, puts it: 'Plain language is not just about vocabulary. It involves all the techniques for clear communication – planning the document, designing it, organising it, writing clear sentences, using plain words, and testing the document whenever possible on typical readers.'

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"Lack of standards for plain language poses a serious problem in contemporary South Africa"

# **AUDIT** – the big question

uditing and SMEs has always been a debatable and contentious issue. Just **L**about every SME owner that I have met would opt to have their business audited that is, of course, if there was a combination of a reasonable price attached to it, together with a professional and efficient service guaranteed.

I have come across very few professionals that can fill the SME gap. The big guys aren't interested in doing an audit that doesn't generate an invoice over R300K, and many of those small accounting firms that can come in at a reasonable fee just don't get the job done.



Does one, as a small business, need to have a full audit done? Here are some considerations on this question.

The National Small Business Chamber (NSBC) is surrounding itself with professionals that can fill this all important compliancy gap, i.e. 1) getting a world-class audit done, 2) getting it done on time, 3) getting it done with efficiency and professionalism, 4) getting it done at a nominal cost.

This quest led me to meet up with Deddel Voss from Voss & Associates over a coffee last week at Montecasino. She shed some light on my dilemma and explained why SMEs should be audited and, yes, the four points in the previous paragraph are achievable.

Article by Mike Anderson. Mike is the CEO of the **National Small Business Chamber** (NSBC). www.nsbc.org.za

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After the implementation of the new Companies Act, expected to now come in on 1 May 2011, the most significant decision any SME owner will have to make in the next 12 months is whether to keep having their financial statements audited or only have an independent review performed.



"Not having your financial statements audited for a year or two and then deciding to have them audited will have a significant cash flow effect on the business."

To make that decision, one must have a clear understanding of what the difference is between them. An independent review consists of analytical procedures and enquiries from management. The reviewer has no obligation to corroborate the explanations provided by management. A limited assurance report is issued. An audit is performed according to the International Audit Standards, which require that the auditor obtain an understanding of the internal controls of the business, obtain sufficient knowledge of the business to plan the audit, perform analytical procedures and corroborate explanations provided by management for exceptions, perform substantive and control testing. An audit report is then issued that provides a higher level of assurance.

### Advantages of having your financial statements audited

- A voluntary audit provides third parties with the security and impression that the company is dedicated to being transparent in its business practices, is willing to comply and has good business ethics. This promotes the reputation of the business among third parties.
- Having financial statements audited is investing in the future of your business. Your business may require significant supplier accounts, financing or tenders to grow, all of which may require audited financial statements at some time.

- 3. Not having your financial statements audited for a year or two and then deciding to have them audited will have a significant cash flow effect on the business. Audited financial statement will then have to be prepared for all the years outstanding, which will result in a significant expense in a single year. Alternatively, a qualified audit report may have to be issued, which gives a negative image of your business. It may also be more expensive, as documentation of more than a year ago might take longer to find.
- 4. An audit can serve as an annual health check for any business. Weaknesses in controls can be identified and recommendations implemented to help your business work more effective and efficiently. Identifying weaknesses may also prevent fraud.

There are ways that SME owners can reduce the cost of their audits. Owners can obtain client assistance lists from their auditors before the audit starts and prepare audit files. Further discussions with their auditors should be held to find further ways to decrease the audit fees. Ask your staff to assist the auditors when looking for paperwork like invoices and receipts. This will decrease the time spent by the auditors.

## Considerations to take into account before making the decision

- If you already have some kind of financing or supplier accounts, contact your financial institution/supplier and enquire from them whether they will need audited financial statements.
- If you are considering applying for financing or will need supplier accounts, an audit will most probably be required.
- 3. What will the financial implications be for your business should you need to audit your financial statement in the future?
- 4. Are you considering selling an interest in your business sometime in the future? Buyers or potential partners might need audited financial statements.
- 5. What would the effect of a SARS audit be on your business? Are your financial records and documentation in order should SARS require an audit?

If you would like to chat to a professional in the auditing and accounting arena, please send your enquiry through to twane@nsbc.org.za.

# Hoe vertaal mens Kaaps

As vertalers is ons almal bewus van wat van ons verwag word wanneer ons 'n vertaalopdrag ontvang. Miskien is dit egter tog nodig om terug te gaan na wat ons eintlik besig is om te doen, d.w.s. om 'n manuskrip vanuit 'n brontaal na 'n doeltaal te neem. Meer spesifiek:

- Die vertaling is 'n volledige transkripsie van die gedagtes van die oorspronklike,
- die skryfwyse is van dieselfde aard as die oorspronklike en
- bevat die vlotheid van die oorspronklike.1

Indien 'n mens met 'n teks te make het wat in 'n dialek geskryf is, raak dit moeilik om aan punt 2 (bo), die styl van die teks, getrou te bly. Dr. Daniel Hugo se hieropvolgende diskoers is 'n uiteensetting van van die probleme wat vertalers van sogenaamde 'Kaapse Afrikaans' ondervind.

Hierdie inleiding tot 'n Adam Small vertalingsgesprek het deel gevorm van die 'Jakes Gerwel Gesprekkereeks' van die jaarlikse Suidoosterfees (27 Januarie 2011) onder die voorsitterskap van Hugo. Die ander deelnemers was prof. Ilse Feinauer, Robert Dorsman en Ria Olivier.

Hugo begin hierdie gesprek oor vertaling met 'n stelling wat hy doelbewus ekstreem formuleer: Vertaling het in die eerste en laaste instansie met taalregister te doen. Taalregister dui op die graad van formaliteit van die taalgebruik. Met ander woorde of jy te doen het met kanseltaal, akademiese taal, koeranttaal, geselstaal, kroegtaal, kindertaal, ens. Voordat 'n mens dus kan vra 'Hoe vertaal jy

Kaaps?' moet jy eers weet: 'In watter situasies word Kaaps gebruik?' Of: 'Wat is die status van Kaaps?'

#### **Adam Small**

In die voorwoord tot die herdruk van sy invloedryke digbundel Kitaar my kruis (1962) skryf Adam Small in 1973 (HAUM, Kaapstad): 'Ek wil net sê ... dat Kaaps nie is wat sekere Engelse mense in Suid-Afrika Capey noem nie, en ook nie wat sekere Afrikaanse mense Gamat-taal noem nie. Kaaps is 'n taal, 'n taal in die sin dat dit die volle lot en noodlot van die mense wat dit praat, dra: hulle volle lewe 'met alles wat daarin is'; 'n taal in die sin dat die mense wat dit praat, hul eerste skreeu in die lewe skreeu in hierdie taal, al die transaksies van hul lewens beklink in hierdie taal, en hul doodsroggel roggel in hierdie taal. Kaaps is nie 'n grappigheid of snaaksigheid nie, maar 'n taal.'

Hugo verskil van Small aangesien Kaaps in 'n redelik beperkte mate geskryf en gepubliseer word. En soos dit met ander sprekers van Afrikaans gaan, sal die meeste transaksies van Kaapse sprekers sekerlik in Engels geskied. Dit doen uiteraard geen afbreuk aan die uitdrukkingsvermoë van die taal nie. Wannie Carstens omskryf 'Kaapse Afrikaans' as 'n geolek (geografies beperk) met tekens van sosiale stratifikasie. Volgens Carstens is dit nie 'n variëteit van Standaardafrikaans nie.<sup>2</sup> Selfs as 'n mens Kaaps 'n dialek noem, doen jy nie afbreuk daaraan as 'n volwaardige taal nie. Trouens, vir die spreker van 'n gestandardiseerde taal klink die dialek dikwels kleurvoller as sy eie taal.

- 1. Van der Merwe 1958 Die vertaling as kuns Johannesburg: SAUK.
- 2 Carstens W.A.M. 2003 Norme vir Afrikaans: Enkele riglyne by die gebruik van Afrikaans Pretoria: Van Schaik Uitgewers.

Translating a text from what some people refer to as 'Capey' (Cape Afrikaans) is not an easy matter. Even pinning a definition onto this 'language' is difficult: Adam Small feels it is a language in its own right, other linguists feel it is a dialect, or even a 'geolect'.

Dutch translators have attempted to translate the poetry of Peter Blum, Adam Small and Peter Snyders, without much success. Jan Deloof did it by focusing on the intention (or meaning) of the poetry, Robert Dorsman (in collaboration with Adriaan van Dis) did it by covering the page with a transcription in a smaller font.

Since it's more than style issues that go astray in these translations (which certainly cannot be translated back to their originals), Daniel Hugo justifiably states that we are still looking for someone who can convincingly translate these Capetonian poets.

Hierdie is 'n verkorte weergawe van 'n artikel wat op Versindaba (http://Versindaba. co.za) verskyn het.

© Daniel Hugo

Ingedien deur IIze Brüggemann. Ilze geakkrediteerde vryskutvertaler.

Nederlanders in 'n groot mate verstaanbaar is."

"Deloof het sy beperkings as vertaler besef en lewer 'n bloedlose produk op wat skaars as 'n gedig deur die doeltaalleser beskou sal word"

Al is 'n dialek soos Kaaps 'n volwaardige taal, bevat dit groot uitdagings vir die vertaler. Die rede hiervoor is dat dit makliker is om die spesifieke register by verskillende standaardtaalvorme vas te stel en in 'n ooreenkomstige register in die doeltaal weer te gee, as in die geval van 'n dialek. Kaaps bevat 'n groot aantal Engelse woorde en uitdrukkings, maar dit is – soos Adam Small uitgewys het – nie noodwendig informele of grappige taalgebruik nie. Ongelukkig is daar baie min vertalers wat die presiese register van dialektaalgebruik kan bepaal.

### **Peter Snyders**

Daar is vertalers wat dit goed besef en daarom nie eens 'n poging aanwend om 'n egte vertaling van literêre dialektekste te maak nie. Hulle oplossing is om slegs die betekenisinhoud in 'n neutrale standaardregister weer te gee, langs of onder die oorspronklike teks. Dit is wat die Vlaamse vertaler Jan Deloof byvoorbeeld gedoen het met 'n keuse van Kaapse gedigte uit Peter Snyders se oeuvre, wat in 1996 verskyn het onder die tweetalige titel Verzachtende omstandigheden. Versagtende omstandighede (Point 36, Germaine Droogenbroodt, Altea, Spanje). In sy 'Woord vooraf' sê hy dat Snyders se taalgebruik 'n wesenlike kenmerk van sy gedigte is en: 'Dat is de reden waarom de originele gedichten in deze publikatie vergezeld gaan van Nederlandse transcripties, die enkel en alleen de bedoeling hebben het origineel beter toeganklik te maken. De lezer gelieve de transcripties niet als vertalingen te beschouwen, want voor mij is vertalen uit het Afrikaans zoiets als Gezelle omzetten in Standaardnederlands'.

Die uiteindelike vertaling is nie naastenby so treffend, sappig of kleurvol as die oorspronklike nie. Deloof het sy beperkings as vertaler besef en lewer 'n bloedlose produk op wat skaars as 'n gedig deur die doeltaalleser beskou sal word – selfs al bied hy sy Nederlandse weergawe in dieselfde versvorm as Snyders aan.

### Jan Deloof

Dit is interessant dat Deloof in die aangehaalde passasie uit sy voorwoord Peter Snyders se Kaaps en Standaardafrikaans oor dieselfde kam skeer, as hy sê: '... voor mij is vertalen uit het Afrikaans zoiets als Gezelle omzetten in standaard-Nederlands'. Daarmee bedoel hy waarskynlik dat alle soorte Afrikaans eintlik vir die Nederlandstalige leser verstaanbaar is, op enkele vreemde woorde en uitdrukkings na. Dit is natuurlik nie waar

nie, en veral nie ten opsigte van die register nie. En in elk geval verwag die lesers van vertaalde poësie 'n vertaling uit die brontaal wat op sy eie bene as 'n gedig in die doeltaal kan staan.

### **Robert Dorsman**

In die bloemlesing O wye en droewe land: Honderd-en-een gedichten in het Afrikaans wat Robert Dorsman saam met Adriaan van Dis saamgestel het (Meulenhoff, Amsterdam, 1998) staan die transkripsies van die gedigte in klein druk onderaan elke bladsy. Dorsman noem hierdie transkripsies 'n 'basisvertaling'. Hy weerspreek daarin ook by implikasie Jan Deloof se veronderstelling dat Afrikaans vir Nederlanders in 'n groot mate verstaanbaar is, met die volgende uitspraak: 'Te vaak gebeurt het dat Nederlanders het spoor bijster raken wanneer ze in aanraking komen met het Afrikaans, een taal die op Afrikaanse bodem geworden is tot wat zij is en steeds minder op het Nederlands lijkt'. In dié bloemlesing staan daar ook gedigte in Kaapse Afrikaans – van Peter Blum, Adam Small en Peter Snyders. Dorsman noem Kaaps 'Afrikaans op zijn smeuïgst', dit wil sê Afrikaans op sy soepelste/sappigste.

Dat Adam Small – en daarom ook die ander Kaapse digters - veel gemakliker in Engels vertaal kan word, blyk uit Carrol Lasker se weergawes van Small se 'What abou' de lô?' en 'Second Coming' in The Penguin Book of Southern African Verse (1989) saamgestel deur Stephen Gray. Maar sy worstel ook met die register en met die gepaardgaande betekenisassosiasies van sekere woorde in die oorspronklike gedigte.

Selfs al is die vertaling van poësie altyd 'n haglike onderneming, wag ons nog steeds op die begenadigde vertalers wat Adam Small, Peter Snyders en ander Kaapse digters oortuigend en registergetrou gaan vertaal.



### In lighter vein – grammar

Example of a **collective noun**: a garbage

Imperfect tense: used in France to express a future action in past time which does not take place at all.

All **sentences** are either simple or confound.

Passive voice: Q. Correct the sentence — "It was me that has broken the window". A. "It wasn't me that has broken the window".

# Realisation of the objectives of section 35(3)(k) of the Constitution: What are the hindrances?

■he Constitution of the Republic of South Africa (Act 108 of 1996, section 35(3)(k)) guarantees the right to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in to his language. This poses a challenge to a multilingual society also faced with an influx of people from other countries. If an immigrant is arrested and brought before a South African court, section 35(3)(k) of the Constitution requires that a suitable interpreter be found for every accused in the proceedings.

Obviously the objective of section 35(3)(k) is to ensure that the accused person fully understands the criminal proceedings against him. He has the right to challenge evidence against him. If the accused and any other role-player in the criminal proceedings do not understand each other's language, there is a need for interpreter to convey what is being said to and by the accused.

The aim of this article is to critically evaluate the hindrances towards the realisation of the objectives of section 35(3)(k) of the Constitution.

It will be argued that even if the interpreter is speaking the same language as the accused, there can be a hindrance to the realisation of the objectives of section 35(3)(k) if the accused and the interpreter come from different backgrounds.

The background to this argument is that in South African courts there are resident interpreters for certain languages. If the accused appears before that court, the resident interpreter will interpret, irrespective of their cultural background, which may differ from that of the accused.

This article will therefore highlight the risk of simply assuming that an interpreter who speaks the same language as the accused can properly convey what is being said to and by the accused in court proceedings.

Firstly we will analyse the meaning of interpretation. The factors hindering proper interpretation will be discussed. Post-1994 case law

Casual interpreters can be used in court, but it is essential that their competence is established beforehand. This article considers the process and why this is so important.

will be explored to highlight the significance of the language right of the accused in this era as well as the manner in which the courts have tried to enforce the core content of the right.

### The concept of interpreting

One online dictionary gives the meaning of the word interpreting as 'to translate what is said in one language into another so that speakers of different languages can communicate' (http://encarta.msn.com/diction ary /interpret.html). According to the Cambridge Dictionary of English (1997), 'To interpret is to express (something that has just been said) in a different language so that people who do not speak each other's languages can understand each other'. Marais (2007: 23) defines interpretation as 'the oral transfer of thoughts and ideas from one language to another'.

It is evident from the definition of interpreting that its purpose is to enable the speakers of different languages to communicate.

The interpreter's role is therefore significant in that the speakers of different languages communicate through his services. However, without competence or full understating of the language, his or her interpreting service is a phantom. The interpreter's linguistic competence is therefore essential.

Van der Vlis (2010) is of the opinion that misinterpreted statements can have a disastrous effect. He further maintains that interpreters and translators have a crucial role in safeguarding a fair trial if the accused is speaking a language other than language that the presiding judge or magistrate speaks, as verdicts in criminal trials are reached on the basis of the testimonies as interpreted. If the proper performance of the interpreter or

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translator has not been adequately guaranteed, this could have extremely serious implications, and even result in the conviction of an innocent person.

# Hindrances to the realisation of the objectives of section 35(3) k of the Constitution

Factors such as failure to appoint a competent interpreter, failure to ascertain the interpreter's linguistic competency, and improper or no swearing in of the casual interpreter constitute non-compliance with the constitutional provision relating to the language right of the accused person. Moreover, the following are some further possible hindrances towards the realisation of the objective of the right under this section.

Limited linguistic and cultural knowledge Naudé (2008: 21-22) maintains that successful communication is dependent on an adequate level of cultural as well as linguistic understanding. It encompasses background knowledge, collective information about context, traditions and attitudes, joint images in the mind's eye. He further maintains that language should be thought of as part and parcel of culture, not just as language and culture.

Ngugi in Meintjes (1992: 14) also maintains that language is not only a means of communication; it is the embodiment of culture. Exceptional linguistic skill and cultural knowledge are therefore a necessity in rendering an effective interpreting service.

The ability to speak a language without having the relevant knowledge and understand-

ing of the culture of the speakers of that language is thus insufficient for effective communication. For example, a Zulu interpreter who lacks knowledge of the cultural aspect of Zulu life will not fully render the desired interpretation.

The interpreter is obliged to go beyond the surface meaning of what has been said to the values embedded in the language and culture of the discourse participants. He becomes a cultural broker whose participation involves mediating ideas, laws, customs and symbolisms (Moeketsi 1999: 15).

Knowledge and an understanding of language style are also essential since this varies in different languages. Furthermore, languages differ vastly with regard to the nuances they make and interpreters should be aware of these; even though stylistic errors do not necessarily change the content of the message, they may cause some serious discomfit (Goussard-Kunz 2003.).

Lack of terminology in specialised fields

A variety of topics or themes are dealt with during court proceedings. This calls upon the interpreter's knowledge of various terms that are employed in different fields of specialisation. Goussard-Kunz (2003: 43) concurs with this notion by stating that 'interpreting is hardly about general everyday concerns, but more often than not involves specific topics.' She further maintains that even though at least one of the persons communicating via the interpreter will be familiar with the topic and the corresponding specialised terminology, the same cannot be expected of the interpreter, especially if he/she is not working in the same field.

African language interpreters often encounter the challenge of appropriate terminology for a source language term simply not being readily available or even completely non-existent in the target language, particularly in specialised subject fields. De Jager and Pieterse (2007: 27) point out that South African languages were largely used verbally and therefore did not develop technical terminology owing to the dominance of English and Afrikaans in the pre-1994 dispensation.

Furthermore, a lack of pre-trial knowledge of the case on the part of the interpreter, which occurs in the legal interpreting process in South Africa, makes it impossible for him/her 'to familiarise him/herself with the specific vocabulary (including jargon and register) that may be used in the case' (Osadolo 2007: 18). When interpreting, interpreters do not have time to check for the word in the dictionary or even to ask for its meaning from other language specialists. Neither are they so familiar with every word in the source and the target languages that they immediately come to mind when needed, and they do not have time to consult a terminology list as they interpret (Du Toit 2008).

Complexities owing to avoidance of certain words

Avoidance of certain words, including taboo words, causes a problem in interpreting, particularly when the word is common in a



different context. Many Zulu people avoid the use of certain words. They replace them with different words that are known to mean something else. This causes a misunderstanding. The word ukubamba means to grab and even the dictionary gives only that meaning. However, in KwaZulu-Natal the word 'grab' is often used to refer to the incident of having sexual intercourse with someone who has not consented to the act. which is rape. When a witness testifies and uses the word ukubamba, it may be interpreted as 'grab' by an interpreter who is not from KwaZulu-Natal. This can cause a misunderstanding, which can result in the acquittal of the accused (e.g. State versus Ntokozo Dladla).

A distinct women's language known as Hlonipha is prevalent among the married Zulu women in rural areas whereby substitutionary words are employed in conversation in order to avoid the use of words with radicals that correspond to or resemble those of their in-laws. Such words may also be misunderstood and misinterpreted by an interpreter during proceedings; some are generally recognised but others are somewhat arbitrary. An example is the word 'mkhaphevana', which is used to refer to a young brother-in-law. An interpreter who is not familiar with Zulu culture may think that Mkhapheyana is just someone's first name.

Furthermore, young people's tendency to form new meanings from terms that already exist in a language and are well understood by its speakers to refer to something else also cause misunderstanding and misinterpretation. Mkhulisi in Van Huyssteen (1999: 182) supports this notion by pointing out that 'new terms have their origins in established vocabulary but are used by the youth in different contexts'.

Mkhulisi further maintains that these terms catch on because the young people use them to adapt to the new situation so as not to be regarded as being old fashioned. For example, the Zulu word insimbi normally refers to 'iron', but is now commonly used by the youth to refer to the term 'firearm', whereas the proper Zulu word for a gun is isibhamu. A Zulu interpreter who is not familiar with this youth language may fail to recognise the proper interpretation in those circumstances. He may refer to iron, whereas the intended communication to be conveyed relates to firearm.

Poor choice of words as well as difficulties in idiophones interpreting and expressions that explicitly describe the way or manner in which something happened or was done may result in a loss of meaning.

Similar words with different meaning Some words may be misinterpreted owing to the fact that they are similar in form and pronunciation but the meanings differ tremendously. For example, the Zulu word isihlangu can refer to either a shoe or a shield, while the phrase ukulala na – which in English is 'to sleep with' - can refer either to the act of having sexual intercourse with a person or to literally sleeping together with a person.

Like words, Zulu idioms may be understood differently and therefore misinterpreted. For example, ukufaka umunwe esweni refers to the act of provoking a person, but may be mistaken for literally poking one's finger into a person's eye, which may not render the meaning intended by the accused (Doke et al 1958).

The complexity of children's language When they are brought up, young children learn the language that is spoken in their family setting. Parents and other family members make use of certain words that can be easily understood by children. For example, in certain families the female's sexual organ is referred to as ikhekhe (a cake in English), whereas in other families it is called inkomo (a cow in English). The use of these words may be a challenge in court proceedings involving rape of young children if the interpreter is not familiar with the child's language.

"Poor choice of words as well as difficulties in interpreting idiophones and certain expressions that explicitly describe the way or manner in which something happened or was done may result in a loss of meaning."

### Post-1994 judgments involving interpretation

Mponda vs. State

This is one of the serious cases reflecting the significance of interpreting in criminal cases and whether section 35(3)(k) of the Constitution is complied with in the courts. This case involved the rape of a minor

child. In a court a quo, the appellant was convicted to 15 years' imprisonment for rape. On appeal the conviction and sentence were set aside. Part of the reason was that the record reflected that the evidence adduced against the appellant appeared not to have been satisfactorily translated into his home language or a language with which he was sufficiently conversant.

Furthermore, the court held that swearing in of the interpreter was characterised by vaqueness in the oath, since it did not indicate

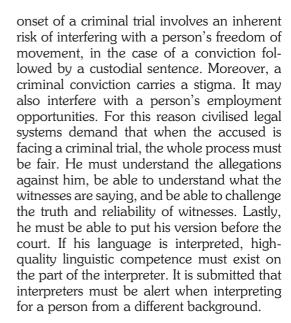




which language he had undertaken to interpret and lacked any material asserting and confirming his ability to interpret in that language.

State v. SAIDI

This case also involved an alleged rape of an eight-year old girl by a Burundian national, where a casual interpreter rendered interpreting services. When the matter was referred to the High Court for sentencing, the court discovered that nothing in the record of the proceedings reflected the casual interpreter being sworn in before the commencement of the proceedings or any enquiry having been made as to the casual interpreter's competence to interpret from the accused's language into English language and vice versa. The conviction and sentence were subsequently set aside.





#### Recommendations

The two judgments reflecting the irregularities involving interpreting indicates that section 35(3)(k) of the Constitution is sometimes not complied with in courts owing to factors such as the interpreter's linguistic incompetence and the presiding officer's failure to comply with what is required of him or her regarding satisfying himself that the interpreter is not only sworn in but also competent.

Such judgments reveal that essential measures need to be taken to ensure high-quality legal interpreting for justice to prevail in criminal cases. According to Osadolo (2007: 19), 'the present situation in legal interpreting in South Africa calls for a standardised process of interpreting, from employment to management issues, as well as training requirements, cutting across all languages used in court.



Owing to the delicacy of legal interpreting, it is therefore recommended that the interpreter's linguistic skills and cultural knowledge must be of high quality. Knowledge of various dialects of the language concerned is also essential. He should always be cautious of words that are similar but have different meanings by asking for clarification from the accused, thereby avoiding assuming the meaning of words, which may have a disastrous effect for the accused.



### Conclusion

It is evident from the above discussion that interpreting services play a significant role in the criminal justice system, more particularly in dispensing justice in criminal cases. The





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# Hulp met die gesondheidswetenskappe

Takwoordeboeke, soos selfone en rekenaars, is verouderd nog voor hulle nuut op die rak verskyn - 'n onvermydelike gevolg van die voortdurende ontwikkeling van wetenskap en tegnologie. Sedert die eerste uitgawe van die Woordeboek van Afrikaanse Geneeskundeterme in 1979 het die omvang van mediese kennis na raming verdubbel. Die uitdaging om nuwe terminologie in Afrikaans te skep en by ontwikkelings op die gebied aan te pas, is aanvaar deur prof Jan Lochner, samesteller van die tweede, hersiene en bygewerkte uitgawe. Die nuwe Woordeboek vir die Gesondheidswetenskappe het nagenoeg 10 000 nuwe inskrywings en die herdefiniëring van nog sowat 8 000. Daarmee is 'n waardevolle hulpbron aansienlik uitgebou en 'n wesenlike bydrae gelewer om Afrikaanse mediese terminologie uit te brei.

Die proses om Afrikaanse mediese terminologie te standaardiseer en in woordeboekvorm beskikbaar te stel, is reeds in 1958 deur prof AJ Brink en die Taalkomitee van die Fakulteit Geneeskunde aan Stellenbosch Universiteit aan die gang gesit. Die Taalkomitee se werksaamhede is mettertyd deur prof Brink oorgeneem, wat die projek deurgesien het tot die verskyning van die WAG in 1979. Dié eerste uitgawe het agt herdukke beleef, en as die standaard vir Afrikaanse mediese terminologie was dit jare lank 'n onontbeerlike hulpmiddel vir akademici en studente, asook vir mediese teksskrywers.

Woordeboek vir die Gesondheidswetenskappe vertalend en verklarend/Pharos Dictionary for the Health Sciences – translational and explanatory

Tweede hersiene en bygewerkte uitgawe 2011/Second revised and updated edition 2011 AJ Brink/J de V Lochner (reds./eds) Pharos ISBN 978-1-86890-113-5 Hardeband/Hardcover, 245 x 154 mm, 800 pp

Pharos se Woordeboek vir die Gesondheidswetenskappe is hoofsaaklik op die eerste uitgawe gebaseer, maar – soos vermeld in die voorwoord - die hersiene uitgawe moet 'n verskeidenheid oogmerke bereik. hoofdoel is om die tekskorpus aan te vul met Afrikaanse terminologie, terwyl gegewens van historiese waarde behou en geannoteer word. Sodoende word gepoog om "n kosbare wetenskap- en kultuurskat op te dateer en aan te vul' en word 'n hulpbron daargestel vir studente, akademici en praktisyns, asook vertalers en joernaliste. Die WGW is sowel kennis- as kommunikasiegeorienteer en is dus in alle opsigte veeldoelig: dit is verklarend vir Afrikaanse terme en vertalend vir Afrikaans en Engels; die riglyne en uitleg is op die behoeftes van die gebruiker ingestel, terwyl waardevolle bykomende inligting verskaf word, wat nie net aanvullende konteks vir teksproduksie voorsien nie, maar ook nuttige historiese inligting oor terme dokumenteer. So 'n omvangryke taak stel nie net hoë eise aan die same-

"Die proses om Afrikaanse mediese terminologie te standaardiseer en in woordeboekvorm beskikbaar te stel. is reeds in 1958 deur prof AJ Brink en die Taalkomitee van die Fakulteit Geneeskunde aan Stellenbosch Universiteit aan die gang gesit."

The Dictionary for the Health Sciences, based Woordeboek van Afrikaanse Geneeskundeterme, has been revised and updated with 10 000 additional entries and 8 000 revised terms. In the three decades since the publication of the WAG, medical science has grown exponentially, creating the need for thousands of new Afrikaans terms. Not only have existing medical fields expanded significantly, but new areas of enquiry have developed. These are now reflected in the Dictionary for the Health Sciences, compiled by Prof. Jan Lochner of Stellenbsoch University, following in the footsteps of Prof. Andries Brink, who spearheaded the first

edition. The revised edition contains an explanatory Afrikaans section with English equivalents, as well as an English-Afrikaans section providing Afrikaans equivalents, synonyms and explanatory phrases, where necessary. This is an invaluable resource for students, academics and medical writers, translators and editors and deserves its place as the standard reference dictionary for Afrikaans medical terminology. The fact that it is available on CD and online should facilitate the ongoing process of revising and updating this resource.

Resensie deur Gretha Aalbers. Gretha is 'n vryskuttaalpraktisyn en tans ingeskryf vir 'n MPhil in Vertaling by Stellenbosch Universiteit. Sy is sekretaris van SAVI Boland.



Prof Rufus Gouws (leksikografiese Ionsultant), dr Wanda Smith (uitgewer: Pharos), mev Wilma Breytenbach en prof Jaco Breytenbach (samewerker vir farmaseutiese skeikunde) by die

beskendstelling van

die woordeboek

steller(s) nie, maar is 'n langtermynprojek, wat voortdurend met die ontwikkeling van Afrikaans en van die gesondheidswetenskappe moet tred hou. Deur die woordeboek aanlyn en ook op CD beskikbaar te stel, word 'n effektiewe oplossing gebied om dit deurlopend by te werk en aan te vul.

### Gebruikersvriendelik

In pas met die hedendaagse tendens in leksikografie is die struktuur van die WGW daarop gemik om gebruikersvriendelik te wees. Die Riglyne vir die Gebruiker stem grootliks ooreen met die eerste uitgawe en maak die sentrale lys vir die gebruiker toeganklik, om te verseker dat terme gevind kan word, definisies vertolk kan word, en sinonieme en wisselvorme onderskei kan word. In die sentrale lys word lemmas en sublemmas, asook polisemie duidelik aangedui. Verskillende betekenisse en woordsoortlike vorme word genommer, terwyl Engelse ekwivalente, stamwoorde, sinonieme en kruisverwysings tipografies aangetoon word. 'n Vindingryke nuutjie is die gebruik van leestekens om nuwe toevoegings en hersiene artikels te merk, soos in die artikel hieronder geïllustreer word:

rekonstruktief: > reconstructive. (L. re weer + constructio samevoeging) Met verwysing na handelinge wat daarop fokus om beskadigde liggaamsdele na die oorspronklike voorkoms en funksionaliteit te restoureer, of om funksionele anatomiese strukture met prosteses te ver-

rekonstruktiewe chirurgie: r. Surgery. 2 Plastiese chirurgie. Kyk CHIRURGIE, PLASTIESE.

Die leesteken  $\Diamond$  toon dat hierdie lemma 'n nuwe toevoeging is, met die implikasie dat dit nou die gebruiklike term is. Die Engelse



ekwivalent word onmiddellik daarnaas kursief gedruk en die Latynse herkoms gee verdere toeligting tot die definisie wat volg. Die sublemma verleen verdere toepassing en konteks, met 'n sinoniem. As die kruisverwysing nageslaan word, word meer subtiele betekenisonderskeiding verskaf:

chirurgie:\* surgery; chirurgia. kheirourgia chirurgie, afgelei van kheir hand + ergon werk) Afdeling van die geneeskunde wat te doen het met siektes waarby operatiewe behandeling vereis word.

c., plastiese: s., plastic (G. plassein vorm) 'n Subspesialiteit van die chirurgie, wat fokus op die restourasie, rekonstruksie of verbetering van die vorm en voorkoms van liggaamsdele wat wanvormig, wanskape, beskadig of selfs verlore is; ? rekonstruktiewe chirurgie.

Die leesteken \* na die lemma toon dat hierdie lemma reeds in die eerste uitgawe verskyn het, maar dat die artikel hersien is. Daar word egter nie vir die gebruiker 'n aanduiding gegee of een van hierdie sinonieme terme voorkeur geniet nie, dus moet die afleiding gemaak word dat daar wel 'n betekenisonderskeid bestaan. Volgens die Riglyne word 'n definisie slegs by die meer gebruiklike term verskaf, en by die minder algemene term net die sinoniem.

Die hersiene uitgawe bevat geen agterteks nie. Die tabelle met afkortings en akronieme word in die sentrale teks opgeneem, alfabeties volgens die volledige Afrikaanse term. Die gebruiker wat MIV/Vigs naslaan, vind die volgende:

MIV: \$\langle\$ HIV. Kuk MENS-IMMUUN-GEBREKVIRUS.

### Mens-immuungebrekvirus (MIV; HIV):

♦ human immunodeficiency virus (HIV). Enkelstring RNA\*-retrovirus wat tussen mense versprei word deur (...) en veroorsaak die verworwe immuniteitsgebreksindroom (VIGS), o.a. gekenmerk deur (...). Kyk DIFFERENSIASIE-TROSSE (CD\*), verworwe immuniteitsgebreksindroom.

Die gebruik van kruisverwysings maak die inskrywings vir die gebruiker toeganklik. Daar is wel gevalle waar bekende akronieme nie as lemmas verskyn nie, bv. ADHD en SIDS. Die gebruiker moet weet om die term 'aandaggebrek-hiperaktiwiteitsteuring' of 'attention deficit hyperactivity disorder' na te slaan, waarvoor geen akroniem, Afrikaans of Engels, aangegee word nie. Vir 'sudden

infant death syndrome' word geen akroniem in die vertalende Engels-Afrikaans-lys gegee nie, maar wel die Afrikaanse ekwivalent 'wiegiedood'. By die Afrikaanse inskrywing 'wiegiedood' word drie Engelse ekwivalente asook die Engelse akroniem gegee, en ná die definisie word die Afrikaanse sinoniem 'skielike babasterftesindroom (SBSS)' en 'wiegiesterfte' gee. Dit verg dus speurwerk om by SIDS of SBSS uit te kom. Dit is eweneens die geval met 'n groep middels wat algemeen vir psigiatriese steurings voorgeskruf word, naamlik selektiewe serotonienheropname-inhibitore (SSHI: selective serotonin reuptake inhibitors, SSRI), wat aangegee word as 'n sublemma, onder die lemma 'inhibitor', waar die leke-gebruiker dit moeilik sou opsoor. Die insluiting van alle akronieme as afsonderlike lemmas met kruisverwysings na die volledige term sou weliswaar kosbare ruimte in beslag neem, maar bepaald die toeganklikheid van die woordeboek verbeter en die kommunikatiewe funksionaliteit daarvan verhoog.

Die kennis-georienteerde funksie woordeboeke moet nie onderskat word nie. In die geval van die WGW behels dit veral die versameling, optekening en standaardisering van Afrikaanse terminologie, waardeur aansienlike kultuurwaarde aan die woordeboek verleen word en die posisie van Afrikaans as vaktaal bevestig en versterk word. Agtergrondinligting is veral ook vir die funksie van teksproduksie van waarde – hoe meer konteks vir 'n term verskaf word, hoe beter kan die skrywer die term hanteer. Die bykomende inligting wat op verskillende wyses in die WGW verskaf word, verhoog die waarde van die woordeboek aansienlik. Melding is reeds gemaak van die herkoms van woorde en die gebruik van leestekens om aan te dui watter inskrywings toegevoeg is en watter hersien is. Gebruikers het daardeur insae in die geskiedenis van die tekskorpus, wat bykomende konteks vir die gebruik van terme bied. Biografiese inligting oor mediese benamings word ook verskaf: 'Russell se pofaddergif:\* Russell's viper venom. (Russell, P. Ierse geneesheer, 1727-1805) Gif van Vipera russelli wat ...' Hierdie Russell moet ondeskei word van: 'Russell se liggaampies: Russell's bodies. (Russell, W. Skotse geneesheer, 1852-1940) Asidofiele homogene liggaampies ...'. Waar 'n term van historiese belang, maar nie meer gebruiklik is nie, word dit soos volg aangedui: 'seksuele pervert: ? s. pervert. (L. perverse verkeerd) Historiese term vir 'n persoon wat ... Kyk SEKSUEEL, SEKSUELE PERVERT; PARAFILIE.' sinonieme terme onderskeidelik Germaanse en Latynse oorsprong word albei

ingesluit, met 'n kruisverwysing na die meer gebruiklike term: 'geslagsgemeenskap:\* sexual intercourse. Kyk KOÏTUS.'

### Verskillende doelwitte

Die samestellers van die Woordeboek vir die Gesondheidswetenskappe slaag goed daarin om in die verskillende doelwitte van die publikasie te voldoen. Nuwe toevoegings verseker dat die sentrale teks die jongste kennis in die gesondheidswetenskappe weerspieël. Gebruikers sal nuwe terme hier vind: irinotekaan (behandeling vir gevorderde kolorektale kanker), okreotied (radiologiemiddel), **endarterektomie**, naaldprikbeserings. antiretrovirale terapie, HAART (hoogs aktiewe antiretrovirale

terapie), kogleêre inplanting is voorbeelde van terminologie wat verband hou met ontwikkelings op mediese gebied sedert die eerste uitgawe. Dit is onvermydelik dat daar nog hiate in die tekskorpus bestaan. Byvoorbeeld, die lemma paroksetien, 'n SSHI wat algemeen gebruik word (Aropax), is 'n nuwe toevoeging, terwyl fluoksetien (Prozac), wat ewe bekend is, ontbreek.

Die hersiene uitgawe het wel voëlgriep opgeneem, maar varkgriep sal moet wag vir die volgende hersiene uitgawe. Die Riglyne vir die Gebruiker gee nie 'n aanduiding van watter werkwyse gevolg is of watter korpusse geraadpleeg is om nuwe terme indentifiseer nie, wat tog vir die gebruiker insiggewende agtergrondinligting sou kon

Nuwe rigtings in gesondheidswetenskappe word verteenwoordig, waarvan slegs enkele voorbeelde gegee kan word: refleksologie alternatiewe gesondheidsberoep; aktiwiteitsterapie as alternatiewe term vir arbeidsterapie; die hele spektrum rekenaartomografie, van aksiale tot ultrasono-: die jongste terme in sielkunde, soos bipolêre steuring, dissosiatiewe identi**teitsteuring** en **psigose** (met verwysing na die Diagnostic and Statistical Manual of Mental Disorders, wat ongelukkig nie verder omskryf word nie); asook navorsingsterme soos ewekniebeoordeling en parameter. Terme wat as gangbaar beskou word, word ook ingesluit: ongeskiktheid (disability), gestremdheid (impairment), defek (defect), verpleegkundige (nurse practit-



Prof. Jannie Lochner spreek die gaste toe by die bekendstelling van die woordeboek in Stellenbosch





"Die Woordeboek vir die Gesondheidswetenskappe [is] 'n puik hulpbron vir skrywers en vertalers. danksy die volledige Engels-**Afrikaans** vertalende afdeling, die Afrikaans-Engels vertalende funksie van die sentrale teks. die verklarende funksie, kruisverwysings, woordherkoms. sinonieme en differensiasie van bewerkings."

ioner), inskiklikheid; meewerkendheid (compliance; adherence); gesondheidsorg (health care), gemeenskapsgesondheid (community health), bystandselfmoord (assisted suicide), eutanasie (euthansia), verstuiwer; nebuliseerder (inhaler; atomizer; nebulizer); oormassa overweight), vetsug (obesity), hospitium (hospice). Voorkeurterme word aangedui, bv. by narkotikum word die voorkeurterm opioïed gegee vir die eerste betekenis, en die voorkeurterm narkosemiddel vir die tweede betekenis. Waar toepaslik, word die wetenskaplike teenoor die leketerm aangedui: hidrosefalus teenoor waterhoof; appendiks teenoor blindederm: epidemiese parotitis teenoor pampoentiies; of nevus teenoor moesie.

Uit die oogpunt van teksproduksie is die Woordeboek vir die Gesondheidswetenskappe 'n puik hulpbron vir skrywers en vertalers, danksy die volledige Engels-Afrikaans vertalende afdeling, die Afrikaans-Engels vertalende funksie van die sentrale teks, die verklarende funksie, verwysings, woordherkoms, sinonieme en differensiasie van bewerkings. Daar word riglyne verskaf oor spelwyses, bv. die Engelse uitgang -pnoea word in Afrikaans -pnee. Uit die oogpunt van teksproduksie sou hierdie afdeling nog heelwat meer riglyne kon insluit, bv. die Engelse uitgang -ine of -in word in Afrikaans -ien, soos in urien, uridien, serien, musien. Veral riglyne vir die transliterasie van generiese name van geneesmiddels sou vir die mediese vertaler van waarde kon wees: by. -zine word in Afrikaans -sien, daarom is die Afrikaanse ekwivalent vir **promethazine** in die WGW prometasien. Die vertaler kan hiervan aflei dat periciazine, wat nie in die WGW gelys is nie, as perisiasien getranslitereer kan word, veral as die nodige riglyne uiteengesit word. Voorkeurspelwyses sou ook vir die gebruiker nuttig wees, eerder as die insluiting van wisselvorme as afsonderlike lemmas, bv. hidrokefalus en hidrosefalus. 'n Algemene riglyn vooraf kan ook vir die skrywer of vertaler nuttig wees, bv. wanneer om in Afrikaans k of s te gebruik vir c in Engels (hydrocephalus).

Gebruikers wat ingeteken is op Pharosaanlyn (www.pharosonline.co.za) het die bykomende voordeel dat die resultaat van 'n soektog na 'n bepaalde term al die artikels lys waar daardie term voorkom, nie net in die WGW nie, maar in al Pharos se aanlynwoordeboeke. So word toegang verleen tot bykomende inligting en konteks, asook alternatiewe spelwyses en sinonieme, aansienlik meer as net die kruisverwysings by die

bepaalde lemma. 'n Soektog na **kannabis** gee byvoorbeeld 14 verwysings, o.m. na **tetrahidrokannabinol**, **kannabisme**, **hasjisj**, **marihuana**, **dagga**, **kannabinoïed** en **hallusinose**. Elkeen van hierdie artikels kan met die kliek van die muis oopgemaak word, vir verdere toeligting van die term.

Die hersiene Woordeboek vir die Gesondheidswetenskappe verskaf 'n tydige en noodsaaklike hulpbron aan studente en akademici, asook aan skrywers, vertalers en teksredigeerders. Dit stel 'n nuwe standaard vir vakwoordeboeke in Afrikaans, nie net in die gedrukte weergawe nie, maar ook op CD en aanlyn. Die hoop word uitgespreek dat die samesteller, medewerkers en uitgewer met die deurlopende bywerking van die WGW sal volhard.

### **Christina Mashobane** (from page 8)

language and English and Afrikaans as second languages. Her flair for languages helped her secure a job at an Afrikaans-only retirement village, where she worked as an auxiliary nurse for three years.

She then entered a countrywide search by Caxton Media House for multilingual people with a love of writing. Christina was one of 13 chosen to be trained as a journalist by Caxton. During this time, she worked as a trainee journalist for the biggest community newspaper in Pretoria, where she wrote in both English and Afrikaans. The training went well and she finished in the top three of her class. Since writing for a newspaper is limited to certain areas, and she wanted to study language scientifically instead of just writing the language, she applied for a BA (Language Practitioners) degree at the University of Johannesburg. This is where she found out about SATI and applied for a bursary.

With a degree in hand, partly paid for by SATI, Christina will be able to realise her life-long dream of teaching people about the wonders of language, the power it holds and the doors it can open. The bursary means she can learn about translating and interpreting and how to apply it to everyday scenarios. The world is shrinking every day and we need to understand different languages and their dynamics if we are to communicate effectively in the global village. Studying language practice will not only enhance her language skills, but also help her to interact with different cultures. Ultimately, she plans to encourage a culture of reading and love for languages in indigenous communities by translating life-altering books into their mother tongue.

### Mokgele Leaba

I live in Bultfontein in the Free State and am a full-time student at the Central University of Technology, studying a BTech Language Practice. My home language is Sesotho and I also have the knowledge and the ability to speak, understand, write and read Afrikaans, IsiXhosa, Setswana and English.

I studied isiXhosa while I was working towards a National Diploma because I was surrounded by Xhosa-speaking people who spoke Sesotho very well, but it was embarrassing for me as a language practice student to not be able to speak one of the languages in my community fluently. The problem I had was speaking and pronouncing some of the words in isiXhosa, though I could understand the language, and I would be left out every time Xhosa-speaking people in my community talked as I struggled to give feedback.

My career goal is to become a translator or a language practitioner, as I love and enjoy translation, both theoretical and practical. After successfully completing my Diploma, I wanted to further my studies but I had no financial assistance, but that didn't stop me from pursuing my goal. I then applied for a SATI bursary after registering this year and I was excited to receive the news that my application has been successful. This bursary has helped me cover my course fees and books in language and translation practice and I sincerely thank SATI for assisting me.

### Nomfundo Ngema

Growing up in Empangeni without not being exposed to various languages and cultures, I have always been fascinated by them. In addition to in isiZulu and English, I also know some isiXhosa and French. In my environment, I saw that there was a need for qualified interpreters to help the community. I chose to pursue this qualification because this career offers a wide range in terms of job opportunities and apart from that I really love what I am doing this. I am especially excited to get the bursary award as it will help me acquire the best resources possible. This will help me either maintain or increase the excellent results that I have achieved thus far.

### Phakamani Mbatha

IsiZulu is my mother tongue, my first language. It can be defined as a Bantu language of Southern Africa. IsiZulu is the language of the Zulu nation and its culture differs from other cultures embodied in other languages. During the apartheid era, isiZulu was a disadvantaged language, as Zulus were forced to learn other languages. However, because of freedom, isiZulu is now respected as an official language.

South Africa has 11 official languages, and South African Sign Language and the Nama and Khoisan languages are also recognised and mentioned in the Constitution as languages of South Africa that must be promoted and developed. All these languages are treated equally, yet in South Africa English unifies us all, because of its popularity and use as a medium of communication.

All languages are passed down from one generation of language users to another and people who use particular language constitute a distinct social and cultural group. Each language has full abstract and expressive capacity, as well as grammatical regularities.

What I know and understand about a career in translation and interpreting is that it is a very challenging and rewarding career for people who enjoy the way languages work, enjoy the way that people use language to get things done and enjoy playing an important role in helping people of all ages in a myriad of settings and situations. Interpreters and translators need to be independent thinkers, may work on their own and/or for themselves, should enjoy a flexible schedule and should be able to manage the amount of work they take on. They should also enjoy learning, knowing a bit about everything and always expanding their knowledge about the unique field in which they work.

### Saint George Vis

I was born and bred in Mangaung, Free State, and my home language is isiXhosa. There are at least six different languages spoken in Mangaung: isiXhosa, isiZulu, Southern Sotho, Setswana, Afrikaans and English. I had the privilege of studying in a multiracial school and am now able to speak all these languages. In 1994 I was voted Free State Writer of the Year for having published books in three different indigenous languages: isiXhosa, Setswana and Sesotho. I am currently doing my third year in Sign Language at the UFS. I am studying Language Practice (Translation) because I saw a huge gap that needed to filled in terms of translating in African or indigenous languages. The bursary I received from SATI was a great motivation and when I told my friends about it they did not believe that languages are being recognised as important! Many people in my community are not really aware that languages can work for them and that they can have a great career in language practice.



Mokgele Leaba



Phakamani Mbatha



Nomfundo Ngema



Saint George Vis

### Help for sworn translators



A manual on sworn translation is available from the SA Translators' Institute

This comprehensive manual on sworn translation arose as a result of a lack of clear guidelines on exactly how sworn translators should be going about their business. Many conventions and requirements have arisen over the years, but they were not put together in a single

source. Newcomers to the profession had difficulty finding out what they were supposed to be doing.

The manual should obviate these problems. It covers all aspects of sworn translation, from the requirements to qualify as a sworn translator to details of the various conventions, in addition to containing samples of documentation commonly used in South Africa.

### Contents

- 1. What are sworn translators and sworn translation?
- 2. Legislation relating to sworn translation
- 3. What this means in practice
- 4. Your stamp and certification
- 5. Guidelines and conventions relating to sworn translation
- 6. Charging for sworn translations
- 7. Duties of a commissioner of oaths
- 8. Getting yourself known
- 9. Sworn/court interpreters and interpreting
- 10. The SATI exam for purposes of becoming a sworn translator
- 11. Useful resources for sworn translators
- Annexure 1: Text of the Hague Convention relating to apostilles
- Annexure 2: Samples of certificates issued to sworn translators
- Annexure 3: Samples of stamps used by sworn translators
- Annexure 4: Samples of certification statements used by sworn translators
- Annexure 5: Samples of covering sheet for multiple sworn translations
- Annexure 6: Covering letter for file of translated photocopies of documents for use in a court case
- Annexure 7: Copy of regulations appointing sworn translators as commissioners of oaths
- Annexure 8: Pro forma documents to be submitted when being sworn in
- Annexure 9: Samples of common documentation

The manual is in A4 format and soft-covered, with 100 pages. It costs R120 per copy for Institute members and R180 for non-members.

To purchase a copy of the manual, contact Marion Boers on 011 803 2681 or publications@translators.org.za.

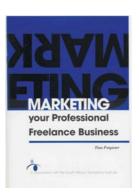
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### Other publications

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