



5 May 2020

Ms J. Stampalia
Executive Director
Court and Tribunal Services
Department of Justice
Government of Western Australia

Dear Ms Stampalia,

Participation of people with disability in jury service in WA

Thank you for your inviting comment on the Discussion Paper.

Members of the community expect to participate in jury service with the provision of reasonable assistance.

For people with hearing loss, such assistance would include a real-time transcribing of the spoken word. An estimated 1.2 million Australians rely on captions every day when watching television and social media announcements.

Properly functioning hearing loops will help people who have a hearing device to hear and participate in trials.

It is also important that interpreting is provided to people whose first language is Australian Sign Language (Auslan): there are about 10,000 people throughout the nation for whom Auslan is a first language. It is necessary that interpreters with appropriate skills, experience and qualification undertake such a role - refer to the National Accreditation Authority for Translators and Interpreters.

There is a significantly greater percentage of people in the prison population with hearing disability compared to the general community. In Western Australia > 80% of Aboriginal and Torres Strait Islander prisoners have communication difficulties.¹ Justice outcomes could be improved by including more people with hearing disability in juries.

¹ Pathways to Justice - Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133) by Australian Law Reform Commission 2018.

The Discussion Paper posed five questions

Is the current legislation appropriate for people with a disability?

Our response: The legislation should be changed so it does not discriminate on disability, age or race. Jury service should be based on whether a person can meet the requirements of service with reasonable assistance.

Do you believe that the legislation should be amended to accommodate people with a specific disability (such as partial or complete hearing loss) or all types of disability?

Our response: The legislation should be amended to accommodate all people with disability who can meet the requirements with reasonable assistance.

Should amendments similar to those adopted by the ACT be adopted for the Act in WA?

Our response: Yes (but we're not lawyers) if made to suit local conditions, especially in the case of Aboriginal people for whom English is a second or third language.

Are there any additional considerations that the Department may not be aware of but needs to consider?

Our response: People for whom English is second or third language, for example some Aboriginal people, some of whom have their own sign language, should also be able to serve with the assistance of an interpreter.

Is there anything further you would like to provide comment on that you believe would improve the participation of people with a disability in jury service?

Our response: We offer advice respectfully as a national advocacy organisation (see the attachment for details about us), but it is important that local organisations representing local communities and their issues have a prominent voice.

Thank you for the opportunity to comment. This is a public submission.

Yours sincerely



Stephen Williamson
Chief Executive

Attachment: Deafness Forum's members and networks

Attachment

Deafness Forum's members

For reasons of privacy, we do not publish the names of our individual members, except for office-bearers and Honorary Life Members.

This is a list of organisations that are members of Deafness Forum.

- ACT Deafness Resource Centre
- Ai-Media
- Audiology Australia
- Audiometry Nurses Association of Australia
- Aussie Deaf Kids
- Australian Communications Consumer Action Network
- Better Hearing Australia Brisbane
- Better Hearing Australia Canberra
- Better Hearing Australia Central Coast
- Better Hearing Australia National
- Better Hearing Australia Victoria
- CICADA Australia
- CICADA Club WA
- CICADA Queensland
- Cochlear Limited
- Deafblind Australia
- Deaf Advocacy Sport & Recreation ACT
- Deaf Children Australia
- Deaf Society NSW
- Deaf Sports Australia
- Deafness Council of Western Australia
- Deafness Foundation
- Ear Science Australia
- EARtrack
- First Voice Australasia
- GN Resound
- Guide Dogs Assoc of SA & NT
- Hear and Say Centre for Deaf Children
- Hear For You
- Hearing Australia
- Hearing Matters Australia
- Independent Audiologist Australia
- MED-EL Implant Systems
- Media Access Australia/Centre for Inclusive Design
- Methodist Ladies College
- National Hearing Care
- Oticon Australia
- Pacific Retail Solutions
- Parents of Deaf Children
- Phonak

- Princess Alexandra Hospital Audiology Department
- Quota International of Campbelltown
- Quota International of the Leisure Coast
- Royal Institute for Deaf & Blind Children
- Shepherd Centre
- Sivantos
- Sonova Australia
- St Dominic's Centre for Hearing Impaired Children
- Sydney Opera House
- Telethon Speech & Hearing Centre for Children

Deafness Forum's network

reaches beyond its membership. Deafness Forum is an active member of:

- World Hearing Forum, a global network of stakeholders promoting ear and hearing care is hosted by the World Health Organization
- Australia's Hearing Health Sector Alliance
- NDIS CEO Forum
- Disability Support Services Committee (Department of Social Services)
- Australian Federation of Disability Organisations
- Aviation Access Forum (Department of Infrastructure, Transport, Regional Development and Local Government)
- Australian Electoral Commission Disability Advisory Committee
- Museum of Australian Democracy Disability Reference Group
- Standards Australia Committee FP002 (Fire detection)
- Transport for NSW Accessible Transport Advisory Committee
- ACCAN Standing Committee on Disability Issues

Deafness Forum has created

for the entire sector, through the work of its chair David Brady:

- Federal Parliamentary Friends of Hearing Health and Deafness
- NSW Parliamentary Friendship Group for Hearing Health and Deafness