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Ms Joanne Stampalia
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Dear Ms Stampalia

Participation of People with Disability In Jury Service

The Disability Discrimination Legal Service (“DDLS”) is a Community Legal Centre based in Victoria which provides various legal services to people with disabilities in relation to disability discrimination.

We have an interest in there being consistent non-discriminatory laws across Australia that give people with disabilities the rights they are due, to encourage their positive inclusion in Australian society.

Your discussion paper, which we sincerely hope will result in equal rights for people who to date have been excluded from jury service, is important not only for Western Australia, but in leading the way for equality. It certainly is not the case in most Australian states that all Australians can be judged by a jury of one’s “peers” if you are a person with a disability.

In terms of the current Western Australian legislation it is clear that many people with a disability who are entirely capable of executing their responsibilities in jury service, are currently denied that opportunity. The term “mental impairment” is ambiguous and may not necessarily mean that a person with a cognitive disability that does not affect their intellect or application, can currently serve as a jury member.

Given the complexities and breadth of disabilities, we submit that an adoption of legislation similar to the ACT would be the best course of action, with the first response to a person with a disability being eligible for duty being how to accommodate them, rather than any automatic prohibition. Those whose disabilities require support/equipment to overcome linguistic barriers (Auslan interpreters, Deaf blind interpreters, Communication Support Partners for people who use Augmentative and Alternative Communication, loops) have always had the ability to be included in jury service. To that end, we would like to endorse the submission of Deaf Australia.

We applaud the Court and Tribunal Services Department of Justice for embarking on this review of the legislation and look forward to them being a leader and example for other Australian states.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Phillips', written in a cursive style.

Julie Phillips

Manager