



**Deaf Services**

QUEENSLAND

ABN 52 119 604 290

18/06/2013

Commissioner Graeme Innis  
Disability Discrimination Commissioner  
Australian Human Rights Commission  
Level 3, 175 Pitt Street  
SYDNEY NSW 2000

915 Ipswich Rd Moorooka QLD 4105

P.O. Box 465 Moorooka QLD 4105

voice: (07) 3892 8500

tty: (07) 3892 8501

fax: (07) 3392 8511

website: [www.deafservicesqld.org.au](http://www.deafservicesqld.org.au)

Dear Graeme,

In relation to the Public meetings regarding access to justice in the Criminal Justice System for People with a Disability, Deaf Services Queensland (DSQ) would like to highlight issues which are key to achieving equity within the Criminal Justice system for Deaf and Hard of Hearing community members.

Communication difficulties are present amongst nearly all Deaf and Hard of Hearing community members when dealing with the justice system in Queensland, at all levels. DSQ believes that systemic failures centring around the inability to appropriately provide communication support and understand the communication needs of individuals throughout the system is leading to prolonged trials, extended remand times, access to rehabilitation programs essential for parole and equitable prison sentences.

Core to the issue of prolonged trials and remand times is that the justice system requires the Magistrate or Judge to discretionally determine and order an Auslan Sign Language interpreter before one can be booked. This means that a person who is clearly profoundly Deaf is denied access to an interpreter for their initial hearing whether this is a mention or other until a Magistrate or Judge Orders one as they are unable to communicate with the accused.

This barrier also extends to correctional staff tasked with the care of Deaf and Hard of Hearing accused in remand or holding cell situations. Deaf Services Queensland has case based evidence that the systems inability to have solutions in place for communicating with Deaf or Hard of hearing inmates has resulted in delays leading to frustrations and confusion resulting in behavioural issues and additional charges being laid against the Deaf or Hard of hearing inmate.

The issue of interpreting and communication access is apparent in all aspects of the Criminal Justice System. Once a Deaf accused has been found guilty and is incarcerated, the issues they face are primarily centred on access to sufficient language support. If an inmate is not able to adequately communicate with corrections staff and comply with their directions, it is likely that the inmate will react unfavourably. In addition the necessary rehabilitation programs that require completion as part of a successful parole application are often delayed or not completed due to the inability for the current system to provide support that addresses the communication gap. When combined these two lead to an increased length of stay within the prison system, simply due to a lack of communication or access to Auslan Sign Language interpreters.

As a leading service provider in Queensland providing direct support to Deaf people in a range of circumstances including but not limited to case management of deaf people in the Criminal Justice System, Deaf Services Queensland as a minimum suggests the following solutions to the issues raised above:

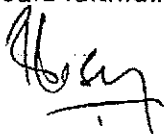
- Provision of Deaf Awareness Training (DAT) for targeted remand and prison staff to help interactions between individuals and the system.
- Training in basic industry appropriate Auslan (Sign Language) to improve interaction and compliance and alleviate frustrations between the individual and the corrections staff.
- Access to Video Remote Interpreting (VRI) or captioning services to allow Correctional staff and Justice Authorities to communicate with inmates within a time appropriate manner available on a needs basis.
- Giving Senior Law Clerks the delegated authority to book Auslan Sign Language interpreters instead of having to wait for the Magistrate or Judge to request one is organised.
- Develop policies that allow access to interpreters via VRI, captioning or Auslan Sign Language and Bi lingual and culturally aware support workers for a Deaf or Hard of hearing inmate requiring such support to complete mandatory rehabilitation programs as part of parole application or pre-release conditions.

These issues are not new to Deaf Services Queensland. In our reach to advocate for change, we have recently met the Hon Jarrod Bleijie, Queensland's Attorney-General and Minister for Justice and raised these issues directly with him. That meeting was successful and Deaf Services Queensland is looking forward to working further with the Justice Department and key stakeholders to make a start on these issues of equity for the Deaf and Hard of Hearing Community members and correctional staff in the Justice system.

I trust that contributions by staff, from Deaf Services Queensland along with other deaf community members at the public forums in Queensland and across Australia provides you with a useful insight into the systemic barriers that deaf people face in the Criminal Justice System.

If we can be of any further assistance on this issue, please do not hesitate to contact me directly.

Yours faithfully,



Brett Casey  
Chief Executive Officer