

Launch of “*Disabled Justice*” People with Disability in the Criminal Justice System
Report, Banco Court, Supreme Court, 22 May 2007

It is a privilege to have the opportunity to speak at the launch of this report published by Queensland Advocacy Incorporated (QAI): *Disabled Justice: Barriers to Justice for People with Disability in Queensland*. QAI has the very important role of promoting and enhancing the rights of people with disability in Queensland through systems advocacy; and this work is an important contribution to that.

I have long been impressed by the continuing activism of Kevin Cocks, the Director of QAI. Not only has Mr Cocks contributed substantially to a better theoretical understanding of access to justice issues for people with disability but he has also advocated in his personal life for the rights of people with disabilities. In particular, I remember the Convention Centre case which came before me when I sat on the Anti-Discrimination Tribunal. His representative action resulted in the grand entrance to the Convention Centre being made accessible for people with disabilities. The case has served as a positive example to other groups as to what can be achieved for the protection of the rights of people with disabilities through the legal system. The case also provides an example of the practical reform that can be achieved through the law.

Mr Cocks continues to advocate strongly for the rights of people with disabilities and has now been involved with QAI and the promotion and protection of disability rights for a number of years. Additionally, he has been active in promoting the United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. The ad hoc committee to draft this

Convention was established in 2001 and the Convention was first opened for signature on 30 March this year. Australia was among the first signatories to the Convention, signing on the first date available for signing. It is important to see that action at an international level to promote and enhance the rights of people with disabilities is being undertaken. But it is equally important to take action at a local level.

I have read the report to be launched here tonight. It is well researched and informative. The report covers a broad range of issues and addressed the issues that affect all, as well as different, disability groups. The need for further research on the impact of the justice system for people with disabilities is evident from the report. The need for greater education of society and of people with disabilities themselves as to their rights and responsibilities is also evident as is the lack of social support and services for people with disabilities. This lack of support makes people with disability more vulnerable to becoming victims of crime and to being accused or convicted of crimes.

I would like to note and indeed advocate for the need for both attitudinal and structural changes. Quite simply, you cannot have one without the other. There must be an accessible physical environment so that people with disabilities are able to interact as ordinary members of society and participate in the full range of social and work activities. But that is not sufficient. It is not enough to have an accessible physical environment if people in the community and people with disabilities themselves do not have positive attitudes towards disability because people with disability will again be prevented in engaging in community-based activities. Changes to the accessibility of the physical environment as well as attitudinal changes are clearly needed. Impairment, whether psychosocial,

intellectual or physical, is after all just part of the richness of human diversity.

The Equal Treatment Bench Book is an example of how the Supreme Court of Queensland has attempted to address the barriers to justice for all people, including people with disability. The Equal Treatment bench book does not focus on a single group such as people with a disability. It provides guidelines as to how court staff should treat all people regardless of ethnicity, religious background or disability for example. Equality before the law is fundamental to a just society. Initiatives such as the Equal Treatment Bench Book and this report should go some of the way towards creating equal access and equality for all people before the law.

I particularly commend the recommendation relating to judicial education. I was fortunate to be a participant in a trial of an online judicial education programme conducted by Julia Haraksin, Disability Co-ordinator for the NSW Attorney-General's Department on behalf of the National Judicial College which can provide an excellent prototype for a more generally available judicial education programme.

My congratulations on a job well done which requires others now to do their best to bring the recommendations to reality.