

TASMANIA
LAW REFORM
INSTITUTE

Helping people get equal access to justice

Help people tell their stories

Easy Read version



How to use this document

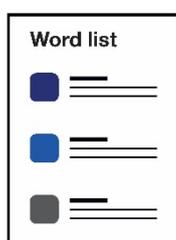


This information is written in an easy to read way. We use pictures to explain some ideas.

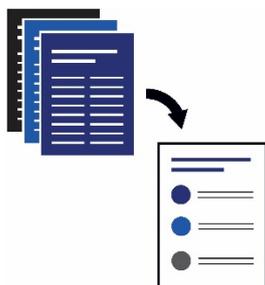


This document has been written by the Tasmania Law Reform Institute (TLRI).

When you see the word 'we', it means TLRI.



Some words are written in **bold**. We explain what these words mean. There is a list of these words on page 30.



This Easy Read document is a summary of another document.



You can find the other document on our website at www.utas.edu.au/law-reform

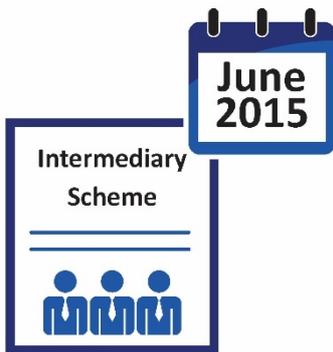


You can ask for help to read this document. A friend, family member or support person may be able to help you.

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About this report

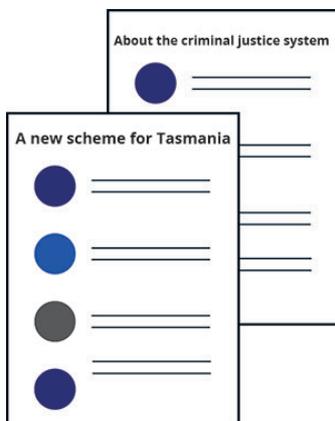


In June 2015 we were asked to think about an **intermediary scheme** for Tasmania.



An intermediary scheme is a way to help people tell their stories when they deal with the **criminal justice system** in Tasmania.

In this document we call it 'the scheme'.



We explain more about the scheme on page 12.

And we explain what the criminal justice system is on page 6.



In May 2016 we asked the community about having an intermediary scheme and how it would work.

We got lots of feedback.

The feedback helped us:



- write this report



- make **recommendations** – ideas about things that could be done to make things better.

You can read our recommendations on page 15.

About the criminal justice system

The **criminal justice system** is how we make sure:



- people follow the law



- people who commit crimes are punished



- people who are victims of crime feel safe again.



Justice happens when things are made right again after a crime.



Sometimes people have to deal with the criminal justice system in Tasmania.

A person dealing with the criminal justice system could be:



- the **victim** of a crime – it happened to them



- a **witness** to a crime – they saw or know what happened



- a **suspect** – they are accused of a crime.

These people might need to talk to:



- the police



- a lawyer



- a judge



- juries.



This document is about making sure everybody can use the justice system fairly and equally.

What are communication needs?



Sometimes people have trouble communicating. These people might have a disability or impairment.



They might have a learning difficulty.



They might have language problems.

They can have trouble:



- expressing themselves clearly



- understanding information they have been given



- making other people understand them



- talking to people they don't know.



We call these things '**communication needs**'.

Taking part in the criminal justice system



People with communication needs have the same rights as everybody else.



They have a right to fair and equal treatment when they come in contact with the criminal justice system.



But sometimes people face problems because communication breaks down.



We can help people with communication needs get access to justice.

A new scheme for Tasmania

We have a way to:



- work out if somebody has communication needs



- improve how we communicate with those people.

The scheme we want to use could help:



- adults with communication needs



- children.



We can use **communication assistants** or **intermediaries** to help people with communication needs.

Communication assistants or intermediaries are people who can:



- make communication easier



- work out what communication problems there may be



- suggest ways we can deal with these communication problems



- give advice about what questions to ask and how to ask them



- make sure:
 - questions are understood
 - answers are understood.

In this document we call them assistants.



Assistants are different from:

- advocates
- support people.

Making things better

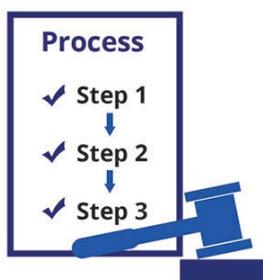
We have made some recommendations.

We explain each one below.



The law in Tasmania should change so it includes an intermediary scheme.

People with communication needs should be able to get help:



- at all stages of the criminal justice process



- any time they need to communicate with:
 - police
 - lawyers
 - judges
 - court staff
 - juries.



People with communication needs should be able to use the same assistant at every stage.



All people with communication needs who take part in the criminal justice system should be able to get help.



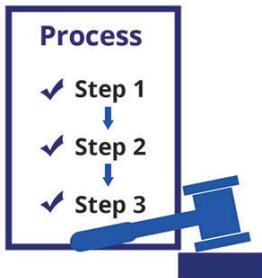
This includes:

- victims
- witnesses
- suspects.



It shouldn't matter how old somebody is.

An assistant should be used:



- in all cases where somebody has communication needs
- at all stages of the criminal justice process



- if somebody asks for one.



However, the person should also be able to choose not to get help if they don't want it.



An assistant will work out if the person can use the scheme.



The law needs to explain what the assistant can do.

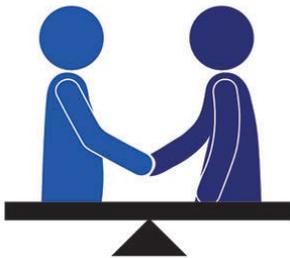
An assistant's job is to:



- make sure the person who needs help can understand what is said



- make sure the person who needs help is understood



- act in a way that is
 - fair
 - independent



- explain what is said by people with communication needs:
 - clearly
 - accurately.



The law needs to explain how an assistant is different from an advocate or support person.

The scheme should help people who work in the justice system understand:



- who has communication needs



- what those needs are



- how well somebody can communicate



- the best way to ask questions.



In other parts of Australia, assistants act as interpreters.

This means that:



- the person with communication needs understands the questions they are asked



- everyone can understand the answers the person gives.



We want this to happen in Tasmania too.



They should also be able to step in if the questions being asked are hard to understand.



They can suggest different or better ways to ask those questions.



If somebody wants to be an assistant, they should have good skills in one of these areas:



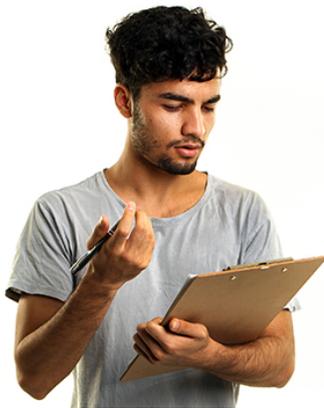
- psychology
- languages
- child psychology
- speech pathology
- teaching
- occupational therapy
- mental health nursing
- social work.



Some people might make good assistants because they have the right:

- knowledge
- experience.

Whoever runs the scheme should:



- decide who will work for the scheme



- make sure those people are doing a good job.



There should be a list of assistants.



People with communication needs will be matched with the right assistant.



The list of assistants should be managed by people who know and understand the:

- criminal justice system
- communication needs people can have
- how the scheme works.

The courts should have the power to:



- decide if somebody needs an assistant



- give somebody an assistant that they want to use, even if that person is not on the list.



The Tasmanian Government should pay for these changes.



Different areas of the Tasmanian Government might need to work together to make sure:

- the scheme runs well
- everyone is working in the same way.



Education and training need to be included in the funding for the scheme.



The scheme needs to be available across Tasmania.



Whoever runs the scheme needs to make sure there are enough assistants.



Education and training is a very important part of the scheme.



Training should be given to anyone who might work on a case where somebody has communication needs.

Whoever runs the intermediary scheme needs to offer training programs for:



- assistants



- people who work in the criminal justice system:
 - police
 - lawyers
 - judges
 - court staff.



The training programs need to suit the different roles people have.



People who work in the criminal justice system need to learn how to:

- interview or question people with communication needs
- work with assistants.



Before trials, decisions must be made about how to question anybody with communication needs.



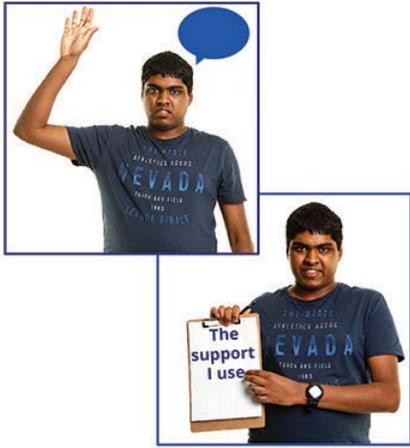
There should be a hearing to make sure everybody knows how questioning should be done. This is called a **pre-trial directions hearing**.



Documents should be produced to explain the role of the assistants.



These documents would explain exactly how the assistants should do their job.



Police and lawyers need to know:

- when somebody has communication needs
- what communication support somebody uses.



They need a way to work out if somebody needs communication support.



There should be a database of information about people with communication needs and the support they use.



Laws would make sure information in the database can only be used by people who work with people with communication needs, including:

- government departments
- police
- lawyers.



Tasmania needs spaces where people with communication needs can:

- feel safe
- give evidence
- work with:
 - police
 - lawyers
 - communication assistants
 - intermediaries.



What happens next?

We will give our report and recommendations to the Tasmanian government. They will:



- read our report



- think about our recommendations.



The Tasmanian government will make a decision about:



- having an intermediary scheme



- following our recommendations.

Word list



Communication assistant or intermediary

A person who can help people with communication needs.



Communication needs

Sometimes people have trouble with communication due to a disability or impairment.



Criminal justice system

How we make sure:

- people follow the law
- people who commit crimes are punished
- people who are victims of crime feel safe again.



Intermediary scheme

A way to help people with complex communication needs take part in the justice system.



Judge

The person who manages a court and trials who has decision-making power.



Justice

When things are made right again after a crime.



Lawyer

An expert in the law who can help you if you have a legal problem.



Pre-trial directions hearing

A hearing to make sure everybody knows how questioning should be done.



Recommendations

Ideas about things that could be done to make things better.



Suspect

A person who has been accused of committing a crime.



Victim

A person who has had a crime committed against them.



Witness

A person who:

- knows what happened during a crime
- saw a crime happening.

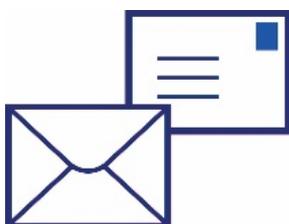
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