

## Media Release

### Chiefs of Staff, News Directors

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#### Better justice for Tasmanians with communication needs

Introducing a Tasmanian Intermediary/Communication Assistant Scheme will enable people with communication difficulties to gain greater access to justice than is now possible, according to a new report.

The Tasmania Law Reform Institute (TLRI) today released its latest report, *Facilitating Equal Access to Justice: An Intermediary/Communication Assistant Scheme for Tasmania*.

The report recommends significant changes to the State's criminal justice system, including using communication experts (intermediaries) to assist victims, witnesses and defendants who have communication needs to engage with police, lawyers and the courts.

Institute Director, evidence law expert and report co-author Associate Professor Terese Henning said the system has failed children and other people with communication needs.

"The ability of people to communicate with police, lawyers and in the courts will fundamentally determine whether they gain access to justice and whether justice can, in fact, be done," she said.

"An Intermediary/Communication Assistant Scheme in Tasmania will ensure that people with communication needs are able to understand and participate in criminal justice processes.

"Police, lawyers and judges will also benefit from expert advice on communicating with these people in ways that enable them to participate to the greatest possible extent in the criminal justice process."

Associate Professor Henning said the scheme is a critical component of a package of measures designed to improve access to justice for people who have communication needs.

"These measures include police investigative interviewing that is adapted to the linguistic capacities of interviewees, the use of pre-trial directions hearings and the pre-recording of evidence.

“The last measure has already been instituted in Tasmania. However, to enable people with communication needs to participate in the justice system, it needs to be supplemented by a communication assistant/intermediary scheme.”

Associate Professor Henning said these measures work together not only to improve access to justice, but also to produce efficiency gains in the justice process including reduction in trial times.

“For example, in England and Wales where intermediaries have been used for over two decades, when used in conjunction with pre-trial directions hearings and pre-recording, the average cross-examination times have been reduced from hours or sometimes even days to 15-20 minutes,” she said.

The Institute’s recommendations correspond with those made by the Royal Commission into Institutional Responses to Child Sexual Abuse that intermediary schemes should be implemented in all Australian jurisdictions. They will also ensure that Tasmania’s laws are consistent with international human rights obligations.

Former Attorney-General, the Hon Vanessa Goodwin MLC, referred the investigation of the feasibility of an intermediary scheme for Tasmania to the Institute in 2015.

#### At a glance:

- Intermediaries are not advocates but act as independent advisors and quasi-translators for people with communication needs. They provide expert advice to police, lawyers and judges about the best way to communicate with people with communication needs and may intervene in questioning that does not match their linguistic capacities.
- In the UK intermediaries have been used for more than two decades. They are yet to be utilised uniformly in Australia.
- Western Australia has the longest standing intermediary scheme in Australia, with South Australia and New South Wales implementing pilot schemes in 2016 and Victoria soon to commence a pilot program.
- The package of measures in the Institute’s report, if implemented in full, will position Tasmania as one of Australia’s lead jurisdictions in measures to facilitate equal access to justice for children and other people with communication needs.
- “Communication needs” is the term used by the Institute to denote a range of communication needs including those arising from linguistic and intellectual development, physical, mental and cognitive impairments, trauma as well as learning difficulties, language problems, dyslexia, dyspraxia, dyscalculia and attention deficit (hyperactivity) disorder (ADHD).

To view the report visit the TLRI website [www.utas.edu.au/law-reform/news-and-events/tlri-news/final-report-23-released](http://www.utas.edu.au/law-reform/news-and-events/tlri-news/final-report-23-released)

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