

22 May 2026



Operational Policy Design and Implementation
Courts and Tribunals
Department of Justice
GPO Box 1649
Brisbane QLD 4001

Dear Operational Policy Design and Implementation Team,

Accessible Queensland Courts and Tribunals Consultation

The Queensland Independent Disability Advocacy Network (QIDAN), welcomes the Queensland Government's commitment to making Queensland Courts and Tribunals more accessible for people with disability in response to recommendation 8.11 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the DRC) final report and in line with Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD).¹

This letter, to be read in addition to our online survey response to this consultation, is informed by our extensive experience working with people with disability in the Queensland Civil and Administrative Tribunal (QCAT), Mental Health Court (MHC), Mental Health Review Tribunal (MHRT), Specialist Domestic and Family Violence Court (DFVC) and various metropolitan and regional Magistrates Courts across Queensland.

The recommendations in this letter are to be considered together with the recommendations Queensland Advocacy for Inclusion (QAI) made in its [submission to the Queensland Civil and Administrative Tribunal Act Review](#).²

¹ Convention on the Rights of Persons with Disabilities, Article 13, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

² Queensland Advocacy for Inclusion, 'Queensland Civil and Administrative Tribunal Act Review', <https://qai.org.au/queensland-civil-and-administrative-tribunal-act-review/>, pages 7-10, 17-18.

Working together to achieve positive change for people with disability

Aged and Disability Advocacy Australia (ADAA) + AMPARO Advocacy + Capricorn Citizen Advocacy (CCA) + Mackay Advocacy + People with Disability Australia (PWDA) + Queensland Advocacy for Inclusion (QAI) + Rights In Action (RIA) + Speaking Up For You (SUFY) + TASC National

Recommendations

1. Properly resource independent disability advocacy for people with cognitive disability involved in the criminal justice system. A model like [the Justice Advocacy Service](#) (JAS) run by IDRS in New South Wales should be considered.
2. Properly fund and introduce a right to free legal representation for people with disability.
3. Strengthen agreements between independent disability advocacy organisations and courts and tribunals to enable independent disability advocates to attend courts and tribunals to provide extra support in the court room.
4. Publish the Queensland Courts Equal Treatment Benchbook in more accessible formats including easy English, video and audio versions.
5. Create mechanisms to enforce greater accountability for judicial officers to comply with the Queensland Courts Equal Treatment Benchbook, particularly in relation to adjustments and practical solutions for people with disability.
6. Introduce an Accessibility Liaison Officer in each court and tribunal as a central point of contact for accessibility and adjustment requests, as per the Queensland Law Society's (QLS) recommendation.³
7. Develop processes for person centred data collection that supports people with disability to choose how their disability data is collected and reported.

Communication

Communication barriers in courts and tribunals consistently pose significant challenges for people with disability. From our experience, communication barriers often include literal interpretation of figurative language, difficulty understanding complex questions and legal jargon, and a general lack of understanding by judicial officers that adjustments may be required to accommodate different communication styles and preferences. As a result, it is

³ Queensland Law Society, 'Accessibility in the Courts', <https://www.qls.com.au/getmedia/b3f4caa5-a147-4ddc-9066-64d8a87fe157/5209-QLS-SUBMISSION-ACCESSIBILITY-IN-THE-COURTS.pdf>, pages 3-4 ('QLS Accessibility in the Courts Submission').

commonplace for people with disability to misinterpret or not understand what is happening in the court room. We have found, however, when advocacy support is available to people with disability in court/tribunal hearings, communication is more effective and better outcomes are often achieved. For example, a QIDAN advocate was working with a deaf client who had a matter at the Magistrate's Court. The advocate reported the Magistrate yelling at the client thinking the client could hear if he raised his voice. The advocate was able to communicate this to the Magistrate who was then able to adapt their communication style accordingly knowing that the client could read lips. It has long been accepted that poor communication can undermine the fundamental objective of legal proceedings and lead to miscarriages of justice.⁴ Similarly, the positive role that advocacy can play, especially regarding communication is well established, most notably by the DRC Final Report.⁵

Communication issues for people with disability are often exacerbated when limits are placed on the number of support people that can be present during the hearing. In the Specialist and Domestic Family Violence Court, for example, if a person can only have one support person, this forces them to choose between their domestic family violence (DFV) advocate and their independent disability advocate. In the instance where the disability advocate is chosen, while this may assist with facilitating effective communication in the court room, it means that the person must forego having the specialist knowledge of the DFV advocate which may be critical to the person understanding the proceeding and its outcomes.

⁴ *R v Tran* [1994] 2 SCR 951; *R v Kina* [1993] QCA 480.

⁵ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Final Report', volume 6, <https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%206%2C%20Enabling%20autonomy%20and%20access.pdf>.

Queensland Courts' Equal Treatment Benchbook

QIDAN commends the Third Edition of the Queensland Courts' Equal Treatment Benchbook (the Benchbook), particularly its guidance in relation to people with physical disabilities and people with conditions that may affect cognition, communication or mental health.⁶ We note key challenges our clients have experienced firsthand in Queensland courts and tribunals are recognised in the Benchbook with possible adjustments. For example, difficulty standing for traditional court protocol is recognised as a challenge with blanket permission to remain seated during proceedings listed as an adjustment.⁷ However, QIDAN advocates share varying levels of awareness of this resource, and some feel that the resource is clunky and overwhelming, making it difficult to apply in practice. Judicial officers also appear to have differing levels of familiarity with and application of the Benchbook due to the vastly different approaches taken in the court or tribunal room.

Accessibility Liaison Officer

In our experience, contacting courts and tribunals ahead of time to make notification of accessibility requirements or adjustments can be cumbersome. In addition, there is very little to no publicly available information about requesting adjustments or other assistance which makes the process unclear and inaccessible, especially for self-represented litigants who do not have access to a lawyer or advocate to make these requests. QIDAN therefore supports the [QLS letter](#) on accessibility in Queensland courts. QIDAN also endorses the recommendation to establish an 'accessibility liaison' in each court and tribunal as a central point of contact.⁸ By having this dedicated contact, it will make the process for requesting adjustments easier and facilitate a proactive approach to making courts and tribunals accessible, in stark contrast to the current reactive approach. We also note the recommendations made in the QLS letter, which we support, are generally aimed at

⁶ Queensland Courts, 'Equal Treatment Benchbook – Third Edition', https://archive.sclqld.org.au/sclpub/equal-treatment-benchbook/equal-treatment-benchbook_3rd-ed_2026.pdf, chapters 6 and 7 ("Equal Treatment Benchbook").

⁷ Equal Treatment Benchbook, page 91.

⁸ See 'QLS Accessibility in the Courts Submission pages' 3-4.

improving accessibility for legal practitioners with disability, and we suggest that all court users with disability would greatly benefit from the recommendations.

Data

QIDAN strongly advocates for improved data collection on the prevalence of disability in the justice system to support evidence-based policy and service delivery. In our experience, we have seen numerous instances where the recording of matter specific disability information can be detrimental. For example, in the MHRT, a comment that is made at a point in time will stay on the client's file indefinitely regardless of whether the claim was ever substantiated. All data should be obtained using a person centred approach that supports the individual to choose how their disability data is collected and reported.

We are happy to provide further information or clarification of any of the matters raised in this letter upon request.

Yours sincerely,



Caitlin De Cocq Van Delwijnen

Principal Advocate, Queensland Advocacy for Inclusion

On behalf of the Queensland Independent Advocacy Network (QIDAN)

Appendix A: Survey Responses

7. What could courts and tribunal services do to be more accessible to people with disability?

A detailed accessibility assessment and checklist should be completed for each Court and Tribunal setting. Some examples of accessibility improvements provided by advocates across Queensland include: automatic doors to courtrooms, dedicated space for people who use mobility devices such as wheelchairs including as part of a jury and at the bench, adapting instructions to stand to append “if able”, and training/ awareness building for court staff.

10. Do you have any suggestions to improve the management of requests for adjustments or assistance?

There must be more clarity about who to contact at the court/tribunal when adjustments are required. Currently, the process is unclear. An accessibility liaison officer for each court and tribunal as a central point of contact would greatly assist adjustments being made proactively rather than reactively on the day of the hearing.

11. In your opinion, what supports and accommodations work well to assist people with disability to access courts and tribunals?

- Remote/ online and flexible options are important for people with disability who may become overwhelmed by the setting, processes and atmosphere.
- Additional support to ensure people who are deemed “high risk”. For example, “high risk” clients appearing at the MHRT or the Mental Health Court, security guards from the hospital have attended in-person with the client to provide an extra level of safety. People should be able to appear in court in the way that they want to and supports should be available for them to do so.

12. What would help you (or your client or family member with a disability) to fully participate in a court or tribunal process and/or hearing?

- Additional time allocated to hearings where people require interpreters as it tends to take about twice as long. The Mental Health Review Tribunal automatically

allocates a longer period of time automatically when an interpreter is required for a hearing which is helpful so that it isn't rushed. This practice should be made mandatory across all Queensland Courts and Tribunals.

- Accessible and flexible resources and formats for example some people with vision impairment may prefer to appear remotely as technology can enhance participation for example with zoom functions.
- Decisions on the number of support people should be assessed on a case-by-case basis. For example, removing the strict limits on the number of support people that can be present during some hearings, such as Specialist and Domestic Family Violence Court hearings, so that people don't need to choose between specialist DFV knowledge and disability support.
- Dedicated accessibility staff to ensure that adjustments and supports can be accessed. For example, Deafblind individuals who may not be able to follow written instructions and need assistance to connect with the hearing loop.
- Dedicated low sensory and private spaces that are easily accessible and available for people with disability particularly where the other party is present.
- Increased training and awareness for court security staff on the legal protections of assistance animals.
- Increased training, guidance and awareness for court security staff regarding approaches to immunocompromised people for example, allowing people to wear a mask through security.
- Court listings could improve accessibility by considering disability supports and the location of the court, providing guidance on the time of the listing or options for timing of listings to ensure people can access support, greater awareness of listing information and processes when attending court for the first time.
- Updates to Bail processes to ensure accessibility for people with disability, especially for those who may have negative experiences with courts and police

stations. This could include allowing for the signing of bail orders at other authorised locations that may be accessible to people with disability.

13. What is your preferred format to receive information about court matters?

Ensuring a range of communication formats is essential as people with disability have different communication requirements and preferences. For example, phone, email, in person, messaging, information sheets, videos etc that can be accessed.

14. Are you aware of examples of good practice in other states, territories or countries that support people with disability to access court and tribunal services?

In New South Wales, Intellectual Disability Rights Service (IDRS) operates a 24/7 non-legal advocacy service for people in the criminal justice system. IDRS' Justice Advocacy Service (JAS) with approximately 30 staff and additional volunteers, provides support for young people and adults with cognitive disability who are involved in the criminal justice system as victims, witnesses or if they are either accused or defendants. As part of this service, JAS provides support at court to help people with cognitive impairment to:

- Understand and exercise their rights
- Understand options available to them
- Raise individual needs and appropriately contribute to proceedings
- Understand outcomes, conditions and consequences.

16. If you are a service provider, lawyer or advocate, what do you see as your role in supporting people with disability in court and tribunal matters?

- Currently, some disability advocacy organisations in Queensland have a very small and limited amount of funding to provide court-based support. However, this is insufficient and currently demand for advocacy significantly outweighs the support available. This advocacy includes assisting people to understand their rights, navigating services and processes, providing supported decision-making support, connecting with lawyers and ensuring the court/tribunal processes is as accessible as possible. Specialist disability advocacy, like JAS, across all Queensland courts

and tribunals as would undoubtedly assist people with disability to better access court and tribunal services.

- As some of our members are also community legal centres supporting people with disability through court/tribunal processes they take on additional responsibility including adapting to meet a person's accessibility needs, ensuring the process is accessible, providing navigation support for the process and interpreting the law and legal jargon.

19. Do you have any other comments or feedback that you would like to share?

Legislative change is required to ensure that D/deaf people can serve on a jury – an Auslan interpreter should not count for the purpose of calculating the number of people on a jury. In *Lyons v States of Queensland* [2016] HCA 38, the High Court found that a deaf person is “incapable of performing the functions of a juror” due to the legal prohibition on a 13th person (the interpreter) being in the jury room.