

Media Release

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For immediate release

Justice should extend to Australians with communication impairment

Speech Pathology Australia (SPA) today expressed concern at the announcement that charges have been dropped against an Adelaide bus driver accused of abusing intellectually disabled children – as the children were deemed unable to adequately communicate what happened to them.

SPA National President, Christine Stone said the justice system should protect the human rights of Australia's most vulnerable citizens and that changes must be made to recognise and accommodate differences in communication ability of alleged victims.

“People with disability, especially those with communication impairment, are highly vulnerable. The statistics of abuse in children and adults with intellectual or other forms of disability that affect communication are staggering, yet courts still insist on direct accounts by victims for proceedings to continue.

“That South Australian law views disabled victims as unreliable witnesses who would not cope with cross examination reinforces their vulnerability and undermines their basic human right to communicate and to natural justice.

“This case highlights the need for courts to have the flexibility to allow people with communication impairment to communicate in the way that best suits them, be it through signing, an electronic communication device or even a pictorial communication board, to ensure they have the same access to justice as every other Australian.

Ms Stone pointed to several pilot police programs where speech pathologists were involved when people with communication impairment were questioned as a sensitive and inclusive model for the justice system to consider.

Ms Stone also welcomed SA Attorney-General John Rau's undertaking to revise the Evidence Act and commitment to public consultation on how to make it easier for vulnerable alleged victims to give evidence in court, but said that as long as the adversarial trial model is used in Australian courts, people with communication impairment will always be disadvantaged.

SPA is the peak national body for speech pathologists and consumers of speech pathology services, and lobbies and advocates for the needs of all Australians living with communication and swallowing impairment.

For more information about speech pathology and how speech pathologists work with communication impaired people, visit www.speechpathologyaustralia.org.au.

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