Blind Citizens Australia

**BLIND CITIZENS AUSTRALIA POSITION STATEMENT JURY SERVICE**

Adopted 30th April 2007 PREAMBLE

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People who are blind or vision impaired, have the rights and responsibilities to participate to the fullest extent possible in society. This includes fulfilling civic responsibilities such as voting and jury service. A call to jury service is a civic responsibility for all Australian citizens who are not exempt by law.

Currently, State and Territory legislation differs in provisions with respect to eligibility of blind or vision impaired people for jury service. In some states and territories blindness or vision impairment disqualifies them from jury service while in others, at the administrative level, blindness or vision impairment is excepted as being an infirmity, excusing them from jury service. Experience has demonstrated that in the latter case, at the administrative level, it is often closer to a quasi disqualification on the grounds of blindness or vision impairment.

BLIND and VISION IMPAIRED PEOPLE AS JURORS

There are those, both inside and outside the justice system who would take the position that, a blind or vision impaired juror could

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not form a valid assessment as to a defendant's guilt or innocence because they, for example, can't read the transcripts, can't see the visual demeanour of a witness, or can't see the visual evidence.

The first of these 3 examples is simply accommodated by the provision of appropriate support (which could include a support reader and/or access to the electronic version of transcripts) which would be provision of access for a person with a disability in the "administration of government laws or programs" "(Disability Discrimination Act 1992".

In the second and third cases, BCA holds that:

Vision is just one aspect that a jura brings to the table, and a blind or vision impaired person is likely only going to be 1 twelfth of that jury;

As one of twelve jurors with twelve potentially different perspectives and life experience, blindness or vision impairment does not negate a person's life experiences as having value in judging people and facts as one twelfth of a jury; and

a blind person's education and ability to assess facts obtained through hearing testimonies and having print read to them is equally equipped to contribute to their twelfth of the decision making process in coming to a verdict.

Blind Citizens Australia asserts that:

1. blind and vision impaired Australians have the right and the responsibility to serve on juries and thus be responsible citizens in sustaining the justice system in Australia, and be provided with the necessary support to enable them to perform this duty as equals on a jury.
2. that no state or territory legislation or state or territory administration of relevant legislation should disqualify a blind or

vision impaired person on the grounds of that blindness or vision impairment,

1. that state or territory legislation or state or territory administration of relevant legislation should require that only after support services provided to perform jury service are considered, can difficulty with performing jury duties on the basis of blindness or vision impairment be grounds for being excused from jury service on the basis of the blindness or vision impairment.

End policy