

2.7 Assisting people with disabilities

When assisting a person who has a disability, you should focus on the person rather than the disability.

Always treat people with disabilities with dignity and respect. If they are in the company of a carer (or a friend or colleague), address your remarks to the person with a disability. If the carer has to act as an interpreter, speak to the person and listen to the carer, maintaining eye contact with the person with the disability. A major complaint from people with disabilities is that they tend to be left out of the conversation when accompanied.

There are varying forms of disability and you must exercise a duty of care according to the disability. You must still maintain the procedures, integrity and independence of your office while offering additional help.

When you first meet the person, you should ascertain the type of disability and to what degree, if any, it will affect their ability to complete the presented documentation. Most people will be forthright and let you know at the outset what their disability is and if they require support.

It is important to communicate with a person who has a disability in the first instance and in the same way as you would with anyone else. Put the person before the disability. Be mindful of the pace and volume of your speech. Confirm your use of language and terminology is clearly understood by the person.

You must not complete the statements, sentences or questions for a person with a disability. Be patient and allow them to complete their words in their own time.

Assisting a person with a vision impairment

1. Ask the deponent for some form of identification.
2. Explain to the deponent, that though the contents of the document will remain confidential, it is necessary to read the document out aloud to be sure you have the correct one and that they have a thorough understanding of it.
3. Read the entire document to them, allowing time for them to ask questions if they need to clarify anything.
4. If the person wishes to make any alterations to the document, follow these steps:
 - a. Assist them to make the requested alterations. Both you and the person should initial all alterations in the margin or near to the alteration. However, you must not proceed to witnessing the document. The document will need to be witnessed by another JP.
 - b. Alternatively, refer the person to someone else for assistance to make the changes prior to you witnessing the document.
5. Complete a certification clause on the document, using the following or similar words:

.....

I have read the contents of this document to the signatory, and they appeared to me to understand the contents, nature and effect of the document, and they have placed their signature or mark upon the document in my presence.

.....

The person should then sign or place their mark on the document, and you should then surround their mark with this annotation as follows.

John Henry	His XXX mark	Smith
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You should then witness the signature or mark in the usual manner.

6. Enter the details in your logbook. Additional information to your standard records could include:
- if the document was read aloud to the person
 - if any alterations were made to the document
 - if there was an annotation made on the document
 - any other actions taken.

Assisting a person with a hearing impairment

If approached by a person with a hearing impairment, check if they need the services of a ‘signer’ to interpret between the signatory and yourself, or if they lip-read.

If an interpreter is available to assist, ask the interpreter to make an oath or affirmation for interpreters of signs prior to the document being witnessed.

Oath for interpreter of signs

I swear by Almighty God that I shall, to the best of my skill and ability, truly and faithfully communicate, by signs or other convenient means, words spoken in the English language, and translate, into the English language, statements made by signs. So help me God.

Affirmation for interpreter of signs

I solemnly, sincerely and truly declare and affirm that I shall, to the best of my skill and ability, truly and faithfully communicate, by signs or other convenient means, words spoken in the English language, and translate, into the English language, statements made by signs.

Where there is no interpreter to assist, it is possible to communicate with the signatory in writing—you may put questions to the signatory in writing and they may answer in writing. You should destroy these written questions and answers in front of the signatory once you have fulfilled your obligations and witnessed the documents.

When you have completed witnessing the document, enter the details in your logbook. Additional information to your standard records could include:

- interpreter’s name
- oath or affirmation for interpreter of signs completed
- any other actions taken.

Assisting a person with a speech language impairment

If approached by a person with a speech language impairment, ascertain how they wish to communicate e.g. they may wish to write or sign. It is possible they will present with a signer to interpret.

If an interpreter is available to assist, ask the interpreter to make an oath or affirmation for interpreters of signs prior to the document being witnessed.

Oath for interpreter of signs

I swear by Almighty God that I shall, to the best of my skill and ability, truly and faithfully communicate, by signs or other convenient means, words spoken in the English language, and translate, into the English language, statements made by signs. So help me God.

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Where there is no interpreter to assist, it is possible to communicate with the signatory in writing—you may put questions to the signatory verbally or in writing, and they may answer in writing. You should destroy these written questions and answers in front of the signatory once you have fulfilled your obligations and witnessed the documents.

When you have completed witnessing the document, enter the details in your logbook. Additional information to your standard records could include:

- interpreter's name
- oath or affirmation for interpreter of signs completed
- any other actions taken.

Assisting a person with a physical disability

There are many types of physical disabilities. A physical disability can be described as a condition that permanently prevents normal body movement or control. Physical impairments impacting on the deponent's ability to complete documentation may include an inability to write, sign or hold a pen. A flat, comfortable writing surface should always be made available.

If the deponent is unable to hold a pen, you may make a mark on the document as long as they touch the end of the pen while it rests on the document, in acknowledgement of that mark. You should then make a certification on the document using this wording:

This is to certify that [deponent's name] is unable to make a mark or signature, and he or she agrees with the contents of this document, and has symbolically touched the pen which I have used to make a mark on his or her behalf.

When you have completed witnessing the document, enter the details in your logbook. Additional information to your standard records could include:

- if assistance was required to make a mark on the document
- any other actions taken.

Assisting a person with an intellectual disability

Every person should be treated as an individual with rights and responsibilities that are the same as anyone else. A person with an intellectual disability will usually have a guardian or attorney who is legally entitled to make decisions and sign documents on their behalf.

Under no circumstances should you witness a document if you are of the opinion that the person is not capable of understanding the document.

If a guardian or attorney is not present, it is recommended that you refer the matter to the Office of the Public Guardian. However, you should discuss the matter with the person prior to making a decision to refer to the Office of Public Guardian.

Note: If you are presented with a document to be signed on another person's behalf by an attorney or guardian, proof of their authority to do so is required.

Assisting a person who is unable to read or write

1. Ask the deponent for some form of identification.
2. Explain to the deponent, that though the contents of the document will remain confidential, it is necessary to read the document out aloud to be sure that you have the correct one and that they have a thorough understanding of it.
3. Read the entire document to them, allowing time for them to ask questions if they need to clarify anything.
4. If the person wishes to make any alterations to the document, you can:
 - a. Assist to make the requested alterations and both you and the person initial all alterations in the margin or near to the alteration. However, you must not proceed to witnessing the document. The document will need to be witnessed by another JP.
 - b. Refer the person to someone else for assistance to make the changes prior to you witnessing the document.
5. Complete a certification clause on the document, using the following or similar words:

I have read the contents of this document to the signatory, and they appeared to me to understand the contents, nature and effect of the document, and they have placed their signature or mark upon the document in my presence.

The person should then sign or place their mark on the document, and you should then surround their mark with this annotation as follows.

	His	
John Henry	XXX	Smith
	mark	

You should then witness the signature or mark in the usual manner.

6. Enter the details in your logbook. Additional information to your standard records could include:
 - if the document was read aloud to the person
 - if any alterations were made to the document
 - if there was an annotation made on the document
 - any other actions taken.

Where can I get more information?

Information about disabilities

www.qld.gov.au/disability

Quick guide

Helping people with a vision impairment or those who are unable to read or write

- ① Ask for identification.
 - ② Explain the contents of the document will remain confidential.
 - ③ Read the entire document aloud, allowing time for questions and to check their understanding.
- If the person wishes to make changes, you can:
- a. Help them make alterations, and then you and the person should initial all of the changes. However, you now cannot witness the document.
 - b. Assist the person to find someone who can make the changes, and then have it returned to you for witnessing.
- ⑤ Complete the certification clause.
 - ⑥ Ask the person to sign or mark the document.
 - ⑦ Witness the signature.
 - ⑧ Enter the relevant details in your logbook.

Helping people with a hearing or speech language impairment

- Check if they need the services of an interpreter. A person with a hearing impairment may prefer to lip-read, and a person with a speech language impairment may prefer to write.
- An interpreter should make an oath or affirmation for interpreters of signs before the document is witnessed.
- Reflect these steps in the certification clause and in your logbook.

Helping people with a physical disability

- If a person is unable to hold a pen, you may make a mark on a document as long as the person touches the end of the pen while it rests on the document.
- Reflect this step in your certification clause and in your logbook.

Helping people with an intellectual disability

- Treat every person with dignity but only witness the document if you believe the person can understand the document.
- Concerns can be raised with the Office of the Public Guardian.
- Reflect these steps in the certification clause and in your logbook.

