

## 2.7 Assisting people with disability

When assisting people living with disability, you should focus on the person, not the disability.

When you first meet the person, tactfully 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 open and let you know at the outset what their disability is and if they require support.

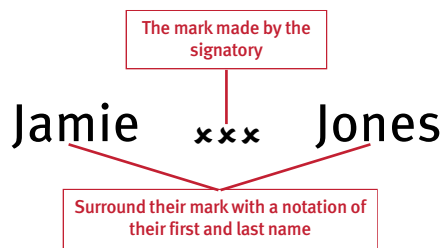
Always treat people with disability with dignity and respect. If they are in the company of a carer (or a friend or colleague), address your remarks to the person with disability. If the carer has to act as an interpreter, speak to the person and listen to the carer, maintaining eye contact with the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

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.

It is important to communicate with a person with disability in the same way you would 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.

Do not try and complete sentences or questions for a person with disability. Be patient and allow them to complete their words in their own time.

If the signatory is unable to sign but is able to make a mark you are required to ensure their mark can be clearly identified. You can do this by writing their name either side of their mark and adding the words 'The mark made by the signatory' as shown below.



Witness the signature or mark in the usual manner.

### Assisting a person who is blind or has low vision

Explain to the signatory while 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 they have a thorough understanding of it.

Read the entire document to them, allowing time for them to ask questions if they need to clarify anything.

If the signatory wishes to make any alterations to the document, your options are:

- Assist them to make the requested alterations, with both you and the signatory initialing all alterations. Be aware by helping in this way, you cannot then witness the document – you must refer them to another JP or Cdec to have it witnessed.
- Refer the signatory to someone else for assistance to make the changes prior to you witnessing the document.

Write the 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 signatory should then sign or place their mark on the document. If they make a mark, you should then surround their mark with an annotation of their name, as outlined earlier in this chapter.

Additional information to your standard record keeping could include:

- if the document was read aloud to the signatory
- if any alterations were made to the document
- if there was an annotation made on the document if the signatory made their mark on the document
- any other actions taken which differ from your standard witnessing process.

## Assisting a person who is deaf or hard of hearing

If approached by a signatory who is deaf or hard of hearing, 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.

Additional information to your standard record keeping could include:

- interpreter’s name
- oath or affirmation for interpreter of signs completed
- any other actions taken which differ from your standard witnessing process.

## Assisting a person with speech and language disorder

If approached by a signatory with a speech and language disorder, 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 signs (as outlined earlier in this chapter) prior to the document being witnessed.

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.

Additional information to your standard record keeping could include:

- interpreter's name
- oath or affirmation for interpreter of signs completed
- any other actions taken which differed from your standard witnessing process.

## Assisting a person with physical disability

A physical disability can be described as physical condition that affects a person's mobility, physical capacity, stamina or dexterity. Physical disabilities impacting on the signatory's ability to complete documentation may include an inability to write, sign or hold a pen. You should always ensure a flat, comfortable writing surface is available.

If the signatory 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 [signatory's name] is unable to make a mark or signature. They agree with the contents of this document, and has symbolically touched the pen which I have used to make a mark on their behalf.*

Additional information to your standard records could include:


- if assistance was required to make their mark on the document
- any other action taken which differed from your standard witnessing process.

## Assisting a person with intellectual disability

Every person should be treated as an individual with rights and responsibilities that are the same as anyone else. A person with 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 reasonably believe the person is not capable of understanding the document. Inform the signatory in your own words that you are unable to witness their document and suggest they contact the receiving agency for guidance on completing the document.

If a guardian or attorney is not present, and you suspect the signatory is being pressured into signing the document it is recommended 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, you will require proof of their authority to do so.

## Where can I get more information?

Information about disabilities  
[www.qld.gov.au/disability](http://www.qld.gov.au/disability)