



HIGH COURT OF AUSTRALIA

5 October 2016

LYONS v STATE OF QUEENSLAND

[2016] HCA 38

Today the High Court dismissed an appeal from the Court of Appeal of the Supreme Court of Queensland. The High Court held that the Court of Appeal did not err in holding that the appellant was not discriminated against when she was excluded from jury service.

The appellant is profoundly deaf. She was summoned for jury service by the Deputy Registrar of the Ipswich District Court ("Deputy Registrar"). She contacted the Ipswich Courthouse advising that she would require the services of two Australian Sign Language ("Auslan") interpreters. The Deputy Registrar responded that there was no provision under the *Jury Act* 1995 (Q) to administer an oath to an interpreter for a juror and that it was not possible for an interpreter to be present in the jury room during its deliberations.

The appellant made a complaint which was referred to the Queensland Civil and Administrative Tribunal ("QCAT"). The appellant alleged that the Deputy Registrar contravened the prohibitions, under the *Anti-Discrimination Act* 1991 (Q), against direct and indirect discrimination in the performance of a function or the exercise of a power under Queensland law. The appellant asserted that the Deputy Registrar had excluded her on the basis of her impairment so as to constitute direct discrimination and that the Deputy Registrar had imposed a condition on her participation in the jury process so as to constitute indirect discrimination. QCAT found that the Deputy Registrar's understanding of the *Jury Act* was incorrect but it accepted that the Deputy Registrar had not unlawfully discriminated against the appellant. The appellant appealed to QCAT's Appeal Tribunal which dismissed the appeal, holding that the Deputy Registrar's understanding of the *Jury Act* was correct. The Court of Appeal refused leave to appeal from the Appeal Tribunal's decision.

By grant of special leave, the appellant appealed to the High Court. The Court held that, absent specific legislative provision, Queensland law did not permit an Auslan interpreter to be present during jury deliberations. It followed that the appellant was not qualified to serve as a juror and the Deputy Registrar was required to exclude her from the jury panel. The exercise of the Deputy Registrar's powers in conformity with the *Jury Act* therefore did not infringe the relevant prohibitions, under the *Anti-Discrimination Act*, against discrimination.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*