

Deaf Australia's Submission to the ACT inquiry into access to services and information in Auslan

July 2022

About Deaf Australia:

Deaf Australia acknowledges the Traditional Owners and Custodians of the lands on which we work and pay our respects to Indigenous Elders past and present. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

We recognise the past atrocities against Aboriginal and Torres Strait Islander peoples of this land and that Australia was founded on the genocide and dispossession of First Nations people. We acknowledge that colonial structures and policies remain in place today and recognise the ongoing struggles of First Nations people in dismantling those structures; and especially that of Deaf, Deafblind and hard of hearing First Nations peoples.

Deaf Australia was founded in 1986 as a not-for-profit organisation that represents all Deaf, Deafblind, and hard of hearing people, and others who are fluent and knowledgeable about Auslan. The focus has and continues to be on developing access to information and accessible communication. We work with Australian governments and collaborate with key stakeholders to make sure that Australia complies with the United Nations Convention on the Rights of Persons with Disabilities. The UN Convention and the National Disability Strategy guides our work; we aspire to achieve equity for Deaf people across all areas of life.

Deaf Australia advises that this document may be publicly distributed, including by placing a copy on our website.

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Introduction:

Deaf Australia is pleased to make a submission to the ACT inquiry into access to services and information in Auslan. Deaf Australia operates in advocacy to ensure alignment in all areas of life to the Convention on the Rights of Persons with Disabilities (CRPD) as mandated by the United Nations (UN). Deaf Australia advocates for the right of Deaf, Deafblind and hard of hearing people who use Auslan to participate fully in their communities and to achieve a full social, economic, and civic life, as per Article 9: *Accessibility*, 21: *Freedom of expression and opinion, and access to information*, 30: *Participation in cultural life, recreation, leisure and sport*. Deaf Australia therefore welcomes the opportunity to provide commentary into how Deaf people's lives can be improved by provision of access to services and information in Auslan.

Sign languages are natural, highly complex forms of language with their own grammar, syntax, lexicon, humour, and associated performance forms. There are more than two hundred different sign languages around the world; it is a myth that sign language is universal. And so it is for Auslan: it is the natural language of the Deaf community in Australia. Auslan is the preferred language of Deaf people here in Australia; and it is the only language requiring no further efforts for Deaf people to interact with their direct environment. Auslan is the key tool in the inclusion of Deaf people in both Deaf communities and in society. This fosters the building of Deaf people's identities and their sense of belonging to their communities.

Auslan is officially recognised in Australian governmental policies as a community language since 1987, yet it is arguable as to whether it has translated into measurable success in Deaf people's ability to fully participate as citizens in their own communities and in broader Australian contexts. The recognition of Auslan as a community language emphasises Australia's responsibility to provide access to sign language such as the use of interpreters, and yet does not provide Deaf, Deafblind and hard of hearing people's rights to **use** sign language. This is a highly problematic issue in that it does not align with Article 9, 21 and 30 of the CRPD.

At the 2021 census 16,242¹ people across Australia reported using Auslan at home (which we believe to be an underreported number, for a multitude of reasons²), NDIS data reports approximately 35,430 participants with deafness, and yet there are just 605 accredited Auslan interpreters. Of this number, 300 are reported to be actively working and even then, not all of them are working full time.

Deaf people across the ACT and indeed, the entire country, encounter barriers and challenges to accessing services and information in Auslan. There are a multitude of factors for this. They include but are not limited to:

- the lack of the information being provided in Auslan in the first place.
- the lack of deaf awareness such as how to appropriately gain a Deaf person's attention, or understanding the different ways Deaf people use Auslan.
- the lack of understanding in how to support Deafblind people to access information appropriately.
- the lack of qualified Auslan interpreters.

¹ This does not segregate data into Deaf, Deafblind or hard of hearing categories, so it is important to recognise that Deafblind people will have differing experiences.

² Deaf people may have misunderstood the question; some Deaf people may speak with their hearing family members, but generally choose to sign – however the wording of the question may mean “all the time at home”; parents may not have put down Auslan as a language use at home for their children for various reasons; etc.

- the high demand for said interpreters.
- a lack of understanding and implementation of the Disability and Discrimination Act (C'th, 1992) and the ACT's own language services policy (finalised 2018).
- the misassumption that captions are a genuine form of access for Deaf and hard of hearing people; and
- the misassumption that hearing assistance tools (cochlear implants and hearing aids) along with Hearing Loop technology is sufficient to access information.

Deaf Australia believes that the ACT needs to integrate and enforce their language services policy and the Disability and Discrimination Act in a way that provides automatic access to information and services in Auslan. To that end, Deaf Australia recommends the establishment of a group of Deaf people to assess, advise and support this integration and to establish procedures and protocols that includes best practice. Deaf Australia also supports the development of a Deaf reference group that could include one to two Auslan interpreters who can advise the government on a regular³ basis.

Deaf Australia's submission outlines the key priorities to increase the provision of services and information in Auslan across the public and private sectors in the following settings as outlined in the inquiry's terms of reference, namely that of aged care; education and training; emergency services; employment; health care; justice; media; and social opportunities.

Response:

Deaf Australia has provided a brief commentary of each section as outlined in the terms of references published under this inquiry. **We write broadly about signing Deaf people, but recognise that Deaf people are intersectional beings, and that this paper was written by white Deaf people, so nuances covering Aboriginal and Torres Strait Islander Peoples and BIPOC may be missing from this paper. Additionally, this paper does not go into detail about the experiences of Deafblind people, who will experience additional disadvantages and discrimination, including that from Deaf people.**

1. The disadvantages and discrimination faced by Deaf people due to lack of access to services and information in Auslan.

In the hearing community, deafness is seen as a disability, whereas deafness is seen as cultural, and identity based in the Deaf community. That said, 92 – 95% of deaf and hard of hearing babies are born to hearing parents and many of these parents have never previously met a Deaf individual. These same parents do not have any knowledge of Auslan and when choosing bilingual and bimodal pathways (utilising both spoken/written and signed languages) often learn Auslan along the same trajectory as their deaf child/ren. These same parents may access Auslan classes with a diversity of quality. The classes are structured for adult-to-adult conversation which is problematic in that it does not provide knowledge and strategies to communicate with deaf babies and children, especially deaf babies that are babbling in sign language. Additionally, most teachers and students in this context are white, which may lead to feelings of isolation and discomfort from those who are not white.

As the following on page 7 will demonstrate, Deaf education is rife with conflicting educational philosophies and pedagogies. Yet it has an overarching perspective supported by majorly hearing teachers that spoken language is preferable to Auslan, due to the myth – with absolutely no basis in peer-reviewed international research - that sign language inhibits spoken language (Hall, 2017).

³ At least quarterly

There are few to no Deaf teachers of the Deaf and there is no consistency in developing a strong first language in Auslan. Interpreters (who are mostly not trained to work with children and, due to the pay structure, are often graduate interpreters) in the mainstream classroom does not equate fulfilling the concept of 'access.' Deaf Australia recognises that the provision of sign language interpreters is an important part of a range of educational options and supports that should be available to deaf learners, but stresses that an interpreter does not replace direct instruction in sign language or a fully accessible sign language environment. This is delegating the responsibility of developing a language and 'education' onto the (often-not-native or fluent in Auslan) interpreter and the deaf child. This can contribute to poor educational outcomes in deaf children which may then lead to poor life outcomes in health, post school education, work, and participation in society.

There are, to date, no services or information provided in pure Auslan in general apart from the very few organisations that do offer this as normal practice, for example, Deaf Australia and other Deaf based and Deaf-led institutes/bodies. The lack of Auslan interpreters is a significant barrier in providing access to information and services in Auslan. The interpreting industry has long been identified with poor working conditions, low incomes, job insecurity, and increased chances of developing occupational overuse syndrome. While the emergence of the NDIS has strengthened the likelihood of an increased income, and income stability, it has also meant that where interpreters are desperately needed, many experience a serious shortage of certified, appropriate, and available interpreters.

As of late 2021 there are 605 certified interpreters: 1 conference, 184 certified, 419 certified provisional and 1 recognised practising 'interpreter'⁴. There are 23 certified provisional deaf interpreters. Yet there are only just under 300 'on the books' and not all interpret full time. There is significant demand in school interpreting, workplaces, health, and in the legal system. NDIS funds for interpreting allow for the use of interpreters for social opportunities as well, thereby putting further pressure on the availability of interpreters.

There are strategies that are either in place, being implemented or developing to address the shortage of Auslan interpreters yet the COVID-19 pandemic has made this challenging. They include:

- Promoting Auslan interpreting as a genuine career pathway in secondary education.
- Providing training for specialisation in interpreting in specific settings.
- Retention of the current interpreting workforce through professional development, high pay, and career flexibility.
- \$400,000 given to fast-track interpreting qualifications (WA).
- \$4.8 million for Auslan classes and interpreting classes (VIC).

However, to date there has been no such consideration for increasing the interpreting pool in the ACT. As far as Deaf Australia can ascertain, there are only three practising Auslan interpreters in the ACT to cater for at least 244 Deaf and hard of hearing people who use Auslan (based on the 2021 census). Deaf Australia strongly recommends that this needs to be a focus for planning as an element in improving accessibility to services and information in Auslan.

Audism is also rife in the broader hearing community. Audism is the discrimination or prejudice against individuals who are Deaf, Deafblind or hard of hearing, and reflects the medical view of deafness as a disability that must be fixed. It is rooted in the historical belief that deaf people were not real people with rights given they had no language, equating language to humanity.

⁴ not recognised under NAATI's certification system.

A few examples of audism:

- The refusal or failure to use sign language in the presence of a sign language-dependent person, even though you know how to sign.
- The refusal to get or pay for an Auslan interpreter even upon request.
- Disparaging a deaf or hard of hearing person for a weakness in verbal language, even if they are strong in sign language.
- Insisting that deaf and hard of hearing people conform to the hearing community.
- An unwillingness to accommodate someone's auditory needs.
- Lowering expectations in regard to education or work abilities because they cannot hear.
- Approaching deafness as a tragedy.
- Employment discrimination that might look like not paying the Deaf person the same amount as hearing peers; or giving them opportunities for promotions.
- Assuming that those with better speech/English skills are superior.
- Asking a Deaf person to "tone down" their facial expressions because they are making others uncomfortable.
- Refusing to explain to a Deaf person why everyone around him is laughing – "never mind, I'll tell you later, it doesn't matter."
- Not allowing Deaf people to sit on juries.
- Speaking to the interpreter and not to the Deaf person.

Audism can have a detrimental effect on Deaf, Deafblind and hard of hearing people's ability and desire to be part of the community.

2. Options to strengthen and enforce legislation and policy to increase provision of services and information in Auslan across the public and private sectors in the following settings:

a. Aged care

Deaf Australia is aware of the many significant issues of the aged care sector. The recent Royal Commission into Aged Care (2019)'s interim report outlines the issues and the recommendations put forward to combat them. Deaf elderly people are more at risk of abuse, isolation, and lack of care. They are more vulnerable to falling through the gaps of a lack of information provided in Auslan. They are also more vulnerable to severe physical and mental decline, particularly because they are often isolated without anybody (including carers) who can communicate in Auslan.

Deaf Australia recommends based on expressed preferences from the Deaf elderly community that they should have a say in where they want to be placed when requiring aged care. Ideally the home would have Deaf staff with a significant Deaf population. There should also be an opportunity to enter specialised small home sharing with other Deaf people. If they are assessed as being eligible for a home support package Deaf elderly people should have the opportunity to have a group of preferred staff support them, and especially those that can communicate in Auslan.

If a space in an aged care home is required that does not have other Deaf people residing there, Deaf Australia recommends that there is an automatic provision for a support worker who is fluent in Auslan to be able to support a Deaf individual within the aged care home on a consistent and regular basis. That support person also needs to be able to develop rapport, a positive relationship and support the provision of access to information with the Deaf individual. This means that the Deaf person must be involved in the selection process of choosing someone to be their support person. Deaf Australia recommends prioritising Deaf spaces/Auslan-related events when considering

social events for elderly people. Deaf Australia also recommends that when planning social events, meetings, and workshops that an Auslan interpreter is automatically provided. This is under the basis of the Convention of the Rights of Persons with Disabilities:

Article 21: Freedom of Expression and Opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the **freedom to seek, receive and impart information and ideas on an equal basis with others** and through all forms of communication of their choice.

21.b: Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.

The ACT's own language services policy states that agencies must develop the skill of:

'...being aware when interpreters must be used, taking into account legislative requirements and risks that could impact clients' health, safety, security and/or human rights if an interpreter is not utilised...' (2018, p.4).

b. Education and training

Deaf education as previously mentioned has often prioritised speech over signed languages; this is due to the belief that sign language interferes with spoken language development in deaf children (Hall, 2017). Despite little to no evidence supporting this belief, much like the reading wars (phonics versus whole language), the Deaf education sector has engaged in a swinging pendulum of philosophies-involving predominantly hearing educators (who are most likely to be appointed 'leaders' of Deaf education) who believe spoken language is the only suitable approach, to those who believe that a mixture of spoken and signed language is the only suitable approach, to those who believe in a bilingual and bicultural model where subjects are taught through Auslan and written English is learnt.

These back-and-forth educational philosophies has resulted in varying outcomes, most notably the denial of access to robust language learning and knowledge development trajectories resulting in language delay and/or deprivation (Hodge & Goswell, 2021). This leads to long term outcomes including but not limited to poor mental and physical health, trauma, poor social skills, and low-income job insecurity.

There is a trend to develop and implement inclusion policies in mainstream schools for children with additional needs and that includes deaf children. It is believed that under the United Nations' Convention on the Rights of People with Disabilities (CRPD) special schools are contrary to the CRPD and that includes Deaf schools. However, inclusion policies to date have focused on placement, not on experience. Putting an Auslan interpreter in the classroom with the deaf child is not genuine inclusion. Interpreters have limited effectiveness in that they do not provide adequate opportunities for social development, they cannot replace direct instruction in Auslan, nor are they a source of deaf peer networks or deaf adult role models (Snoddon & Murray, 2019). Interpreters are also called upon to be pseudo-counsellors, language advisors and advocates yet they do not have the training and/or experience to be able to do these roles effectively.

As outlined under the ACT languages service policy under the Disability and Discrimination Act and Disability Standards (2005) employers and education providers are required to make reasonable adjustments for employees and students with disabilities, to enable them to participate in training,

education, and the workplace on the same basis as other people. This includes the provision of interpreters and translators. However, Deaf Australia also recommends that there is a provision for Teachers of the Deaf to be installed wherever possible to teach, provide information and advocate for the deaf student/s in the schooling system.

There is varying support for the provision of Auslan in universities and TAFE, whether that is through social situations such as Orientation Week, classes, or tutorials. While disability liaison officers (DLOs) are there to support the provision of access, this also varies according to their understanding of what is required and how to work with people with different needs. This is particularly so for Deaf, Deafblind and hard of hearing individuals; it is a misassumption that they are one homogeneous group with the same needs. It is not uncommon to hear about students being forced to accept alternatives to interpreters such as notetakers, lipread, use captions and/or notes from lecturers. Too often students are forced to cease studying until access is guaranteed.

Deaf Australia recommends that DLOs carry out Deaf awareness training (DAT) on a regular basis with regular oversight and assessment to ensure deep understanding of how to work with Deaf students. Deaf Australia also recommends that DLOs record meetings of requests to provide access and provide evidence they are actively working to meet these requests of access.

Deaf Australia also recommends that the student's specific requests for reasonable accommodation is prioritised, as we have heard of cases where students have been forced to drop out of their courses (tertiary) or classes (primary and secondary) while waiting for provisions to be delivered. In other cases, students are forced to rely on sub-par methods of accessibility, such as waiting for notes from the teacher after the class has finished or using only captions, which means they cannot engage directly in their learning.

c. Emergency services

International research reveals that Deaf Communities (Deaf, hard of hearing, and Deafblind people) experience hazards and disasters and face multiple social, cultural, economic, communication and physical barriers when preparing for, responding to, and recovering from natural hazards (Calgaro et. al, 2021, Cooper, et. al, 2021, Engelman et. al, 2013 & Takayama, 2017). This places the Australian Deaf Community vulnerable because most emergency and disaster information are inaccessible. This includes the Video Relay Service (VRS) - the lack of interpreters and hours of operation makes this service all but useless for Deaf people in danger.

With many preferring to access emergency information in their native sign language (Calgaro et al., 2021, Cooper, et. al, 2021 & Takayama, 2017), which in Australia is Australian Sign Language (Auslan), Deaf communities currently only have access to under 25% of the entire PPRR (Prevention, Preparedness, Response, and Recovery) cycle, which is only the provision of Auslan interpreters for premier announcements as part of the response stage (Craig in progress, University of Sydney). Whilst this recent inclusion has benefitted the Deaf Community, that alone is insufficient as it does not provide them with the knowledge and skills they need before and after a disaster.

Australia was one of the first countries to sign and ratify the United Nations Convention on the Rights of Persons with Disabilities in 2008, which includes supporting the provision of Auslan interpreters in all public information, which also covers emergencies. UNCRPD Articles that reflect this are shown below:

Article 9: Accessibility

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an

equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

1b. Information, communications, and other services, including electronic services and emergency services

2e: To provide forms of live assistance and intermediaries, including guides, readers, and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public

Article 11: Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 21: Freedom of Expression and Opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

21.b: Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes, and formats of communication of their choice by persons with disabilities in official interactions.

21.e: Recognizing and promoting the use of sign languages.

This is the case with Deaf organisations in the ACT and all over Australia, where the constant disconnects between them, Auslan interpreters, and fire and emergency services have highlighted the following issues that need addressing:

- the equal vs. equitable access deaf people have to information in all stages of the PPRR cycle; and
- the critical roles that Deaf organisations and communities can contribute to local disaster planning.

Whilst there were cases of initiatives focused on increasing Deaf Communities' resilience to disasters in Auslan (Calgaro et al, 2021; Roberts, 2018) and media training for Auslan interpreters (VicDeaf, 2016), there were no sustainable frameworks or guidelines that could be modelled for replication on increasing Deaf communities' resilience to natural hazards and developing interpreting skills for emergency and disaster settings. Through the support of the ACT Government, the inclusion of Auslan for the ACT Deaf Community could serve as a potential model for other local Deaf communities to follow in addressing their communities' needs in the disaster context.

Deaf Australia therefore recommends that Auslan interpreters be provided at every disaster press conferences, irrespective of size of the disaster, and that recordings include the Auslan interpreter – and are shared on all media platforms. Please see below for best practice in broadcasting the Auslan interpreter when filming press conferences.

d. Employment

Deaf people's experiences in the workplace reflect a unique tension of the clash between the language and cultural experiences of Deaf and hearing colleagues and the attributed meaning and status of the Auslan interpreter. Deaf people who use Auslan to communicate are in the position of being viewed through the lens of what is interpreted by the Auslan interpreter. This does not happen in any other spoken language interpretation contexts. Because Deaf people have different communication strategies, there is often a cultural clash and misunderstandings occur with work colleagues and supervisors, which can severely impact the Deaf person's wellbeing and perception of being able to do their work, and their promotion opportunities.

Communication between Deaf and hearing colleagues are challenging not only because the hearing person often cannot sign fluently, if at all, the Deaf person is often perceived as disabled. The context here is one of disparity in understanding the differences in languages and cultures (Young, Oram & Napier, 2019). Deaf people are more likely and do experience isolation and bullying in the workplace because they are not involved or even invited to participate in ordinary workplace culture. They may also struggle to be perceived as an equal to their colleagues. People with disabilities must work and train twice as hard as able-bodied people in their jobs and Deaf people experience this similarly. There are Deaf professionals with significantly higher qualifications compared to their hearing counterparts yet are not given the opportunity to be leaders in their workplaces.

Across Australia, Deaf employees are allocated \$6,000 per year from the Employment Assistance Fund to cover the cost of interpreters. There is a separate pool of funding for other requirements, such as assistive technology, for example. However, this runs out very quickly, due to interpreting costs being significant. This does not go anywhere near providing consistent and accessible practices in the workplace, and workplaces are forced to eat the cost of interpreting which can go up over \$100,000 per year. This can also reduce the desirability of employing a Deaf person.

Deaf Australia recommends that:

- The \$6,000 EAF cap is removed, so that all Deaf people can have one less barrier in their employment opportunities and increase their employment attractiveness.
- DIAPs/workplace policies must include deaf awareness training.
- ACT Government investigate increasing the pool of Auslan interpreters, by providing courses and scholarships for potential interpreters.
- Fair Work Australia information is provided in Auslan; and
- Information about workplace bullying is provided in Auslan.

e. Health care

The Deaf community is deeply familiar with the outcomes from language deprivation syndrome and comparing those outcomes with Deaf individuals who accessed Auslan right from birth. This section deserves discussion as poor life outcomes continue to be seen in the deaf population (Hall, 2017). Linguistic deprivation occurs when there is a chronic lack of full access to a natural language during the critical period of language acquisition – this is during the first five years of a child's life. Promoting a spoken language only approach heightens the risk of linguistic deprivation in the deaf child, particularly if the deaf child is not able to learn to speak. This in turn results in lifelong social, emotional, mental, and educational maladjustment.

The Disability Discrimination Act (1992) mandates equitable access to health care for Deaf individuals, especially through the employment of Auslan interpreters where necessary. However,

many health care providers lack knowledge of the right to have Auslan interpreters, and how to arrange Auslan interpreters. Many are also not aware of the right to choose preferred interpreters (Lee, Spooner & Harris, 2021).

Apart from when Deaf people are provided Auslan interpreters in health care appointments, most Deaf people encounter barriers in achieving healthcare literacy, due to limited English literacy and a lack of information being provided in Auslan. There is a wealth of preventative and ongoing health care information translated in different languages, however this is not always the case for information being provided in Auslan (Napier & Kidd, 2013). Deafblind people often do not have access to appropriate services – at all.

Many develop ways to cope with the barriers such as attempting to lipread or write notes back-and-forth, yet as a result, misunderstandings and miscommunication may arise because of use of unfamiliar health terminology, limited access to public health information and, crucially, preventative health information. Potentially inaccurate information and the associated consequence of that misinformation is also a risk (Napier & Kidd 2013).

Even when there is access to an interpreter at healthcare appointments if the Deaf patient is there for prescriptions, or health issues unrelated to being Deaf there is anecdotal evidence that the doctor can engage in culturally inappropriate language such as asking the Deaf patient how they became deaf, if they have ever thought about getting a cochlear implant, and use of offensive language such as 'deaf and dumb' and 'hearing impairment' (Lee, Spooner & Harris, 2021).

It has been reported that the average hearing person's inpatient's stay in psychiatric hospitals was four months, for a Deaf person, it is 17 years. This is due to many factors, including that there are no validated tests for Deaf people who use Auslan; interpreters are not trained to interpret for patients experiencing psychosis or other mental health emergencies; professionals in this field do not know or understand how Deaf people present; and there are misconceptions about how Deaf people communicate or understand the world – leading to misdiagnoses and wrong medical dosages. Deaf people also report higher rates of mental health issues and suicidal ideations. Many pages can be written to expand on the Deaf person's experience of the mental health system, but time does not permit.

Deaf Australia recommends that all medical staff and medical students within the ACT province be provided with Deaf Awareness Training (DAT) on a regular and consistent basis, with follow-ups and checking in to ensure that deaf awareness is embedded across the medical profession. This is also outlined in the ACT's language services policy on page 4. Medical staff will also require support in knowing the processes of how to book appropriate Auslan interpreters according to best practice. This includes the knowledge of when to book Deaf interpreters, such as when interacting with patients who are Deaf migrants or refugees. Deaf Australia recommends that there be a resource database of health care information provided in Auslan and easily accessible to Deaf, Deafblind and hard of hearing people. There should also be time given to support the Deaf person to understand exactly what is happening and to unpack the information post appointment.

Deaf Australia also recommends the ACT:

- develop a community-based support model for Deaf mental health.
- develop training and support to increase the skills and awareness of communication support professionals working with Deaf people within the mental health system.
- develop accessible resources for Deaf people who are accessing the mental health support system.

- develop training and awareness programs for mainstream mental health professionals to increase awareness of specific issues surrounding mental health support for Deaf people.
- develop programs that focus on prevention through positive mental health activities and strategies

f. Justice

There is a plethora of research to show people with disabilities fall through what collaborative research by the UNSW, ACU and Public Service Research Group (2022) call a ‘chasm.’ People with disabilities are overrepresented in the prison population and are a significantly disadvantaged group within the overall already disadvantaged prison population. This research demonstrated that prisons are not equipped to provide the services and support required by people with a disability and this includes those who are Deaf, Deafblind and hard of hearing. There are also very few interpreters available who are sufficiently experienced and skilled to interpret in the legal arena, including the courts.

Deaf Australia has anecdotal evidence of Deaf people reporting that the police will often refuse to book an Auslan interpreter or provide people with writing implements to communicate with “for fear of being stabbed”. They are treated as if they are experiencing mental health episodes and ignored when they try to communicate their needs. Deaf Australia also has anecdotal evidence that hearing people on the opposing side of the Deaf persons, whether they are defendants or prosecutors, ask the Auslan interpreters to “spy” on the Deaf people signing, which is not appropriate.

On the other spectrum of the legal system, Deaf people are overrepresented in statistics of violence and abuse. This includes family violence and abuse. Their ability to communicate exactly what has happened to them is hampered by the fact that many have linguistic deprivation. When the police refuse to provide Auslan interpreters and other ways to communicate, Deaf people are then forced to use family members to interpret. This is highly inappropriate, because it deprives Deaf people of autonomy and the right to feel like full citizens. Deaf people also experience higher rates of violence and abuse, especially from those close to them, and when they are forced to use family members to interpret, they may not be able to disclose their experiences given they may be the perpetrators.

The ACT’s Human Rights Act states that everyone is equal before the law as well as:

‘Section 22(2)(a) and (h) further commits the ACT Government to providing interpreter support to Canberrans who communicate in languages other than English with:

(2) Anyone charged with a criminal offence is entitled to the following minimum guarantees, equally with everyone else:

(a) to be told promptly and in detail, in a language that he or she understands, about the nature and reason for the charge.

(h) to have the free assistance of an interpreter if he or she cannot understand or speak the language used in court...’

There will be occasions when a Deaf interpreter is required to work with a Deaf client with linguistic deprivation, is a refugee or migrant, or has other intellectual disabilities such as autism. When this does happen, it is critical that the hearing interpreter booked as well is highly skilled, fluent, and experienced in the legal arena. Trust, costs, time, lack of cultural and linguistic awareness and acceptance is a significant barrier to achieving equity in the eyes of the law and does not accord with the CRPD as stated above.

Deaf Australia recommends:

- investing in developing and providing support in becoming an Auslan interpreter is made; and then there is additional legal interpreting training provided, so that there is quality provision of interpreters in the legal/court system.
- that Auslan interpreters and support workers who are fluent be allocated to support Deaf, Deafblind and hard of hearing prisoners who use Auslan as their language to communicate in.
- that Auslan interpreters be automatically booked when a Deaf person makes a complaint to the police. Where required Deaf interpreters must be booked as well, to work in tandem with the hearing interpreter.
- Deaf awareness training is provided for police and those working in the justice system, including prisons.
- If a Deaf person is picked to be on the jury they must be asked for their preferences in interpreters, both hearing and Deaf if so needed.

g. Media (including Government announcements)

Deaf Australia urges for the presence of Deaf community selected, qualified, experienced, and appropriate Auslan interpreters, including Deaf interpreters, at all press conferences with all announcements, including the Prime Minister, MPs and the territory's Chief Minister. Regardless of whether the topic is urgent as in the case of COVID-19 putting significant strain on hospitals this winter to the less urgent topics such as the new active travel plan to encourage Canberrans to walk and cycle more, qualified, and appropriate Auslan interpreters should always be present and seen.

To those who argue that live captioning is provided there is current research from ACCAN to suggest the quality of live captioning is questionable. The quality of live captions depends on the provider, the technology used and the personnel and can vary greatly across both broadcaster and program genre. Nuance is lost when watching programs exclusively with live captions. Captions are not always verbatim, so the possibility of critical information lost is high. Any prior access to content does not necessarily improve the quality of captions and indeed tended to introduce new errors such as captions preceding content. Many Deaf, Deafblind and hard of hearing people are not fluent in English, which makes reaching them in emergencies difficult or impossible.

Auslan is a visual-spatial language that uses the entire upper body. The entire upper body of the interpreter and adequate space around them needs to be shown within the frame. The most ideal positioning for interpreters is to stand next to the speaker so Deaf, Deafblind and hard of hearing audiences can access the interpreter. They receive important visual cues from the speaker as well, such as facial expressions which convey tone and emotion. Best practice indicate that the interpreter should ideally take up about one third of the frame. There are already guidelines on best practice for Auslan interpreting on media as seen here:

Deaf Australia's Position Statement on Broadcasting of Auslan interpreter on broadcast and digital networks: <https://deafaustralia.org.au/wp-content/uploads/Auslan-Interpreter-on-Broadcast-and-Digital-Network-1.pdf>

ASLIA National: Guidelines for Auslan interpreting in Media settings: <https://aslia.com.au/wp-content/uploads/V.5-Media-Interpreting-Guidelines-Final-1.pdf>

The World Federation of the Deaf has created a Position Paper on Accessibility: Sign Language Interpreting and translation and technological developments: <https://tinyurl.com/h74ab6ed>

Deaf Australia also recommends that a team of Deaf and hard of hearing people be employed as accessibility advisors to make sure that the goal to provide news in Auslan is met.

h. Social opportunities.

Until the NDIS, Deaf people did not have access to Auslan interpreters in social settings, including social events like community festivals, lectures, poetry readings, farmers' markets, sporting events or trivia nights. They rarely were involved in family celebrations and gatherings because apart from perhaps one family member, if lucky, no-one else would have any skills in Auslan, thus making for a very lonely experience. Social events provided by councils, governments and the like have never provided these events in Auslan – always in spoken English with accompanying Auslan interpreters. The provision of Auslan interpreters under the NDIS model has seen varying amounts of interpreting hours of interpreting allocated to Deaf individuals. One of the intentions of this provision was to allow Deaf individuals to access social opportunities in the broader community.

The impact of this has led to further pressure on the availability of interpreters especially in critical industries such as health and legal services. There is also confusion as to who is responsible for the booking and paying of Auslan interpreters in social settings which leads to potential conflict. This conflict can play out in the charge of discrimination, the legislative requirements being confusing and the heightening of isolation for Deaf and hard of hearing individuals missing out on the benefits of social occasions.

Even when Deaf people have been fortunate to get an interpreter they have also been forced to pay for an additional ticket or entry fee for the interpreter, despite the interpreter only being there to provide accessibility. There has also been reports of theatres not providing interpreters and telling Deaf people to use their NDIS funds to pay for interpreters.

Article 30 under the CRPD states clearly that:

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

a) Enjoy access to cultural materials in accessible formats.

b) Enjoy access to television programmes, films, theatre, and other cultural activities, in accessible formats.

c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries, and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels.

b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training, and resources.

c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues.

d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system.

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure, and sporting activities.

There is also a lack of Deaf Spaces within Australia and ACT, where Deaf people, and hearing families and friends of deaf children can come together to share stories, experiences, and time together.

These spaces could also include:

- Auslan-run pre-school, facilities, and centres, including sports and recreation.
- Support for deaf youth, especially those still developing their identities as Deaf people.
- Support for older Deaf people.
- Programs for the Deaf community run by Deaf people.
- Exhibitions, art shows, performances, and other things for Deaf people.

There is also a lack of upskilling Deaf people to run art tours in the Canberra area; or any other opportunities that are public facing.

Deaf Australia recommends that:

- More Auslan/Deaf-centric events are funded and promoted
- Guidelines for social events being interpreted when organised by councils/governments/social enterprises/community events.
- Guidelines on roles/responsibilities of interpreter, including ticketing requirements.
- Clear and explicit guidelines on who is responsible for the booking of interpreters in varying social contexts.
- Upskilling Deaf people to take on public-facing roles.
- The creation of a Deaf space for Deaf communities to use.

3. The creation of agreed objectives and targets relating to these settings against which progress on the quantity and quality of services and information in Auslan can be measured.

As mentioned above, Deaf Australia believes that the ACT needs to integrate their language services policy and the Disability and Discrimination Act in a way that provides automatic access to information and services in Auslan.

Deaf Australia suggests the following objectives and targets to support this integration:

- Deaf Awareness Training (DAT) to be provided across all governmental departments with regular quarterly follow-ups such as checking in to make sure staff understand appropriate ways of interacting with Deaf people.
- When preparing government documents to share with the public always ensure that there is provision for these documents to be translated into Auslan.
- Follow the Northern Territory's initiative in establishing a scholarship program to encourage people to apply to become Auslan interpreters.
- Provide opportunities for Auslan interpreters to be upskilled wherever the opportunity presents itself.
- Establish a working group of Deaf, Deafblind and hard of hearing people to advise the government on accessibility requirements
- Ensure that Deaf, Deafblind and hard of hearing people are included in the development of policies and planning to establish accessibility requirements.

4. Public reporting of progress against those objectives and targets.

Deaf Australia recommends that the public reporting of progress on the above suggested objectives and targets be published yearly, and information provided in Auslan.

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