

Deaf Australia's Submission to the NSW
Inquiry into the Broadcasting of Auslan
Interpreters at Legislative Council
Proceedings

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 NSW inquiry into the broadcasting of Auslan interpreters at Legislative Council proceedings. 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*, and 29: *Participation in political and public life*. Deaf Australia therefore welcomes the opportunity to provide commentary into how Deaf people's lives can be improved by provision of access to information in Auslan from the Legislative Council.

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 29 of the CRPD.

Deaf Australia believes that NSW will be an example for all other states and territories to follow in the broadcasting of Legislative Council proceedings. This will demonstrate an example of compliance with the CRPD, which Australia ratified in 2008. It will also demonstrate compliance with the Disability Inclusion Act (2014) in NSW, which acknowledges:

*'...that people with disability have the **same** human rights as other members of the community and that the State and the community have a responsibility to facilitate the exercise of those rights...'*

And:

'People with disability have the right to participate in and contribute to social and economic life and should be supported to develop and enhance their skills and experience.'

The NSW parliament needs to integrate and enforce their obligations to the CRPD and their Disability Inclusion Act in a way that establishes access to information from the Legislative Council proceedings 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 reasons to broadcast Auslan interpreters at Legislative Council proceedings.

Response

Deaf Australia has provided a brief commentary of why the broadcasting of Auslan interpreters in Legislative Council proceedings as outlined in the terms of references published under this inquiry.

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

Auslan interpreters at Legislative Council proceedings broadcast daily should be the norm, not the exception. This will enable Deaf people and people who use Auslan to access Legislative Council proceedings on an equitable basis to their hearing peers.

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.*

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.

Deaf people should be able to have the same immediate access to Legislative Council proceedings as their hearing peers. It is unfair to expect the average Deaf person to wait for a transcript if one is made available, or to spend their own money to get a translation of the proceedings after the fact. It is the government's responsibility to ensure that all citizens have equal access and opportunity to be involved in proceedings.

Article 29: Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

Enabling access to proceedings will allow Deaf people to be engaged and active citizens of Australia, as is our birthright and right as citizens of Australia. Not allowing us access to this makes the entirety of Deaf people in Australia second-class citizens.

Audism

Audism is the audiocentric attitude towards Deaf people based on believing that hearing and speaking is supreme to being Deaf and using sign language. Audist behaviour can be overt or covert and discriminatory in nature. Some of the underlying beliefs include sign language not being a real language – despite the plethora of peer reviewed research stating the complete opposite – or that sign language will prevent the development of speech. Again, without any evidence to produce support for this belief.

Forcing Deaf people to use hearing loops or read captions is a form of audism because the underlying belief is that these tools provide ‘access’ and that sign language is not a credible tool of access. Forcing Deaf people to make do with lip reading when this is a highly uncertain and inefficient way of getting information is a form of audism. The belief that Deaf people are not capable of exercising self-determination and excluding them from everyday decisions made by the community and government is a form of audism.

Captions

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.

Anything Else:

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 Federal Government Attorney-General’s Department, National Emergency Management Project, also commissioned a study to explore how to include Auslan users in emergencies, which also includes recommendations on preparing Deaf interpreters and interpreters for appropriate interpreting, consistently on the screen. This report is not found online, but is titled: *All Hands on Deck: Preparing Auslan signers for an emergency*; and informs the website: <http://auslanemergency.com.au/>

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>

Please Note:

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.

Please also note ACT Senator David Pocock's media release 29th July 2022 regarding the refusal to allow an Auslan interpreter to interpret his maiden speech. Despite this maiden speech being made publicly with members of the public allowed to attend and it being broadcast publicly, rejecting the Deaf community's right to be on an equitable footing with hearing people is contravening Australia's obligations to the CRPD. As Pocock noted in his media release:

"We have been elected to represent all people in our community... For me, that means making our parliament more inclusive. I don't want some people in our community to feel excluded, or separate. Auslan translation has become a pretty regular feature of public communication during the pandemic... Not only would this have provided a practical solution, it would have also sent a strong message of **inclusion**."

This media release sends a strong message that the community is more willing to accept Auslan interpreters alongside public speeches, messages, and press conferences from members of parliament, who, as Mr. Pocock points out, are meant to be representative of all people in the community.