THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

TENTH ASSEMBLY

Standing Committee on Education and Community Inclusion - Report 7 - Inquiry into Access to Services and Information in AUSLAN - Government Response

> Presented by Emma Davidson MLA Minister for Disability June 2023

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Summary

The ACT Government welcomes the opportunity to provide a response to the inquiry into access to services and information in Auslan (the Inquiry), arising from the Education and Community Inclusion Committee (the Committee).

The ACT Government recognises that access to services and information in Auslan are critical to ensuring the wellbeing and full participation of Deaf, Deafblind and hard-of-hearing people.

Consultations with Deaf and hard-of-hearing communities undertaken as part of the development of the ACT Disability Strategy, and recommendations arising from the Committee's Inquiry, provide solid foundations for identifying and progressing areas of improvement.

Of the 25 recommendations made by the Committee 1 has been agreed, 15 have been agreed in principle, 6 have been noted, and 3 are not agreed.

Introduction

The ACT Government is committed to improving the lives of the more than 80,000 Canberrans with disability.

The Australian Government launched Australia's Disability Strategy 2021–2031 on 3 December 2021. This commits all Australian Governments to work together to bring about an inclusive society for people with disability. The ACT has obligations under Australia's Disability Strategy and has committed to developing a 10-year whole-of-government ACT Disability Strategy. The ACT Disability Strategy will consolidate the ACT's commitment to Australia's Disability Strategy and create actions and outcomes in our local community.

The ACT Disability Strategy will also align a range of other strategies and initiatives underway across the ACT Government to create better outcomes for people with disability and their families. These initiatives include the development of an Inclusive Education Strategy, a Disability Health Strategy, a Disability Employment Strategy and the second action plan for the Disability Justice Strategy 2019–2029.

Consultation on the ACT Disability Strategy took place from April to August 2022. This consultation was co-designed and led by the ACT Disability Reference Group, an advisory group to the ACT Government and the Minister for Disability, working to ensure the ACT Government is aware of issues of impact for people with disability in the ACT. Deaf and hard-of-hearing communities were represented through consultation activities including attendance at public open forums, completion of a kitchen table conversation kit by Deaf ACT Seniors Group, and through a survey.

A listening report about what we heard in consultation and what we are thinking about as we develop the Strategy will be released in April 2023.

The ACT Government has implemented a range of initiatives to improve access to services and information to ensure the full participation of Deaf and hard-of-hearing people including:

- A clearly stated commitment and requirement to ensure all Canberrans have equal access to information, services and programs through the use of language services, including Auslan under the ACT Language Services Policy.
- Ensuring the ACT Courts and Tribunal processes support the rights of Deaf people throughout their participation in all legal proceedings, including as witnesses or members of a jury, with Auslan interpreters utilised as required.
- Providing Easy English training to ACT Government staff. The ACT Government has provided Easy English training to 198 people across government including ACT Corrective Services, the Education Directorate, the Health Directorate and the Community Services Directorate to improve information accessibility.
- Commitment to introduce a mechanism to allow human rights complaints to be considered by the Human Rights Commission to provide a more accessible means for human rights issues to be identified and resolved in the ACT.
- An agreement between the Deaf Society and the Emergency System Alert (ESA) has been in place since 2015 for provision of Auslan interpreting services for announcements and information sharing during emergency events, training for ESA personnel on working with Auslan interpreters and deaf awareness, translation services for key safety information on the ESA website and communication with Deaf and hard of hearing communities outside of emergency events.

ACT Government Response to Recommendations

#	Recommendation	ACT Government response
1	That the ACT Government establish an Auslan taskforce within the ACT Government and invite key stakeholders in the ACT Deaf Community as well as service providers and peak body organisations to participate and co-design a territory wide Auslan Strategy That the Taskforce considerations include the following recommendations in the report.	Not Agreed The ACT Government will progress actions related to accessing Auslan services through existing policies, programs, training and targeted supports, and the continuing development of disability focussed strategies and plans to ensure the full participation of Deaf, deafblind, and hard-of-hearing people in our community. This includes through the development of the ACT Disability Strategy and associated actions plans, Inclusive Education Strategy, a Disability Health Strategy and the second action plan for the Disability Justice Strategy. Development of these strategies and action plans will include consultation with key stakeholders from the Deaf Community.
2	That the ACT Government legislate Auslan as an official language.	 Not Agreed The ACT does not have any legislated official languages. The ACT Language Service Policy states the ACT Government's commitment to ensure all Canberran's have equal access to information, services, and programs through the use of language services, including Auslan. The Policy requires all ACT Government Directorates to: take a client focus to the delivery of services including clients' specific language needs make interpreters available for clients who require professional interpreting supports work with interpreters as much as possible and develop a plan to ensure that services can still be delivered in circumstances where an interpreter is not available adopt a planned approach to producing and disseminating information about services, policies, and activities in forms accessible to Canberrans who

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		 plan and budget for language service needs when considering client service management and delivery. The Policy is required to be delivered through:
		 continued funding for the 24-Hour Emergency Interpreter Service for Auslan speakers. continued support for the National Accreditation Authority for Translators
		 and Interpreters (NAATI). engagement of certified interpreters and translators in individual circumstances when required.
		 provision of translated information on government policies, services and guidance into clients' preferred language in response to individual needs. training for ACT public service staff on working with interpreters; and adoption of the National Interpreter Symbol.
		Directorates are developing, or have developed, Language Services Plans to implement the Whole of Government Language Services Policy.
3	That the ACT Government investigate existing Australian and international laws regarding the right to an interpreter in order to ascertain whether local legislative reform is required in order to ensure that this right is ensured for ACT residents.	Agreed in Principle The ACT Government has human rights protections in place to promote equality, prohibit discrimination, and support access to government services. These laws are drawn from or reflect international human rights principles.
		The <i>Human Rights Act 2004</i> promotes and protects the rights of all ACT residents, including the right to recognition and equality before the law. This right is drawn from the International Covenant on Civil and Political Rights. The legislation confirms
		that everyone has the right to enjoy their human rights without distinction or discrimination of any kind. This includes the right to access to services for people with disability. All public authorities, including territory agencies and public employees, have an obligation under the Act to act consistently with human rights.
		The ACT Government has committed to introduce a mechanism to allow human rights complaints to be considered by the Human Rights Commission to provide a

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		more accessible means for human rights issues to be identified and resolved in the ACT.
		The <i>Discrimination Act 1991</i> protects ACT residents from discrimination including on the basis of disability, which includes a duty to make reasonable adjustments for a person's disability unless these would result in unjustifiable hardship.
		The Government has recently introduced amendments to strengthen the Discrimination Act, including introducing a positive duty to eliminate discrimination as far as possible.
		The ACT Government will continue to monitor our human rights and discrimination protections as these reforms are implemented, to ensure that they are effective in protecting the rights of everyone in Canberra, including the Deaf Community. The ACT Government will also perform a review existing Australian and international laws regarding the right to an interpreter to verify the current position.
4	That the ACT Government and public agencies translate highly trafficked webpages into Auslan and create provision for Deaf people to forward queries, feedback and submissions in Auslan.	Agreed in Principle The ACT Government supports the intention of the recommendation to increase accessibility of highly trafficked webpages for Deaf people, including creating the provision for Deaf people to forward queries, feedback and submissions in Auslan. As part of the One Government, One Voice digital consolidation project, CMTEDD will consider available options. There is a possibility this will require additional funding which may have budgetary implications to be decided through a budget process.
5	That the ACT Government establish a comprehensive emergency SMS system that has the capacity to both send and receive messages.	Agreed in Principle Emergency Triple Zero is a Commonwealth responsibility and is regulated and monitored by the Australian Communications and Media Authority under Part 8 of the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i> <i>(Cwlth).</i> Callers who are deaf or who have a hearing or a speech impairment are able to access Emergency Triple Zero either by Text Emergency Call to 106 via

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		teletypewriters or by SMS using the National Relay Service SMS Relay. Further
		information on the Emergency Triple Zero system, including how deaf or hearing or
		speech impaired persons may access the service, is available <u>here</u> .
		Under the Emergencies Act 2004, the Commissioner, ACT Emergency Services (ESA),
		has the responsibility to emphasise the importance of communicating information,
		advice, and warnings to the community during an emergency.
		This includes arrangements for the use of the Emergency Alert (EA) System, which is
		designed to send voice messages to landline telephones and text messages to
		mobile phones within a specific area, alerting persons within that area about likely
		or actual emergency events. All SMS messages are sent from the Nationally recognised number 0444 444 444.
		Warnings distributed by the EA system are intended to achieve two distinct
		outcomes – to inform the community of an impending or current threat, and to
		promote appropriate actions as quickly and efficiently as possible. As such, capacity
		for individual members of the public to respond to EA notification text messages or
		voicemails, that are automated in nature, is not viable.
		An agreement between the Deaf Society and the ESA has been in place since 2015.
		The Agreement guides collaboration between the ESA and the Deaf Society, and
		assists the Deaf and hard-of-hearing communities in the following ways:
		 provision of Auslan interpreting services for announcements and
		information sharing during emergency events
		 training for ESA personnel on working with Auslan interpreters and deaf awareness
		 translation services for key safety information on the ESA website; and
		 communication with Deaf and hard-of-hearing communities outside of
		emergency events.

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6	That the ACT Government legislate all emergency warning systems	Agreed in Principle
	in buildings (including Bimberi Youth Justice and Alexander	The ACT Government supports the intent of the recommendation to provide safe
	Maconochie Centres) to include mechanisms that alert Deaf and	buildings for users and visitors. The ACT Government will explore building, work
	hard-of-hearing people.	health and safety and emergency policy and legislation to improve the
		implementation and effectiveness of the emergency warning and
		intercommunication systems that are appropriate to the use, floor area and the expected user profile of publicly accessible buildings.
		Visual emergency alert systems would be installed on a case-by-case basis where there is a defined need or higher risk. For buildings without visual alert systems, alerting people who may not hear the auditory alarms is managed through fire evacuation procedures by the Fire Wardens and Chief Fire Warden during the evacuation process.
		All buildings in the Alexander Maconochie Centre (AMC) have a visual alarm device installed at the main entrance to the building to alert responding staff and provide a visual reference for ACT Fire and Rescue. Custodial staff are trained and are responsible for first response for all fire alarms including evacuation when required.
		As systems within the ACT Property Group portfolio are deemed end of life and need replacing, the ACT Government would look to consider inclusion of visual emergency alert systems based on the need and risk at each site. There is a possibility this will require additional funding which may have budgetary implications to be decided through a budget process.
7	That the ACT Government investigate how many Deafblind people	Agreed in Principle
	are residents of the ACT.	The ACT Government supports the intent of the recommendation, however current gaps in ACT and national data systems means the ACT Government is unable to accurately identify the number of Deafblind people in the ACT. Discussions with and Disabled People's Organisations indicates the number of Deafblind people in the ACT to be very low.

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		Nonetheless, the ACT Government is committed to ensuring all people with disability, including Deafblind residents, can access the services and supports they require on an equal basis with others.
8	That the ACT Legislative Assembly make proceedings and materials accessible, via Auslan, to the Deaf community.	Noted The ACT Government understands that the Speaker will consider this matter and provide advice to the ACT Legislative Assembly separately.
9	That the ACT Government incentivise local theatre companies, live entertainment venues and cinemas to ensure accessibility for Deaf audiences.	Agreed in PrincipleThe Disability Inclusion Grants currently incentivise local organisations and businesses to overcome barriers to inclusion and provide funding of up to \$20,000 for local clubs, groups, community organisations and small business to promote social inclusion of people with disability. More information on these grants can be found at Disability Inclusion Grant ACT business.gov.au. The ACT Government will continue to proactively promote these grants to theatres, cinemas and other entertainment venues.
		The ACT government will consider options for how larger theatre, live entertainment and cinema businesses can be supported to ensure accessibility for Deaf audiences, beyond the Disability Inclusion Grants. This may require support of Auslan interpreters to develop the specific skillset for live performance. This may require additional funding which will have financial implications to be decided through a budget process.
		Many Government-funded organisations already have accessibility features for Deaf audiences. For example, Canberra Theatre Centre has live captioning of performances and Belconnen Arts Centre has hearing loops throughout.
10	That the ACT Government establish a Deaf Hub ('one-stop shop' for services to the Deaf community).	Noted The ACT Government recognise the importance of accessible services, which are available to the Deaf community.

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		The development of the ACT Disability Strategy, and subsequent action plans, will identify opportunities for a more inclusive and accessible community. The strategy will set the direction for government investment and priorities to improve accessibility and inclusion for people with disability more broadly, including specific cohort groups where appropriate.
		This will ensure any initiatives and government investment is strategic and evidence based, and clearly aligns with the systemic issues identified by people with disability, their families, and communities.
		There is a possibility this will require additional funding which may have budgetary implications to be decided through a budget process.
11	That the ACT Government provide financial assistance to DeafACT.	Agreed in Principle
		The ACT Government recognises the important role of organisations such as DeafACT in supporting the Deaf community.
		The ACT Government encourages DeafACT to provide a submission or feedback on its funding requirements and outcomes to be achieved through the Community Budget Consultation process via the YourSay website at https://yoursayconversations.act.gov.au/2023-24-budget-consultation
		ACT Government also encourages DeafACT to engage regularly with the ACT Government grants processes. The ACT Government provides a range of opportunities for organisations to access grant funding throughout the year. These opportunities can be found on the Grants portal at: <u>https://www.act.gov.au/grants</u> . The portal provides information on grants funding rounds the organisation may be eligible.
		In addition, the ACT Government runs grant writing workshops twice a year to support community members and organisations to write successful grant

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		applications. These opportunities are advertised widely through a range of media, social media and community network channels.
12	That the ACT Government reintroduce certified Auslan courses through the Canberra Institute of Technology.	Agreed in PrincipleCanberra Institute of Technology (CIT) ceased delivering accredited Auslan training in 2015, due to low student numbers and financial viability at the time.The CIT and Skills Canberra will revisit options for developing and delivering accredited Auslan training, in-line with identified demand. A careful viability assessment will be required when revisiting these options, noting the
13	That the ACT Government adopt targets for higher numbers of certified Auslan-English interpreters within the ACT.	Noted There are no targets for certified Auslan-English Interpreters in the ACT. The ACT Government prioritises funding for AUSLAN qualifications through the User Choice and Job Trainer programs. Funding is demand driven, with limited current demand for places.
14	That the ACT Government implement a casual sick pay scheme that covers Auslan interpreters.	NotedA number of trials are being conducted in this area (for example in Victoria) and the ACT Government will review any evaluation of their success.The ACT Government also has a Secure Workforce Conversion policy, which implements the Fair Work Act (Cth) Casual Conversion requirements that all casual employees who have worked for 12 months, with at least six months of that involving regular and systematic employment, be offered permanent employment. Upon conversion to permanent employment, employees are entitled to leave as outlined in the relevant enterprise agreement.

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		This policy applies to casual and temporary employees employed in the ACTPS. Any casual Auslan interpreters would be assessed under this provision.
15	That the ACT Government provide subsidies to students of Auslan, including scholarships.	 Agreed in Principle The ACT Government funds the Diploma in Interpreting as a traineeship under the User Choice (Australian Apprenticeships) program. The ACT Government previously offered fee-free training places under JobTrainer Skilled Capital including: Certificate II in Auslan; Certificate III in Auslan; Certificate IV in Auslan; and Diploma of Auslan. The ACT Government will consider opportunities to provide fee-free training places and subsidies in Auslan courses through future Commonwealth funding agreements. There is a possibility this will require additional funding which may have budgetary implications to be decided through a budget process.
16	That the ACT Government establish a dedicated facility for Deaf and hard-of-hearing students in a mainstream school.	 Not Agreed In the ACT, along with other Australian jurisdictions, most students who are Deaf or hard-of-hearing attend their local school, where they receive support from a centralised hearing support team who plan and assist to implement adjustments for individual students, using technology and hearing devices, environmental considerations, social and emotional and communication strategies, and more. Auslan interpretation is available through qualified learning support assistants for students who need it. The ACT Government will consider the recommendations about minimal proficiencies required for educational interpreters provided by the Australian Sign Language Interpreters' Association.

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		The ACT Government is currently developing an Inclusive Education Strategy,
		anticipated to be released in 2023, which will outline how all ACT public schools will
		be supported to strengthen inclusive practice.
		Through the Inclusive Education Strategy, system reform will further strengthen the system to strive for all children and young people feeling welcomed, understood, included and safe, as human diversity is valued as the status quo and meeting diverse learning and wellbeing needs is standard practice.
17	That the ACT Government liaise with relevant organisations in order	Agreed in Principle
	to establish dedicated, formal and frequent learning and social	The Education Directorate's Hearing Support Team currently facilitates social groups
	networks for Deaf school students throughout the ACT and Australia.	for Deaf and hard-of-hearing students and will continue to offer and strengthen these dedicated social groups.
		While COVID-19 restrictions limited social offerings available over the last few years,
		in 2023 there is a renewed focus on creating and strengthening social connectedness and belonging.
		Family events involving external agencies/stakeholders have been planned to
		facilitate social connections for Deaf school students in the ACT. The Sign Club will
		be reinstated and facilitated by some of the hearing support teachers this year. The
		Hearing team will explore and provide more social groups/gatherings both locally
		and interstate, including strengthening the collaboration and collegial support
		within the local NSW regions. Networking and professional learning opportunities for Hearing Support Teachers are being planned and supported.
		to rearing support reachers are being planned and supported.
18	That the ACT Government investigate the current delivery status of	Agreed in Principle
	the subject of Auslan (LOTE, Australian Curriculum, F-10) in ACT	The ACT Government is committed to increasing the offering of Auslan as a subject
	schools with the view to increasing the offering of this subject throughout a range of year levels and schools.	delivered under the Australian Curriculum in ACT public schools.
		Auslan is one of the sixteen languages that can be offered under the Australian
		Curriculum Languages. In ACT public schools, Auslan is currently delivered in small

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		group situations. There is however, increasing interest in Auslan as a subject area under languages.
		The ACT Government is currently engaging in a consultation process to develop an ACT Languages Action Plan, which will examine how to improve on the availability of all languages, including Auslan in schools across the schooling years.
		Currently when a school opts to offer Auslan either as a language program for whole cohorts, or for small groups, there are avenues to do so. A central Hearing Support Team supports schools who wish to select Auslan for their Languages Other Than English (LOTE) courses.
19	That ACT Courts update their practices for interpreting and associated communication throughout the judiciary and court staff in order to ensure that the courts are aware of their obligations for provision of services, including Auslan.	Agreed in Principle This recommendation reflects existing government policy as ACT Courts and Tribunal's current practices align with Article 13 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in relation to access to justice for persons with disabilities and participation in legal proceedings.
		ACT Courts and Tribunal fulfills its obligations under Article 13 by supporting the rights of deaf people participating in all legal proceedings, including as witnesses or members of a jury, with the provision of Auslan interpreters as required. More information on accessing Interpreter assistance for ACT Courts and Tribunal matters, including the ACT Courts and Tribunal Interpreter Protocols are available on the <u>ACT Courts website</u> .
		Information on all services available to people with disability participating in legal proceeding at the ACT Courts and Tribunal can be found <u>here</u> .
20	That the ACT Government provide mandatory training to ACT Policing on Deaf awareness and booking interpreting services.	Noted Mandatory training is not currently provided to ACT Policing, however the ACT Government will work with ACT Policing to explore opportunities for ACT Policing on deaf awareness and the booking of interpreting services.

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		There is a possibility this could require additional funding which may have budgetary implications to be decided through a budget process.
21	That the ACT Government ensure culturally appropriate prison services for Deaf and hard-of-hearing inmates.	Agreed in PrincipleThe ACT Government has demonstrated an ongoing commitment to improve services for people living with disability including Deaf and hard-of-hearing inmates. Services provided under the new ACT Corrective Services (ACTCS) Integrated Offender Management Framework focus on the needs of the individuals and make adjustments where possible to promote equitable access to services and opportunities for development.Under the existing ACTCS Disability Action and Inclusion Plan (DAIP), the ACT Government has recently developed three videos that communicate key information for clients in custody, community and visitors to our custodial service. These videos include captioning.The new ACTCS Disability Framework is in its final stages of development and encapsulates the need to move towards services that are either universal in their
		design or are more mindful and responsive to the individual's needs. This Framework is soon to be released and will be the roadmap for future service design and the next DAIP due for development at the end of 2023.
equipment,		Agreed in Principle Training is provided to all staff through two eLearning programs. Culture Diversity and Inclusion, Working with Interpreters.
	 during mental health emergencies the communication needs of Deaf patients. access to face-to-face and on-call telephone and remote Auslan interpreting services 	Canberra Health Services also provide face to face training through the Diversity and Inclusion Training Day which invites external experts to speak to staff on topics, including Working with Interpreters and Understand Hearing Loss.
	 information about Auslan to families, immediately after newborn hearing screening. 	Additional resources are also available for all staff via the HealthHub (internet) which includes language translating and interpreting services.

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		Information and signage on how to access an interpreter is displayed throughout the Emergency Department and other clinical areas within Canberra Health Services.
		Information on accessing hearing/speech impairment is provided through the infant Personal Health Record (blue book). The Maternal and Child Health program will schedule additional time in clinics or home visits to allow for interpreter services' involvement.
		All newborns in the ACT are offered Newborn Hearing Screening. Diagnostic Audiology assessment is provided for those newborns who fail screening assessments. Throughout the screening and assessment pathway, families are provided education and support regarding hearing loss and treatment options.
		There is a possibility some of these could require additional funding which may have budgetary implications to be decided through a budget process.
23	That the ACT Government liaise with the NDIS to encourage the Scheme to fund Auslan courses for families of Deaf children.	Agreed On the 18 October 2022, Commonwealth Minister Bill Shorten announced a comprehensive and wide-reaching independent review of the National Disability Insurance Scheme to put people at back at the centre of the scheme.
		The ACT Government will advise the NDIS Independent Review Panel, charged with undertaking the review, of this recommendation and request the review consider this matter.
24	That the ACT Government provide appropriate aged care facilities in the ACT to accommodate Deaf Canberrans.	Noted Aged Care is the ongoing responsibility of the Commonwealth Government.
		Residential Aged Care Facilities are all privately owned and operated in the ACT. As such, the Act health Directorate can only encourage and support private facilities to implement these changes.

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25	That the ACT Government fund access to support technology for ACT Deaf residents, aged over 65.	Agreed in PrincipleSupport to access technology for ACT Deaf residents aged over 65 is the responsibility of the Commonwealth Government as part of the Hearing Services Program (HSP) and the National Disability Insurance Scheme (NDIS).If an individual is already an NDIS participant, the NDIS will fund reasonable and necessary hearing supports that are not available through the HSP.The ACT Government will explore the option to fund support technology for