



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON EDUCATION AND COMMUNITY INCLUSION
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Submission Cover Sheet

Inquiry into access to services
and information in Auslan

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1. Introduction

Expression Australia (trading as The Victorian Deaf Society) is a not-for-profit organisation created by and for the Deaf community. Expression Australia was established in 1884 and our services empower people who are Deaf and hard of hearing to overcome barriers in their life and choose how they want to live.

Our vision is to give all Deaf and hard of hearing people every opportunity to connect with and contribute to society, and to enable them with freedom to develop in all aspects of life in their language of choice, as well as supporting their families. We strive to achieve this vision through transformational services through optimising new technologies and addressing inequity and driving social change.

Expression Australia welcomes the Inquiry into access to services and information in Auslan in the Australian Capital Territory (ACT) and is grateful for the opportunity to present a submission on issues of relevance to the inquiry. As one of the national leaders in Auslan video productions and Auslan interpreting services, Expression Australia strives to ensure Deaf and hard of hearing people are not left out in terms of access to services and information in their language of choice. Below is an outline of considerations for the Inquiry.

2. The disadvantage and discrimination faced by Deaf and hard of hearing people due to lack of access to services and information in Auslan.

For many Deaf and hard of hearing people who have used Auslan since infancy, English is not a first language. Unable to receive information in Auslan can often hamper confidence, particularly during emergencies such as bushfires or a global pandemic. There are numerous barriers to accessing services and information in Auslan, particularly in confronting situations of not being able to access equal and real-time access to information (World Federation of the Deaf, 2022). Most of information available in the public sphere is often shared aurally, which means in such instances, Deaf and hard of hearing people are disadvantaged, as they do not have the ability to incidentally access information. According to Deaf Australia (2014), the human rights of Deaf and hard of hearing people are underpinned through their right to use Auslan to access services and information.

The utilisation of the medical model of disability for deaf and hard of hearing people often results in language deprivation which in turn reduces the ability to access to services and information in Auslan. With approximately 96% of deaf and hard of hearing children being born to hearing parents, it is important to ensure this access begins in the home, utilising a bilingual and bicultural approach. Parents of deaf and hard of hearing children should also be afforded the opportunity to connect with services and information available to the Deaf community, such as Expression Australia and DeafACT to ensure their deaf or hard of hearing child has the best start and is empowered to access public services and information in the language of their choice.

Recommendation 1: Auslan interpreters should be used at government and emergency service-related press conferences and ensure that they are included in community broadcasts as per advisory notes from ASTRA Subscription Media Australia and Free TV Australia.

“Where an Auslan interpreter is present at a news conference or official briefing, subscription and free television licensees will include the Auslan interpreter in frame where it is practicable to do so.”

3. Options to strengthen and enforce legislation and policy to increase provision of services and information in Auslan across the public and private sectors in multiple settings such as aged care, education & training, emergency services, employment, health care, justice, media (including Government announcements), and social opportunities.

Currently, the Disability Discrimination Act 1992 (*Cth*) states that it is against the law for public places to be inaccessible to people with disability; however, the legislation does not acknowledge Auslan as a cultural and linguistic right for Deaf and hard of hearing people, therefore most of these places remain inaccessible for Deaf and hard of hearing people who use Auslan as the language of their choice.

Australia ratified the United Nations Convention on the Rights of Persons with Disabilities in 2008; however, the Disability Discrimination Act 1992 (*Cth*) has not been updated to uphold state bodies to recognise Auslan as a national sign language in the following Articles:

- Article 2 – Definitions
- Article 9 – Accessibility
 - 9.2 (e) – State bodies shall take appropriate measures 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
 - 9.2 (f) – State bodies shall take appropriate measures to promote other appropriate forms of assistance and supports to persons with disability to ensure their access to information.
- Article 21 – Freedom of expression and opinion, and access to information
 - (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 disability in official interactions
 - (e) – Recognising and promoting the use of sign languages.
- Article 24 – Education
 - 24.3(b) – Facilitating the learning of sign language and the promotion of linguistic identity of the deaf community
 - 24.3(c) – Ensuring that the education of persons, and in particular children, who are blind, deaf, or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximises academic and social development.
- Article 30 – Participation in cultural life, recreation, leisure, and sports.
 - 30.4 – Persons with disability 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.

The Discrimination Act 1991 for the Australian Capital Territory also does not recognise Auslan as a linguistic right for Deaf and hard of hearing people who have Auslan as the language of their choice.

Auslan does not have a legal recognition in both federal and state legislations. According to Murray (2020), countries who have afforded legal recognition to their national sign language as part of their linguistic ecology

so deaf and hard of hearing people can enjoy their human rights in all areas of life. The World Federation of the Deaf (2022) also states that meaningful legal recognition of national sign languages leads to better enjoyment of human rights.

Disability Discrimination Act 1992 (*Cth*) and Discrimination Act 1991 (*ACT*) should be updated to recognise Auslan as a cultural and linguistic right for deaf and hard of hearing people to ensure services and information are accessible for all. Both legislations should have the ability to underpin the human rights of deaf and hard of hearing people.

Recommendation 2: Any referrals for services to any government department will need to allow consumers to specify whether their preferred language of communication is Auslan.

Recommendation 3: Review state legislation where accessibility is concerned such as the Discrimination Act 1991 (*ACT*) and update it to ensure Auslan is recognised as a cultural and linguistic right for Deaf and hard of hearing people to be able to access services and information.

Recommendation 4: Ensure policies and legislations are reviewed to acknowledge the cultural and linguistic needs of Deaf and hard of hearing utilising social and human rights models of disability.

4. 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.

To create agreed objectives and targets relating to provision of Auslan that facilitates access to services and information, a co-design approach needs to be adopted to ensure there is representation from the Deaf community including organisations created by Deaf people such as DeafACT, Deaf Australia and Expression Australia. Utilising the *There is nothing about us without us* philosophy, it is important to ensure Deaf and hard of hearing people are included in the development of objectives and targets relating to access to services and information in Auslan as the language of choice for Deaf and hard of hearing people.

Recommendation 5: Establish an advisory group using the co-design principles and ensure there are Deaf and hard of hearing representatives included to facilitate appropriate expertise and representation to create objectives and targets for access to services and information in Auslan in the ACT.

Recommendation 6: Audits are undertaken to appreciate the extent to which existing material available in English is also available in Auslan. All newly produced publicly available documentation be accessible to the deaf community in Auslan by 2024.

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

Public agencies and services underpinned by both state and federal legislations shall be accountable for public reporting of progress against objectives and targets for provision of services and information in Auslan. Where possible, provision of Auslan in services and information avenues shall be public through the means of broadcasting on both television and social media platforms, which means they need to work with broadcasters to ensure Auslan is visible on all platforms.

Other recommended reporting of progress against objectives and targets are:

- Develop guidelines for public services on how to improve access to information and services in Auslan. The guidelines should also include advice on how to include Auslan users who are Deaf or hard of hearing in the co-design approach and delivery of services and information in Auslan.
- Work with Auslan users who are Deaf or hard of hearing to increase accessibility of online services including government websites. This also includes engagement of video production services who are experienced in delivering Auslan videos using the Auslan-first approach.
- Encourage public services to engage their staff in Deafness Awareness Training and basic Auslan sessions to ensure their services and information are constantly accessible in Auslan for Deaf and hard of hearing people.
- Data on use of Auslan in services and information should be made available to the public.
- Establish an advisory group to ensure services and information are accessible in Auslan. The advisory group should include Deaf and hard of hearing people, especially those who represent Deaf organisations such as DeafACT, Deaf Australia and Expression Australia.

Additionally, provision of Auslan for services and information should have a similar plan to the British Sign Language (BSL) National Plan which was implemented in Scotland in 2015. A progress report is available for the [BSL National Plan Scotland](#).

Recommendation 7: Develop specific guidelines that ensures content creation is mindful of the cultural and linguistic requirements of the Deaf and hard of hearing community.

Recommendation 8 The Government and public agencies explores the feasibility of translating high trafficked webpages into Auslan. This can be facilitated through Auslan translation services available at Expression Australia using current technology such as website-based video resources.

Thank you once again for the opportunity to contribute to this very important Inquiry for the Deaf and hard of hearing community in the Australian Capital Territory.