Submission to the Provision of Hearing Services under the National Disability Insurance Scheme (NDIS)

Joint Standing Committee on the NDIS – Hearing Services

10 February 2017

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Joint Standing Committee on the National Disability Insurance Scheme
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Deaf Australia Inc.

RESPONSE TO TERMS OF REFERENCE

1. **That the Joint committee inquire into and report on the provision of hearing services under the National Disability Insurance Scheme (NDIS), with particular reference to**:

   a. **The eligibility criteria for determining access to, and service needs of, deaf and hearing impaired people under the NDIS;**

      Deaf Australia asserts that any child or adult who is deaf or hard of hearing who demonstrates difficulty in communication must be eligible to access the NDIS to obtain the necessary supports in areas of communication needs, and other supports necessary to enable full participation in Australian Society.

   b. **Delay in receiving services, with particular emphasis on early intervention services;**

      Deaf Australia asserts that Auslan is lacking from the current referral pathway and the pathway is biased towards hearing intervention (as a medical model) which has traditionally and continues to reject Auslan as a necessary communication option.

      Deaf Australia further asserts that a National Deaf Centre needs to be established and fully funded to provide 'first point of contact' which is inclusive of all programs and services with a primary focus on social inclusion and wellbeing of deaf / hard of hearing persons, and to provide high quality information and support for individuals living anywhere in Australia.

      This means that there is a need to ensure that both hearing services and Auslan services and supports are provided – it must not be 'either/or' – it must be both.

      Many deaf people want access to affordable hearing services and technologies, and they need to use a range of technology and Auslan supports to lead full and productive lives.

   c. **The adequacy of funding for hearing services under the NDIS;**

      Deaf Australia asserts that funding for Auslan support programs is not well considered and too much emphasis is given to hearing support services only. Due to the complexity of communication needs both hearing supports and Auslan supports must be considered as for each individual's needs.

d. The accessibility of Hearing Services, including in rural and remote areas;

Deaf Australia asserts that information about NDIS and deaf services must be accessible in Auslan format and be clearly promoted on the NDIS website.

Deaf Australia acknowledge that there may be little or no support in rural and remote areas for deaf and hard of hearing children and adults to access Auslan support programs. However, there are ways to do this using video, and the provision of this type of support must be explored and encouraged.

Deaf Australia asserts that 'communication access' must be an integral part of every deaf/ hard of hearing person's package, such as access to appropriate communication equipment and networks to enable effective liaisons between participants and Auslan-skilled professionals and other supports.

e. The principle of choice of hearing service providers;

Deaf Australia asserts that any service providers providing support to deaf/ hard of hearing people and their family or carers must be Auslan proficient and that providers should focus on the deaf/ hard of hearing person's needs ahead of self-interest.

This mean that this sector must develop national standards of provisioning of deaf / hard of hearing services and support staff must be registered by the providers and monitored and reported on annually.

This will ensure that providers are competent and skilled in providing high quality service for deaf/ hard of hearing people.

NDIS must adopt this standard for any provisioning of service to deaf/ hard of hearing people.

f. The liaison with key stakeholders in the design of NDIS hearing services, in particular in the development of reference packages;

Deaf Australia as the national peak organisation representing deaf and hard of hearing people needs to be the primary key stakeholder in the design of and implementation of the NDIS's Deaf and Hard of Hearing NDIS reference packages.

Deaf Australia proposes that reference packages must address the holistic needs of both deaf and hard of hearing constituencies, and their diverse preferences in terms of access to information and communication, including through Auslan, technologies and other supports.

g. Investment in research and innovation in hearing services; and

Deaf Australia asserts that there is a lack of research and innovation focusing on Language Acquisition (Childhood Development and Language Acquisition) and plenty of research and innovation on assistive devices.

This imbalance of research and innovation funding has hindered many potential positive developments to which the Australian Governments have committed with the National Disability Strategy 2010-20.

Deaf Australia further asserts that there is a need for significant investment for professionals working in the deaf sector to learn Auslan and to increase the uptake of interpreter training and accreditation in the next two to five years to meet growing demand.

h. Other matters.

Deaf Australia asserts that there are issues with several laws (NDIS Act, Disability Discrimination Act, Telecommunication Act, and Broadcasting Services Act) that need to be complementary to each other so as to ensure that providers have the responsibility in providing access to; and provisioning of their services, and not assuming other programs will pick up the costs for deaf/ hard of hearing people to access their services.

Deaf Australia asserts that standard of service provisioning must be developed to ensure that deaf / hard of hearing people are obtaining suitably skilled and qualified professionals when they source their services and be adopted as part of the NDIS's National Quality and Safeguard Framework.

Deaf Australia believes that there are gaps in service provision that will be more apparent when NDIS is completely rolled out and those who are not eligible for NDIS, such as migrants and senior citizens are disadvantaged by the lack of services under other programs (e.g. Aged Care does not provide for Auslan support).

Deaf Australia asserts that actions must be taken to address gaps in service provisioning so that no deaf/ hard of hearing people will be at a disadvantage, in particular in the areas of childhood development and language acquisition, interpreting services, and assistive devices and communication equipment.

To achieve this, Deaf Australia needs to be in a position of influence to promote strategic changes to policies, legislation and practices and to raise awareness, as identified in recommendations, in realising the potential of a harmonious society that will benefit both the deaf and non-deaf communities.

2. **That the committee reports by 23 March.**

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Deaf Australia Inc.

RECOMMENDATIONS

That the Commonwealth Government:

A. Monitors and reports regularly on the achievements (and failures) of the National Disability Insurance Scheme as it rolls out, including how the NDIS has or has not affected the inclusion of Deaf Australians;

B. Acknowledges that Australia's commitments under the United Nations Convention on the Rights of Persons with Disability (henceforth referred to as "the Convention") have not yet been fully implemented and to undertake activities to realise the Convention with an aim to;

   1) Recognising that institutional, systemic and attitudinal barriers to inclusion constitutes a violation of inherent dignity and self-worth of deaf and hard of hearing persons; and

   2) Removing all barriers so to ensure equal access to and participation in all services, activities, products and information, whether they be provided by government, the private sector or the non-for-profit sector, for all deaf and hard of hearing individuals;

C. Recognises the right of deaf children, youth and adults to use Auslan when accessing services, activities, products and information at all levels of government (including state, territory and local councils), including, but not limited to, education, justice, human services, emergency services, health and government sponsored activities; including recognising that the onus of responsibility to provide access to deaf and hard of hearing people (through the provision of Auslan videos, Auslan-English interpreters, real-time captioning and so on) rests with the agency concerned and must not be reliant on deaf individuals being forced to demand access or to lodge individual complaints under the Commonwealth Government's *Disability Discrimination Act* or state or territory's anti-discrimination acts; and

D. Provides ongoing funding for Deaf Australia, as the national peak consumer organisation representing Deaf Australians (as per the Convention), to work with our members and stakeholders to help ensure success of the National Disability Strategy across government, non-government entitles and private sectors.

And in addition to this Submission:

F. Ensures that Australian Bureau of Statistics include Auslan as a language option in the next Census (2021) and future Censuses;

G. Creates an appropriately funded independent National Deafness Centre that provides evidence-based information, referral and support for newly diagnosed deaf children and their families, and that:

1) The National Deafness Centre should be a preferred first point of contact and referrals;

2) All families of deaf children should receive holistic support covering all areas of deafness (including but not limited to Auslan and language development and communication support) through outreach and training / mentoring programmes; and

3) Research and development in the delivery of effective, inclusive models of support, and training for service providers (Government, private and NGO sectors) who support Deaf clients;

H. Ensures that NDIS dedicates Information, Linkage and Capacity to Deaf Australia (as a nationally coordinated information service) as a tool to raise awareness and opportunities for using Auslan to inform Auslan users and their families on how they can access a range of Auslan supported services and to work with local deaf communities in delivering locally based activities so that Deaf Australia can:

1) Mange the Deaf Friendly Initiative Scheme recognising providers in providing Auslan supported services;

2) Mange the Awareness Training for providers, community and / or employers in understanding the deaf and hard of hearing people and advice on where to receive additional supports (e.g. Job Access program);

3) Manage the annual National Week of Deaf People to raise public awareness of deaf people (or Auslan users) and its Deaf Community to the wider community.

I Encourages State Governments to provide all families of a newly diagnosed deaf child with a fully subsided copy of 'Signs of Australia – A new Dictionary of Auslan' and contact details for Auslan classes, Deaf language models and Auslan-inclusive early intervention programs;

J That a legally binding communication and information access standards under the Disability Discrimination Act (1992) be developed and endorsed by the Australian Human Rights Commission, such standards will include provision of Auslan/ English interpreting and translations, and captioning of modalities such as cinema, television, DVD, online and digital mediums;

K Requires State Governments to appropriately fund early intervention programs to ensure age-appropriate language acquisition for all deaf and hard of hearing children, including:

1) Providing impartial, evidence-based information on language acquisition;

2) Consulting with the Deaf community and experts in the field of language acquisition of Deaf children in developing this information; and

3) Supporting families of deaf children to acquire Auslan; requiring that a primary focus for deaf and hard of hearing children is language acquisition.

L Recognises that the government must facilitate the learning of sign language (Auslan) and the promotion of the linguistic identity of the deaf community (Article 24.3 (b) of the Convention), by:

1) Requiring state/ territory governments to ensure that education of deaf children is delivered in the most appropriate modes and means of communication for the individual, and in environment which maximises academic and social development;

2) Requiring state/ territory governments to take appropriate measures to ensure that all teachers of the deaf have a high degree of competency in Auslan and appropriate qualifications in deaf education, and to encourage employment of teachers of the deaf, teacher aides, and language models who themselves are deaf;

3) Requiring state/territory governments to employ appropriately skilled and NAATI-accredited Auslan/ English interpreters for all individuals whose employment requires translation between spoken English and either Auslan or other sign languages or systems, and require ongoing professional development of such individuals;

4) Ensuring that deaf and hard of hearing children, youth and adults are able to access universities, vocational training, community education opportunities and all other education and training without discrimination and on an equal basis with others, noting that this will require directives to state/territory governments in relation to non-university education;

5) Requiring state/ territory governments to implement inclusion strategies to provide support for deaf children and their families to actively participate in all school activities; and

6) Requiring that all deaf and hard of hearing children participate in the NAPLAN testing regimen and to monitor and report on the results of this cohort.

M Requires in Auslan/ English interpreters, whether sourced through an agency or independently, funded by NDIS, to be NAATI accredited interpreters.

N Leads by example and communicates to private and non-government entities their roles and responsibilities in providing access to services, products, information and activities to ensure inclusion of Deaf Australians. This includes:

1) Recognising that mainstream supports such as medical and employment interpreting (e.g. National Auslan Interpreting Booking and Payment Services and Job Access's Employment Assistance Fund), online, TV and cinema captioning, and the National Relay Service are the responsibility of the government and / or providers;

2) Recognising that it is not the responsibility of individual deaf persons to ask for such support and therefore;

3) Access to these services must be appropriately funded and delivered, and where funding is not available (e.g. in the case of interpreting and real-time captioning in private hospitals) that service providers must be informed of their responsibilities;

O In order to meet the demand created for interpreting professionals, government need to work with the industry to devise and implement a National Strategy to, at least, triple the new accreditations of interpreters across Australia. Given the urgency, an interpreter training initiative must be established immediately to help alleviate the concerns created by the National Disability Insurance Scheme;

P Requires all interpreters to undertake monitored training/ professional development to ensure that interpreters are suited and well equipped to undertake various tasks competently.

Q Clarifies the parameters of the *NDIS Act (2013)* and the *Disability Discrimination Act (1992)*, in particular where provisioning of Auslan/ English interpreting are required to provide access under the *Disability Discrimination Act* and general community activities.

R Ensures that access to and procurement of assistive devices and communication equipment is provided for every deaf/ hard of hearing person. This must be part of the 'Deaf/ hard of hearing's NDIS reference package'. Also, ensures that those who are not eligible for the NDIS are able to access assistive devices and communication equipment through other programs.

S Reviews and amends NDIS's funding structure to include funds to cover the use of communication networks (e.g. internet and mobile plans) so as to enable deaf and hard of hearing people to communicate effectively.

T Reviews and amends the NDIS's funding structure to allow providers to claim travel allowance so that provider can visit deaf and hard of hearing people at a place of meeting.

Deaf Australia Inc.

EXECUTIVE SUMMARY

This submission is made in response to a call for submissions by the Joint Standing Committee on National Disability Insurance Scheme as part of the committee's inquiry into the implementation, performance and governance of the National Disability Insurance Scheme (NDIS), the committee will examine the issue of how hearing services are transitioned to, and delivered through, the NDIS under the specific Terms of Reference.
http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/HearingServices.

Deaf Australia appreciates the extension of time granted by the Committee to make this submission.

Deaf Australia welcomes the National Disability Insurance Scheme as it allows deaf people (and their families) for purposes that were not previously available to them, such as Auslan programs, deaf mentors, technology and assistive devices and other services and believe this is crucial for deaf children and their families to develop communication skills and gain access to community activities that will benefit deaf children and their families in the long term.

Deaf Australia believes that attitude plays an integral role in providing support or service in everyday activities. Poor perceptions of deaf people exist for various reasons, such as an individual's upbringings, socio-economic status, education, religion, family and friends, the professionals and the market.

Even today, members of the deaf community are often given labels with negative connotations associated with the word 'deaf'. 'Deaf-Mute', Deaf-Dumb', 'Broken-ears', and the medical term, 'Hearing Impaired', are terms frequently used by journalists, medical professionals, parents and the wider community and deafness is seen as a 'deficit' rather than promoting the dignity of a deaf or hard of hearing person.

For example, this inquiry looks at 'Hearing' services when 'Deaf / hard of hearing' people or services would be appropriate and relevant to the person's identity. The use of this more appropriate term would promote self-esteem and confidence that services are catering to the person's needs rather than stigmatising hearing loss. Deaf Australia has in place a Terminology Policy that supports the position as agreed by the World Federation of the Deaf and the International Federation of Hard of Hearing in 1991 and we have continued to educate and re-educate the media, government and others of these terminologies.

Deaf people are often the most misunderstood, the most alienated and marginalised of disability groups and often have various influencers that determine the lives of many deaf and hard of hearing people through its programs and services, often without direct involvement or input from the deaf community.

Like all people, deaf and hard of hearing people have the right to access information – in a way they can effectively and efficiently receive and impart information. This concept seems difficult for non-deaf people to comprehend. Non-deaf people do not seem to understand that deaf people need the same level of information, yet make significant investments in ways for deaf and hard of hearing people to access information that is not appropriate for deaf and hard of hearing people.

This utilitarian and naïve view that access to sounds equates to full inclusion must be challenged.

The United Nations' Convention on the Rights of Persons with Disabilities states that 'language' means 'spoken, signed languages and other forms of non-spoken languages (e.g. written)' (Article 2). The Convention mentions 'sign language' seven times across five articles. The Convention was ratified by the Australian Government in 2008.

The United Nations' Conventions on the Rights of Persons with Disabilities commits governments to recognising the importance of sign language and promoting their use. The Convention also entitles deaf people, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf cultures. Being allowed to develop their cultural and linguistic identities – including in educational setting – is a key right of deaf children.

This has become Deaf Australia's mandate and is supported by our constituents that Auslan (Australian Sign Language) must be recognised as a right and be supported in ways that will not diminish the capacity of its use.

Being deaf is not necessarily just a medical condition per se. It is a social and community issue and the community needs a more holistic and whole of government approach to maximise the benefits of Auslan across a range of issues, including education, employment, health and more and should not be limited it to 'disability' issues and / or requiring interventive strategies.

What 'disables' this group is lack of access to appropriate methods of communication within the community to enable them to effectively participate in the community, and the public attitude towards them in general and in everyday situations, and various legislation and policies do not promote the inherent dignity of the individual as effectively as it should.

It is difficult to objectively specify Auslan as an access requirement in similar way as other people with disabilities e.g. where people with disabilities requiring physical access to premises. Access to premises must conform to Building Standards which requires ramps to be provided (with minimum/ maximum inclination), doors to have minimum width, accessible bathroom facilities, lifts, parking facilities, tactile tiles, signage and so on.

What this means that deaf and hard of hearing's communication and social needs is very complex and it needs a more holistic and whole of government approach to maximise the benefits of Auslan across a range of issues, including education, health, employment and more and should not be limit to 'disability' issues and / or requiring interventive strategies.

Deaf people's need is unlike other disabilities. Most disabilities focus on accessibility of premises and or equipment needs and these are clearly outlined in various standards such as the Building Standards. Few, if any, focus on communication needs. Additionally, Deaf Australia must stress that other disabilities communication needs are English-based, which is unlike Auslan.

Since 1986, Deaf Australia has been working closely with various commonwealth government departments and agencies in addressing the need to access information and to remove barriers so that deaf and hard of hearing people can participate in society equally by using various communication options, including the use of Auslan. To date, through this collaboration, deaf people have alleviated some wellbeing issues experienced by deaf and hard of hearing people by implementing the following initiatives to remove communication barriers;

- National Relay Service (including Video Relay Service) (*Telecommunication Act*);
- National Auslan Interpreter Booking and Payment Service (NABS);
- Employment Access Fund (Job Access);
- Captioning on broadcasting programs (*Broadcasting Service Act*)
- National Auslan Curriculum (K to Year 10);
- National Transport Commission on Assessing Fitness to Drive Guidelines;
- And more.

There are many areas that still need to be addressed:

- Early Inclusion (intervention) and childhood development;
- Education;
- Employment and training;
- Health and wellbeing;
- Aged care and support;
- Social, recreations and sports;
- Civic life (e.g. jury duty);
- Professional training of Auslan/ English interpreters and translators;
- And more.

Many of these activities listed are not in the remit of the *National Disability Insurance Scheme (NDIS) Act* and therefore need ongoing discussions and resolutions in addressing the needs of deaf and hard of hearing people in Australia, yet there are assumptions that the NDIS will solve these issues.

Deaf Australia has concluded that provisioning of Auslan programs and supported programs is a necessity for full inclusion for every deaf person in Australia as outlined in the two Conventions.

- That deaf people who use Auslan must be given highest priority to ensure that they can access a range of qualified and trained Auslan supported services without discrimination, including use of equipment and supports to enable them to participate without being disadvantaged;

- That deaf and hard of hearing children and their families must be given access to qualified Auslan programs (such as learning Auslan, Auslan mentors and/ or tutors) as a highest priority, and this may be complemented with support services such as assistive devices and other supports as appropriate;

- That deaf and hard of hearing people must be given access to a range of assistive devices (hearing aids, fire/ smoke alarm, doorbell alerts) that will support their safety at home, in the community and elsewhere without discrimination;

- That there is a clear parameter for which activities fall under NDIS's scope; such as interpreting for personal appointments and provisioning of interpreting needs under the Disability Discrimination Act.

- That gaps in provisioning must be addressed and services must be equally provided for non-eligible participants through other programs/ services.

In 2015, Deaf Australia, along with other disability peak organisations, was defunded in favour of providing advocacy funding to cross-disability groups who have little or no understanding of how complex our needs are. This has in effect made it difficult for Deaf Australia to fully represent the needs of deaf and hard of hearing people. This, in our view, breaches Article 4.3 of the Convention, which states:

> *In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning the issues relating to persons with disabilities, State Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.*

One of the constant challenges that Deaf Australia has had to deal with over many years is the high staff turnover within Government agencies. Deaf Australia have found that we have had to constantly re-educate and re-inform staff in government agencies about the challenges and needs of the Australian deaf community, only to find ourselves doing it again a few years later. This impractical approach must be explored to address the financial and logistical burden imposed on Deaf Australia.

It is Deaf Australia's view that the National Disability Insurance Scheme must ensure that:

- Provisioning of any Auslan programs (Auslan courses, mentoring, interpreters) are accredited and /or have obtained accreditation in Auslan in conjunction with formal recognition of a profession;

- Pathways for deaf and hard of hearing children are established and monitored to ensure that children are obtaining age appropriate language development;

- A national information and support centre is established and appropriately funded so as to provide information and support across all levels of services and programs.

The time is now critical to re-address the need for Deaf Australia, as the only national peak consumer organisation representing Auslan users, to be re-funded to provide sound policy advice to the Commonwealth Government and to work directly with various stakeholders to address the needs and to remove barriers for deaf and hard of hearing people in making Australia a truly inclusive society.

Kyle Miers
Chief Executive

ABOUT DEAF AUSTRALIA AND OUR CONSTITUENCY

Deaf Australia is for all deaf, hard of hearing and non-deaf people and organisations (not-for-profit, for profit or government) that use and/ or accept and respect Auslan (Australian Sign language).

Deaf Australia is the deaf-led peak organisation representing deaf people in Australia. We promote the advancement of human rights and equality for deaf people by collaborating with our members and stakeholders in implementing the United Nations Conventions and the National Disability Strategy.

For the purpose of this submission, Deaf Australia is focusing on deaf and hard of hearing people who are born or became deaf in childhood. This represents between 13,500 – 18,000 deaf Australians who use Auslan (Australian Sign Language) across all age groups.

This group of deaf and hard of hearing people identify themselves as a cultural and linguistic diverse (CALD), or a linguistic minority group and do not generally consider their deafness as a disability.

Deaf Australia does not represent the views of parents of deaf people, medical professionals or service providers as they are not the core focus of our constituents. Although the intention of these groups may be well meaning, Deaf Australia believes that the focus on deaf and hard of hearing people is lacking.

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Auslan (AUSTRALIAN SIGN LANGUAGE)

Auslan is the sign language of the Australian Deaf Community. Although the term was coined by Dr Trevor Johnston in the early 1980s, the language itself is much older. As with other languages, Auslan's grammar and vocabulary is quite distinct from English. Its development cannot be attributed to any individual, rather, it is a natural language that developed organically over time.

The number of people for whom Auslan is their primary (or preferred) language is difficult to determine. According to the 2001, 2006 and 2011 Censuses published by the Australian Bureau of Statistics, the population of Auslan users in Australia has increased by 54.57%, thus debunking the speculation that Auslan is a dying language[i].

The World Federation of the Deaf states that the global population of deaf people is at 70,000,000 (70 million)[ii] or close to 10% of world's population. Using this ratio against the Australia population of 24 million, Australia should have, at most (at least, in theory), 224,000 deaf people, who could (should) be using Auslan. This potentially would make Auslan the 6th largest population of non-English language users in Australia. The Australian Bureau of Statistics states that at present 18% of the Australian population use non-English languages[iii] spread across 15 common languages, including Mandarin, Italian, Arabic, Cantonese, Greek, Vietnamese, Filipino/ Tagalog, Spanish, Hindi, and German (which are the top 10 languages used in order).

Deaf Australia is projecting that the 2016 Census result would be 13,500 Auslan users, however, based on world population, Deaf Australia believes that this number is significantly underestimated because the question in the Census does not specify 'Auslan' as one of many languages listed as an option.

Sign languages have been around for hundreds of years and humans have been using gestures to express basic ideas before verbal communication developed into the mainstream form of interaction. Today, many people still use their hands, gestures and facial expressions and other non-verbal communication to supplement verbal communication.

The Convention on the Rights of Persons with Disability recognises that language means 'spoken and signed language (Auslan) and other forms of non-spoken languages' (e.g. written).

Following the definition of 'language', the United Nations Universal Declaration of Human Rights (1948)[iv] affirms that 'language is a human right', which thereby means that sign language, too, is a human right.

Australia has ratified both Conventions.

For many deaf people who use Auslan, it is a language in the same way as non-English speaking citizens use their own language, and can competently communicate using both languages, Auslan and English. Many Auslan users identify themselves as a language minority group because of the cultures and subcultures that accompany any language groups – commonly known as Cultural and Linguistic Diverse Communities (CALD). This needs to be embraced, promoted and celebrated in same way as other languages are embraced by wider communities, such as our National Week of Deaf People.

Yet, Auslan is not recognised as a language right for deaf people and it means there is a continual lack of access to Auslan throughout deaf people's lives. There is no incentive or funding for families, community or professionals to learn Auslan so that deaf members/ clients can communicate in a natural environment.

The only access to Auslan services for deaf people is through three government funded programs: National Auslan Interpreter Booking and Payments Service (NABS) (Department of Social Services); National Relay Service (Video Relay) (Department of Communication); and Job Access (Employment Assistance Fund) (Department of Education, Employment and Training).

All three require a deaf person to know Auslan beforehand when utilising these services,

There is no funding or programs whatsoever for deaf people to learn Auslan leading to their use of these services. Most deaf people learn Auslan by socialising with other deaf people through sports, social or community activities.

Deaf people faced a myriad of barriers on a daily basis, ranging from lack of access to events such as Carols by Candlelight (Vision Australia) and other public events, children's school performances, graduations and awards ceremonies, public facilities and shops, essential supports including police and crisis supports (e.g. Domestic Violence), hospitals (both private and public) and government services (e.g. Centrelink) and so on.

Deaf people's need is unlike other disabilities. Most disabilities focus on accessibility of premises or equipment needs and these are clearly outlined in various standards such as the Building Standards. Few, if any, focus on communication needs. Additionally, Deaf Australia must stress that other disabilities communication needs are English-based, which is unlike Auslan.

The provision of Auslan access is a human resource and therefore require specific standards which is lacking in Australia, with the exception that Auslan interpreters are accredited through the National Accreditation Authority for Translators and Interpreters (refer to the 'Interpreters' section in this submission for more information) and individuals obtaining certificates/diplomas in Auslan from various education providers.

This provision is usually few and far between and with NDIS not providing travel allowance for providers to travel to participant's local activities, this has imposed difficulty for deaf and hard of hearing people to actively participate in local activities because deaf and hard of hearing people do not live in a cluster zone, but rather are dispersed throughout Australia.

Auslan can be taught in post-secondary institutions and participants can obtain a Certificate, Diploma and / or degree in Auslan in the same way as other language education. There are many community based courses around Australia, however, Deaf Australia is careful in recommending these community courses as they are unregulated.

This is why Deaf Australia has developed 'Deaf Friendly' Initiative that recognise individuals who demonstrate proficiency in Auslan and to promote their employer as Deaf Friendly Providers. This initiative aims to raise awareness of and about Auslan users and provide information for Auslan users to access their services without the need of interpreters

Deaf Australia believes significant work is required to raise awareness of and promote Auslan as a language right for every deaf person to fully realise the potential of an inclusive society.

Auslan and the NDIS

Over the years, Deaf Australia has been advising the National Disability Insurance Agency (NDIA) to create resources in Auslan so deaf people can understand what NDIS is and what they can receive because the NDIS's website is complex and difficult to understand which led to many deaf people believing that NDIS is not for them.

Deaf Australia have also requested the NDIA to provide specific package tailored for deaf/ hard of hearing people so to assist them to navigate the process and to ensure that they are getting all the support/ services they can obtain under the NDIS.

With the uptake of NDIS, deaf people are expected to register with the NDIS to initiate the process of becoming a participant of the NDIS. Deaf Australia has been receiving advice from deaf members of the community that initial meetings with Local Area Coordinators have not been provided with an Auslan/ English interpreter or a deaf-appropriate advocate.

It was only recently that NDIA has now produced six Auslan videos, there need to be more.
The primary focus of the NDIA's Information, Linkage and Capacity (ILC) (formerly known as Tier 2) is working with local areas and communities. Deaf Australia finds this model impractical because the deaf community's information needs are consistently similar across the nation. Our concern is that if ILC is provided locally, there will be many various and information gaps and the lack of a nationally coordinated program will cause confusion in the deaf community.

As mentioned in the Executive Summary, many of the activities important for deaf people are outside NDIS's remit, such as access to information on television, emergency announcement, public facilities, tourism centres and more.

Therefore, it is imperative that NDIA dedicates Information, Linkage and Capacity to Deaf Australia (as a nationally coordinated information service) as a tool to raise awareness and opportunities in using Auslan to inform Auslan users and their families on how they can access the range of Auslan supported services and to work with local deaf communities in delivering locally based activities (providing awareness training, information sessions and the likes) and to provide support for NDIS's Local Area Coordinators and the Planners to ensure that every deaf / hard of hearing person is receiving all the necessary supports available to them.

RECOMMENDATIONS

F. Ensures that Australian Bureau of Statistics include Auslan as a language option in the next Census (2021) and future Censuses;

G. Creates an appropriately funded independent National Deafness Centre that provides evidence-based information, referral and support for newly diagnosed deaf children and their families, and that:

   4) The National Deafness Centre should be a preferred first point of contact and referrals;

   5) All families of deaf children should receive holistic support covering all areas of deafness (including but not limited to Auslan and language development and communication support) through outreach and training / mentoring programmes; and

   6) Research and development in the delivery of effective, inclusive models of support, and training for service providers (Government, private and NGO sectors) who support Deaf clients;

H. Ensures that NDIS dedicates Information, Linkage and Capacity to Deaf Australia (as a nationally coordinated information service) as a tool to raise awareness and opportunities for using Auslan to inform Auslan users and their families on how they can access a range of Auslan supported services and to work with local deaf communities in delivering locally based activities so that Deaf Australia can:

   4) Mange the Deaf Friendly Initiative Scheme recognising providers in providing Auslan supported services;

   5) Mange the Awareness Training for providers, community and / or employers in understanding the deaf and hard of hearing people and advice on where to receive additional supports (e.g. Job Access program);

6) Manage the annual National Week of Deaf People to raise public awareness of deaf people (or Auslan users) and its Deaf Community to the wider community.

I Encourages State Governments to provide all families of a newly diagnosed deaf child with a fully subsided copy of 'Signs of Australia – A new Dictionary of Auslan' and contact details for Auslan classes, Deaf language models and Auslan-inclusive early intervention programs;

J That a legally binding communication and information access standards under the Disability Discrimination Act (1992) be developed and endorsed by the Australian Human Rights Commission, such standards will include provision of Auslan/ English interpreting and translations, and captioning of modalities such as cinema, television, DVD, online and digital mediums;

CHILDHOOD DEVELOPMENT AND LANGUAGE ACQUISITON

Over 95 per cent of deaf children grow up in families have little or no knowledge about deafness and often are anxious about how their deaf child will be brought up. They ask wide ranging questions such as 'will s/he be able to communicate like me?', or 'will s/he be able to function well in the world?', or 'what if s/he can't respond to dangers?' and more.

With respects to parents, this is one of the most common thoughts for parents of a deaf child when their deafness is diagnosed.

Normal in terms of being able to communicate verbally and listening to sounds. Learning to use sign language is not considered to be normal because no one in the family knows it or knows someone who uses sign language in their community. This places significant stress, not just on the families, but on the deaf child having to (or forced to) learn a style of communication that is not 'natural' for them.

Many deaf children will learn to communicate reasonably well with one or two members of the family, some friends and/ or teachers.

When reaching to high school age, education becomes more difficult and rapid in pace and many deaf children fall seriously behind.

Deaf Australia often, when speaking to members of the wider community, asks this question, 'Who or What is 'normal'?' and allow the participants to discuss this topic. Often, the group found that there is no such thing as 'normal' because of the diversity and needs of individuals.

They often decide one should not profess normalcy onto an individual or a group, but to adapt and to accommodate each individual's need.

Deaf Australia and many members of the deaf community meet many parents of deaf children who are now grown up and are using Auslan and are actively involved in the deaf community, and these parents expressed regrets that they did not look at Auslan earlier, now that they see their child happier and contended within themselves.

Deaf Australia recognise that this is common and parents needs to be positively reassured. Their fears should be addressed in ways that focus on opportunity and growth through effective coordination of support across the deaf sector.

During 2015/16, Australian Hearing provided over 29,000 Australians under 21 years of age with hearing devices[v], with an annual budget of $243 million. For these 29,000 Australians, there is no support for their families to learn Auslan.

Over the years, early interventions have played a significant role in providing families of deaf children with access to hearing supports which are heavily subsided by Commonwealth and state/ territory governments. Many of these early intervention services still provide partial and biased information.

From this point on, there is no referral for the family to the deaf community. Families, at times, have sought information and found that there is no program or funding for family to learn Auslan. Families who wish pursue Auslan must pay out of their own pocket to do so. Deaf Australia believes this is counterproductive to the child's future health and wellbeing.

The Commonwealth Government's Better Start program provides families with access to a range of supports for a child with disability up to age of 6 years old. However, Deaf Australia is not aware of any specific program that provides support for deaf children and their families to access Auslan through its program. This program will be transitioned into NDIS.

Deaf Australia believe that language acquisition is crucial to every child (deaf and non-deaf), yet the focus for deaf education has always been on aural/ oral (speech and listening) skills. Although speech skill is an important goal, Deaf Australia believe that the primary goal must be for deaf children to acquire at least one **fluent** first language. The most accessible first language for deaf child - without barriers and can be used without additional help and support[vi] – is Auslan. Without a **fluent** first language, education becomes problematic.
Generations of deaf children educated in a system that excludes Auslan have demonstrated this over and over again, but the Australian education system continues to ignore this evidence of the need for a fluent first language.

Deaf people, in general, lags behind non-deaf people mainly because the education system fails to effectively facilitate the learning of Auslan and the promotion of linguistic identity of

the deaf community. Schools around Australia have in place various policies and practices; however, it is the school's discretion whether to provide support for deaf children. When support is provided, it is often minimal and favouring aural and oral education over Auslan based education.

In the education of deaf children, sign language is generally discouraged by influencers such as medical professionals and educators, and sometimes parents. They argued that Auslan is not an English-based language and instead, they advocate educating deaf children using a phonetically based system of speech sounds that the child accesses inadequately.

As an example of these influencers, recently a qualified teacher of the deaf (who is proficient in Auslan) applied for a teacher position in South Australia was asked by a recruitment agency if she would promote the use of Auslan in her teaching. The applicant advised that she has proficiency in Auslan and the recruitment agency did not select her because 'a well-known deaf organisation in South Australia strongly discouraged the use of Auslan in education system'. This seems to be an acceptable practice in South Australia and in many schools throughout Australia.

Deaf Australia believes that the current Australian practice of education for deaf children amounts to '*language deprivation'* which is associated with a lack of the linguistic stimuli that are necessary for the language acquisition processes in an individual.

In California, a bill[vii] was passed that requires the Education Department to select the benchmark for tracking the progress of deaf and hard of hearing students in language and literacy development.

There is much evidence to show that people who learn sign language early have consistently outperformed academically and in the workplace than those who don't. This is true when the person uses sign language without speech and when sign language is used in a complementary way with speech/hearing development. Yet sign language programs and complementary sign and speech/hearing programs receive little or no support and funding.

Deaf Australia notes with irony that baby signs are widely and supported by non-deaf community for teaching non-deaf babies to communicate before they communicate audibly. However, when it comes to a deaf child … this program is discouraged. Deaf Australia fails to understand why it is ok for a non-deaf child but not ok a deaf child to learn sign language.

Deaf Australia believe the Auslan dictionary should be provided for each family who have a deaf child so they can immediately access information about Auslan and subsequently the deaf community, through supported programs funded by the NDIS.

However, Auslan resources are continuously in need of development and redevelopment. The last significant Auslan resource developed 'Signs of Australia – A new Dictionary of Auslan'

was produced in 1982 and republished several times since. Deaf Australia understands there is no immediate plan to republish or redevelop this important resource, which means once this dictionary is sold out, there is no plan on replenishing it.

Over 80% of Teachers of the Deaf are not appropriately skilled to use or teach deaf pupils in Auslan. This negates the child's need for fluent language acquisition and development.

The National Association of Australian Teachers of the Deaf (NAATD) recently developed Teacher of the Deaf Standards which do not require Teachers of the Deaf to possess minimum proficiency in Auslan, but requires all Teachers of the Deaf to have knowledge of 'working of the ears' and understanding of hearing augmentation systems (such as loop, hearing devices). Another example from South Australia, a deaf Teacher of the Deaf, who is not yet permitted to work lead or independent teacher, but may act only as a support teacher. This has had a significant impact on this teacher's professional confidence and her subsequent wellbeing.

When deaf child requires an Auslan/ English interpreter, the school often provide 'communication support' and does not necessarily require a person to be an accredited interpreter, and often provide remuneration which is equivalent to support staff or teacher's aide.

A significant achievement for Deaf Australia and the deaf community is the recent release of the new National Curriculum in Auslan that can be taught in the same way as other languages are taught in schools. This curriculum will begin taking a foothold in 2017.

In regards to TAFE or post-secondary education, Deaf Australia provided a submission to the House Standing Committee on Education and Employment inquiry into the role of the Technical and Further Education system and its operation in April 2013[viii].

In this submission, Deaf Australia highlighted several issues that deaf people face when accessing TAFE. These are:

- Lack of adequate support in TAFE;
- Variable skill levels of Auslan interpreters and note takers;
- Lack of choices in courses studies;
- Lack of courses to improve the deaf person's language, literacy and study skills;
- Impact of restructures and funding changes on deaf students;
- Change to requirements for staff qualifications – impacting on deaf students;
- Disadvantaged students finding it difficult to complain; and
- Provisioning of Auslan courses.

Deaf Australia believes these issues have not been addressed and continues to have long-lasting impacts to deaf people seeking meaningful employment and consequently; their wellbeing as they are not achieving their aspirations and passions.

Deaf Australia believe it is imperative that families of deaf children be free from biased and ill-formed information and the lack of programs/ support for learning Auslan, especially at the time of early diagnosis. The focus on providing only speech/ hearing support often lead to wide ranging health issues later in life. Consequently, many deaf and hard of hearing people have become depressed and isolated and often struggle to find adequate services to support their needs, most mental health services are not equipped with the knowledge and/ or skills required for working with deaf and hard of hearing people.

In addition, Deaf Australia believes that pathways for deaf/ hard of hearing children must be in place to ensure the child's development will be monitored and supported through the development stages with key focus on inclusion/ social model. We believe that neither NDIS nor the Local Area Coordinators (LAC) or NDIS Planners have the necessary knowledge or expertise in providing this level of support and guidance and that deaf/ hard of hearing children will continue to lag behind in their development.

RECOMMENDATIONS

K Requires State Governments to appropriately fund early intervention programs to ensure age-appropriate language acquisition for all deaf and hard of hearing children, including:

1) Providing impartial, evidence-based information on language acquisition;

2) Consulting with the Deaf community and experts in the field of language acquisition of Deaf children in developing this information; and

3) Supporting families of deaf children to acquire Auslan; requiring that a primary focus for deaf and hard of hearing children is language acquisition.

L Recognises that the government must facilitate the learning of sign language (Auslan) and the promotion of the linguistic identity of the deaf community (Article 24.3 (b) of the Convention), by:

1) Requiring state/ territory governments to ensure that education of deaf children is delivered in the most appropriate modes and means of communication for the individual, and in environment which maximises academic and social development;

2) Requiring state/ territory governments to take appropriate measures to ensure that all teachers of the deaf have a high degree of competency in Auslan and appropriate qualifications in deaf education, and to encourage employment of teachers of the deaf, teacher aides, and language models who themselves are deaf;

3) Requiring state/territory governments to employ appropriately skilled and NAATI-accredited Auslan/ English interpreters for all individuals whose employment requires translation between spoken English and either Auslan or other sign languages or systems, and require ongoing professional development of such individuals;

4) Ensuring that deaf and hard of hearing children, youth and adults are able to access universities, vocational training, community education opportunities and all other education and training without discrimination and on an equal basis with others, noting that this will require directives to state/territory governments in relation to non-university education;

5) Requiring state/ territory governments to implement inclusion strategies to provide support for deaf children and their families to actively participate in all school activities; and

6) Requiring that all deaf and hard of hearing children participate in the NAPLAN testing regimen and to monitor and report on the results of this cohort.

INTERPRETING

Access to Auslan interpreting is a necessity for deaf people to receive and impart information. Auslan interpreting is not only for deaf people, but also for non-deaf people to provide support, information and/ or services effectively to deaf people.

Deaf people use interpreters for wide range of activities, including, but not limited to: education, employment and trainings, entertainment and leisure, history and more.

At present, many deaf people often are unable to access community-based activities because many of these clubs, organisations or groups are unable to afford the costs of interpreting services. Deaf people are often left out in these situations.

Deaf Australia believe that NDIS will address this significant gap.

The National Accreditation Authority for Translators and Interpreters (NAATI) are responsible for all language translators and interpreters, and have over 33,000 accredited interpreters spanning 117 languages[ix] including Auslan.

At present, there are over 1,200 Auslan/ English interpreters, however, not all of them work in a full-time capacity. Deaf Australia believe there are as many as 300 to 350 interpreters working full time (or approximately 30% of the workforce).

At present, NAATI accredits between 50 to 55 new interpreters on an annual basis. Deaf Australia believes that to meet increasing demands for interpreters, NAATI need to, at least, triple (x3) the accreditations per annum.

There are approximately 20 Auslan/ English interpreting agencies throughout Australia. Many Auslan/ English interpreters are contracted to one or more interpreting agencies as well as freelancing (providing interpreting service without an agency involved).

In the financial year 2015/16, these agencies filled between 85-93% of booking requests and provided in excess of 2,000 bookings per week (or 104,000 per annum) generating more than $18.2 million a year (averaging $175.00 per booking).

The remaining 7-15% represents an excess of 250 bookings per week (or 13,000 bookings per annum) that were unable to be filled due to unavailability or suitability of interpreters or location of venue (interpreters having to travel between bookings), generating a loss of $2.27 million a year.

Deaf Australia would like to assert that not all interpreters are suitably qualified to undertake assignments as they do not possess sufficient knowledge to articulately convey the topic. A provision that is not provided by the NDIS.

It is imperative that interpreters are provided with adequate and monitored training and are provided with supports (e.g. mentoring, coaching, etc) and networks. Such support could be provided by an agency similar to the Australian Medical Board which monitors and provides training for doctors in upkeeping their medical registrations, and if necessary, discipline and/ or deregistration for breaching codes of conduct/ ethics.

Population of Auslan users and Auslan Interpreters

The Census has been recording the number of Auslan users since 2001. NAATI has provided information on the number of accredited interpreters. Below is a table of corresponding figures of Auslan users and accredited interpreters in the Census years. Also, the ratio of per interpreter and actual number of interpreters who are providing Auslan/ English Interpreting for Auslan users.

Census Year	Population of Auslan users	# of accredited interpreters	Ratio	Actual # of interpreter working (30%)	Ratio
2001	5,306	466	1:11.4	140	1:37.9
2006	6,944	694	1:10.0	208	1:33.4
2011	9,723	893	1:10.9	268	1:36.3
2016	*13,612	1,100	1:12.4	330	1:41.2

2021	*19,056	1,310	1:14.6	393	1:48.5
2026	*25,727	1,500	1:17.2	450	1:57.2

*projected Auslan user population growth based on average increase of Auslan users from previous Censuses.

Based on actual number of interpreters working (Census 2001), each Auslan user would require 2 hours (minimum) of interpreting per week, this means interpreters would need to be working at least 75.8 hours a week continuously, covering all types of assignments (e.g. education, employment, health, and et cetera). However, not all Auslan users use interpreters. The hours per week increase to 82.5 per week (Census 2016), 96.9 per week (2021) and 114.3 per hour (2026)

Notwithstanding the rollout of the NDIS, the demand for interpreters is at a breaking point where we believe that the interpreting industry is unsustainable and unviable and it means that deaf people who need access to Auslan/ English interpreters will increasingly be faced with a lack of available interpreters, leaving Auslan users vulnerable in education, employment, health and more.

This is why Deaf Australia, at this point of time, believes that medical appointments currently funded by the Department of Social Services (DSS) should not be transitioned into NDIS so that deaf people can be assured of receiving appropriately trained and qualified interpreters for medical bookings (see ***National Programs: NABS*** below).

Provisioning of Auslan Interpreters under legislation and government programs

The provisioning of Auslan/ English interpreting under the Disability Discrimination Act (or other disability/ anti-discrimination acts) are provided by various providers as 'reasonable accommodation' which means providers will provide deaf people access to their services.

The provision of Auslan / English interpreting under the National Disability Insurance Scheme Act must be considered 'reasonable and necessary' in order for deaf people to receive fund so to access Auslan/ English interpreters.

Australian Government is a signatory to the UN Convention on the Rights of Persons with Disability which sign language is a right for deaf people to use it.

Deaf Australia believes that the legislations and the Convention are not in correspondence with each other – causing significant confusion as to what or how deaf people can access and use Auslan/ English interpreting.

There are other legislations that includes access to information such as Telecommunication Act (National Relay Service), Broadcasting Service Act (Captioned program on television). However, Deaf Australia often finds ourselves having to explain the nuances and complexities of these laws to the deaf community when they ask why they cannot access program like

everyone else. Broadcasters have the responsibility to do this, yet information on their websites is difficult to understand for the majority number of deaf people.

It is our concern that providers will be expecting deaf people to cover all their interpreting needs and absolving the providers' responsibility from providing 'reasonable accommodation' under the Disability Discrimination Act or relevant anti-discrimination acts.

Deaf Australia believe this is not the intent of the NDIS to assume responsibility for the provisioning of all interpreting needs, which is a 'cost-shifting' strategy.

Access to Auslan/ English interpreters has been largely confined to education, employment and/ or services and deaf people have not been asked to pay for these services, however, access to Auslan interpreters has been limited due to costs and availability of interpreters or as 'reasonably accommodated' under the definition of the disability/ anti-discrimination acts.

Auslan/ English interpreting service is a human resource and therefore require specific standards which is lacking in Australia, with the exception that Auslan interpreters are accredited through the National Accreditation Authority for Translators and Interpreters and individuals obtaining certificates/diplomas in Auslan from various education providers.

National Programs:

There are three national programs provided by the Commonwealth Government for deaf people to access Auslan interpreting services: they are National Relay Service, National Auslan Interpreting Booking and Payment Service (NABS) and Job Access's Employment Assistance Fund (EAF).

National Relay Services (since 1995)

The *Telecommunication Act* includes provision for the National Relay Service which has been levied on telecommunication providers since 1995 for people with communication needs, including those who are deaf, and have speech or hearing impairments.

Deaf Australia does not believe this service will or should be transitioned into the NDIS.

However, Deaf Australia must highlight that the Disability Equipment Program which Telstra currently provides will cease and deaf people will need to access appropriate equipment to utilise the national relay service effectively. Deaf Australia believes that those who are eligible for NDIS may be able to source communication equipment under the NDIS *(see '**Communication Equipment'** under **Assistive Devices and Communication Equipment**).*

Deaf Australia is concerned that there will be a risk for deaf / hard of hearing people, who are not eligible for NDIS, will have no means and source of obtaining communication equipment. Deaf Australia has raised this issue in our response to Department of Communication and the

Arts Consultation Paper: '*Communication Accessibility: 2016 and Beyond*'; a review of the National Relay Service[x].

NABS (since 2005)

The National Auslan Interpreting Booking and Payment Services (NABS) commenced providing Auslan users with accredited Auslan/ English interpreters for private medical consultations. This enables Auslan users to communicate with doctors or health professionals. The service covers appointments with general practitioners, specialists and a range of other private health care providers that attracts a Medicare rebate. This program, however, does not provide access to Auslan/ English interpreters for admissions into public and private hospitals as they are funded by state or territory governments.

NABS provides various and specific trainings for interpreters to enable interpreters to perform effectively in these medical settings, and meet the needs of doctors providing appropriate care in accordance with their ethos and code of conducts. ***A provision not provided by the NDIS.***

NABS is averaging between 7,500 and 10,000 bookings per quarter and is funded by the Commonwealth Government's Department of Social Services (DSS) at an operating cost of between $5-6 million per annum.

The continued provision of NABS is currently under threat by Commonwealth Government's Department of Social Services (DSS) decision to transition NABS into the National Disability Insurance Scheme and is actively reducing the NABS funds until NDIS is fully rolled-out in 2019.

Should NABS be transitioned into NDIS, Deaf Australia believes that public and private hospitals will be burdened by the need to absorb the additional costs of providing interpreters when deaf people (who may not be eligible for NDIS) seek medical services through their Emergency Department, thereby undoing our earlier and successful work in creating the NABS program.

This will likely be at the cost of the deaf person's health and wellbeing, and may impact the overall cost of health services affecting the wider community and Commonwealth and state/ territory governments will absorb those costs.

It is worth mentioning that the Commonwealth Government's Department of Immigration and Border Protection's Translating and Interpreting Services (TIS) provides all interpreting needs for non-English speaking migrants, including medical bookings. Medical booking is funded by the Department of Social Services. This fund is not under review nor is being considered for transitioning to the NDIS or elsewhere.

For these reasons outlined above, Deaf Australia strongly believes the transition of medical interpreting provision into NDIS is inappropriate and not in best interest of the 1., deaf clients and 2., medical professionals as it will mean significant risks for deaf people who fail to access suitably and appropriately accredited interpreters, and will ultimately lead to further health and wellbeing issues. The current system of interpreting for medical appointments must remain unchanged until assurance is guaranteed that only accredited interpreters will be employed for all medical appointments through the NDIS.

Employment Assistance Fund (EAF) (since 2007)

Employment for many deaf people, as with everyone else, is essential to enable them to make an everyday living, pay a mortgage/ rent, bills and other living expenses.

Many deaf people find employment a frustrating experience mainly due to communication issues. Deaf Australia place the responsibility squarely on the employers' lack of knowledge about deaf people and the communication issues they experience. Because of this lack of knowledge, deaf people are often reluctant to ask for interpreters for job interviews or to disclose their deafness when applying for jobs out of fear that they will not be shortlisted.

Employers are often unaware of the Commonwealth Government's Job Access (Department of Social Services) provisions which allows employers to access capped funding for interpreters, Auslan training and workplace awareness programs.

However, the cap in funding Auslan interpreters in the workplace can lead to further issues as it is often considered inadequate for professional workplaces which have frequent workplace/ team meetings, which consequently leads to the issues such as being excluded from promotion opportunities.

National Disability Insurance Scheme

The provision of Auslan interpreting under the Disability Discrimination Act (or other disability/ anti-discrimination acts) are provided by various providers as 'reasonable accommodation' which means providers will provide deaf people access to their services.

The provision of Auslan interpreting under the National Disability Insurance Scheme Act must be considered 'reasonable and necessary' in order for deaf people to receive fund so to access Auslan interpreters.

Australian Government is a signatory to the UN Convention on the Rights of Persons with Disability which sign language is a right for deaf people to use it.

Deaf Australia believes that the legislations and the Convention are not in correspondence with each other – causing significant confusion as to what or how deaf people can access and use Auslan interpreting.

In addition, it seems that providers will be expecting deaf people to cover all their interpreting needs and absolving the providers' responsibility from providing 'reasonable accommodation' under the Disability Discrimination Act or relevant anti-discrimination acts.

Deaf Australia believe this is not the intent of the NDIS to assume responsibility for the provisioning of all interpreting needs, which is a 'cost-shifting' strategy.

For these reasons outlined above, Deaf Australia strongly believes the transition of medical interpreting provision into NDIS is inappropriate and not in best interest of the 1., deaf clients and 2., medical professionals as it will mean significant risks for deaf people who fail to access suitably and appropriately accredited interpreters, and will ultimately lead to further health and wellbeing issues. The current system of interpreting for medical appointments must remain unchanged until assurance is guaranteed that only accredited interpreters will be employed for all medical appointments through the NDIS.

Deaf Australia calls for clarity of parameters that define the roles and responsibilities across various and relevant legislation (e.g. NDIS, Disability Discrimination Acts and relevant legislations) and programs (e.g. NABS and Job Access) in the provisioning of Auslan interpreters to ensure that the deaf community and the providers know and understand their obligations ***before*** undertaking transitions of any programs (e.g. NABS) into NDIS.

With the roll-out of the NDIS, it is expected that the NDIS will offer a minimum of 2 hours per week for each deaf person to access interpreters for a range of social activities. This will add another 1 million hours per year for Auslan/ English interpreting needs on TOP of the current level of demand (see table above).

This will place Auslan/ English interpreting industry under significant burden as there will not be enough interpreters to meet the demand as demand will outstrip the supply of interpreters, leaving deaf people in a poorer position than at present and they will face increased barriers in accessing interpreters as interpreters may begin to limit their workload to manage their occupational health and safety needs, and in NDIS's case, work only in the prescribed area as NDIS will not cover travel expense.

The NDIS's philosophy of 'Choice and Control' means that deaf persons (if they manage their own funds) may choose anyone e.g. family member or neighbours and not accredited interpreters to access wide range of services, including medical appointments.

Doctors and other medical providers will be uncomfortable with using un-accredited interpreters for medical appointments because it will be breaching the Medical Board of Australia 'Good Medical Practice: A Code of Conduct for Doctors in Australia'[xi].

If the fund is managed through agency/ service providers and/ or case managers, there may be an increased assurance that interpreters employed are appropriately accredited, however, there is no assurance that this strategy is consistently employed throughout Australia.

It will increase the risks for deaf people in acquiring information if they choose 'interpreters' who are not accredited. It would seem the NDIS expects that all deaf people will know and understand their rights in sourcing interpreters – an expectation that is unrealistic.

Deaf Australia believe that a significant majority of deaf people are not aware of their rights because that information is not accessible. This raises the question of who is responsible to educate deaf people about those rights?

In addition, Deaf Australia is concerned that many service providers will expect deaf individuals to utilise their funds for all interpreting needs and will disregard/ bypass their responsibility for making their services accessible under the *Disability Discrimination Act* and/ or state/territory anti-discrimination/ equal opportunity legislations.

Deaf Australia is deeply concerned as to how Auslan/ English interpreting be appropriately provided as there is a need to distinguish the levels of access to Auslan interpreting which should be provided under the NDIS and which should not.

Deaf Australia also believes that provisioning of Auslan / English interpreters is not the absolute answer to all of Auslan users' communication needs. We believe that just the use of interpreters will not be appropriate in some settings, as these interpreters will become interpreter/ support worker. It will be appropriate that the service is provided by staff/ personnel who are proficient in Auslan (or obtain qualification in Auslan) to work with deaf/ hard of hearing child.

This is why Deaf Australia believes that provisioning of Auslan/ English interpreting across various activities *must* be clearly defined so to reduce confusion as to whom is responsible for the provisioning of Auslan/ English interpreting under relevant legislation and programs.

RECOMMENDATIONS

M Requiring Auslan/ English interpreters, whether sourced through an agency or independently, funded by NDIS, to be NAATI accredited interpreters.

N Leads by example and communicates to private and non-government entities their roles and responsibilities in providing access to services, products, information and activities to ensure inclusion of Deaf Australians. This includes:

1) Recognising that mainstream supports such as medical and employment interpreting (e.g. National Auslan Interpreting Booking and Payment Services and Job Access's Employment Assistance Fund), online, TV and cinema captioning, and

the National Relay Service are the responsibility of the government and / or providers;

2) Recognising that it is not the responsibility of individual deaf persons to ask for such support and therefore;

3) Access to these services must be appropriately funded and delivered, and where funding is not available (e.g. in the case of interpreting and real-time captioning in private hospitals) that service providers must be informed of their responsibilities;

O In order to meet the demand created for interpreting professionals, government need to work with the industry to devise and implement a National Strategy to, at least, triple the new accreditations of interpreters across Australia. Given the urgency, an interpreter training initiative must be established immediately to help alleviate the concerns created by the National Disability Insurance Scheme;

P Requires all interpreters to undertake monitored training/ professional development to ensure that interpreters are suited and well equipped to undertake various tasks competently.

Q Clarifies the parameters of the *NDIS Act (2013)* and the *Disability Discrimination Act (1992)*, in particular where provisioning of Auslan/ English interpreting are required to provide access under the *Disability Discrimination Act* and general community activities.

ASSISTIVE DEVICES AND COMMUNICATION EQUIPMENT

Assistive Devices take the form of hearing aid, cochlear implants, augmentative loop systems and/ or visual devices (e.g. flashing door/ baby or smoke alerts). Communication equipment is equipped with video enabled technology which can be used to make video calls, often found on smartphones, smart tablets and/ or computers.

These are capital expenses which can cost anywhere between $500 to $25,000, depending on the products. Most of these devices are intended for deaf/ hard of hearing people to become aware of the surroundings that cannot be compensated with lack of visual cues.

Deaf Australia recognise that this is common and parents needs to be positively reassured given that over 95% of deaf and hard of hearing children are born into families who have little or no knowledge of deafness. Their fears should be addressed in ways that focus on opportunity and growth through effective coordination of support across the deaf sector.

Therefore, an effective coordination of support across all areas of deaf services would be essential.

HEARING AIDS (or other hearing devices)

These devices are not a cure, nor should they be considered as the only option. Yet, they are presented as the best and only option for deaf children and are heavily subsided by the Australian Government through Australian Hearing.

Anecdotal evidence has shown that parents are often advised by providers not to look at other options such as Auslan for fear that child's hearing/ speaking development will diminish if they learn Auslan.

There is no evidence to support this advice, in fact, there is evidence to support that early access to sign language improves the child's cognitive activities and they often do better academically than those who are not given access to sign language.

It is Deaf Australia's position that hearing aid and or cochlear implants should be made available as *a complement* to a deaf/ hard of hearing child's language acquisition development and that language development should be the primary focus of child's academic development.

The Australian Government has been subsiding Australian Hearing since 1948, focusing on support for deaf children up to the age of 21 years old and changed the age restriction to 26 years old about 5-10 years ago.

Previously, Job Access's Employment Assistance Fund scheme has allowed deaf and hard of hearing people to purchase hearing aids through this scheme, however, due to large uptake of hearing aids, the Commonwealth Government has amended the scheme to not include hearing aids as part of the program and has forced deaf/ hard of hearing people to rely on Disability Employment Service's voucher program for which many deaf people are not eligible.

Presently, Newborn Hearing Screening program is done when the baby is 2-4 days old. Once the newborn child is diagnosed with potential 'hearing loss'. The family are automatically referred to Australian Hearing for further assessments and interventions.

From this point on, there is no referral for the family to the deaf community. Families, at times, have sought information and found that there is no program or funding for family to learn Auslan. Families who wish pursue Auslan must pay out of their own pocket to do so. Deaf Australia believes this is counterproductive to the child's future health and wellbeing.

The dominant assumption that exclusive speech/ hearing training will help deaf / hard of hearing people to improve their chances in the future is always debatable. Outcomes vary due to a wide range of issues such as school and community support, family and friends, socio-economics, health, politics, religion and so on.

Audiology Australia, in its submission to the Senate Select Committee on Health into Hearing Inquiry on July 2015 states:

> '*There is a risk that children who are unable to access services (i.e. audiology services) will have ongoing hearing loss which will impact on their educational outcomes and later employment outcomes'*.

There is no concrete evidence to support this statement from Audiology Australia, yet there has been significant support and funding provided to support this position.

On the contrary, there is much evidence to show that people who learn sign language early have consistently outperformed academically and in the workplace than those who don't. This is true when the person uses sign language without speech and when sign language is used in a complementary way with speech/hearing development. Yet sign language programs and complementary sign and speech/hearing programs receive little or no support and funding.

In the same Senate inquiry, Deaf Australia state in our submission that:

> *'Deaf people, regardless of level of hearing loss, do benefit from both Auslan and speech/ hearing support. The traditional divide between speech and Auslan must stop'.*

Deaf people's perceptions on use of Hearing Aids (or other hearing devices)

Many deaf people do appreciate hearing aids or other hearing devices; however, many are unable to afford one as they are cost prohibitive (they usually require a more expensive hearing aid/s as they are stronger) and many are unable to afford health insurance (hearing aid coverage is provided as a premium package) while holding low skilled positions that do not attract good wages.

The widely held social assumption that deaf people want to hear and speak like others in society has been reinforced by the parent's desires for their children to 'speak' like them in the belief that this will give them a meaningful future.

Members of the deaf community have been commenting on our Facebook discussion circulated on 4 January 2017 asking '***Why do you need to wear a hearing aid/s?'***

Over 100 comments were received and we have summarised these responses to the reasons why deaf people need to use hearing are:

- To communicate with non-Auslan users;
- To hear background noise for safety purposes;
- To gain employment;
- To hear as part of lifestyle choice;
- To interact with others socially and personal development;

- To listen to and enjoy music;
- To hear sirens when driving;
- And more.

We note with particular interest that no one said that hearing aids helps them improve their listening and speaking skills. Rather, they use hearing aids for comfort, safety and / or a necessity to allow them to communicate with non-Auslan users.

Deaf Australia believes that with the NDIS, they can finally source the hearing aids they need to help them actively participate in the community and to address their varying needs to be included.

These devices require support from specialist providers and Deaf Australia believes these providers need to regularly consult with the deaf community so to improve the relationship between the deaf community and services. Deaf Australia does not see this happening under the NDIS as providers will compete with each other without regard to the deaf person's needs.

It is important that these devices should not be considered as stand-alone support and that they are used as complementary support, in particular when children are in the development stages where language acquisition is a critical development.

It is our view that it is reasonable that hearing aids / cochlear implants be part of the NDIS, and we believe that provision of hearing aids/ cochlear implants under the NDIS must be considered as necessary assistive devices and be complemented with Auslan programs.

Therefore, Deaf Australia believes that a National Deafness Centre should be established to monitor all level of supports provided to deaf/ hard of hearing person and their families.

Visual Devices

Visual devices alert deaf/ hard of hearing people in their environment, be it at work or at home. They include flashing doorbells, smoke/fire detectors or other noise substitutes for the purpose of being aware of the surroundings. This is an important safety issue for deaf and hard of hearing people and to decrease episodes of anxiety, a common cause of mental health issues.

Victorian and Queensland governments have in place fire alarm subsidy programs that provide flashing smoke detector/s at deaf/ hard of hearing person's residence. However, there are certain criteria that one must meet in order to receive the subsidy.

Deaf Australia believes that these devices are essential safety equipment and must be provided for all deaf/ hard of hearing people.

Communication Equipment and Connectivity

Deaf and hard of hearing people rely on technology to enable them to communicate effectively with other people. This is particularly important because deaf / hard of hearing people live in all parts of Australia and not every local community is accessible for deaf/ hard of hearing people.

Australia is rapidly moving into the digital age where information is increasingly available chiefly through the internet. This requires high speed connectivity and data yet deaf people are often faced with watered down programs such as the National Broadband Network, mobile/data plans that are not 'deaf' appropriate as basic services will not meet the deaf person's needs and therefore require higher plans which become expensive for deaf consumers, considering their level of income and lack of employment opportunities.

Deaf Children Australia have partnered with Vision Australia in the trialling of a youth mentoring program through the use of video conferencing for deaf people living in remote areas. This program has been successful as many have experienced 'connectedness' with the deaf community not available in their areas. Unfortunately, the program has ceased due to exorbitant costs of data usage at both ends.

In New South Wales, the government has recently launched a new service that allows deaf/ hard of hearing people to access any government services by using on-demand video interpreting service or live-captioned services.

Deaf Australia notes that the NDIS does not make allowance for on-going costs of data usage. We believe that it needs to be included so to ensure that deaf / hard of hearing people can access services remotely that are not available in their areas. This is particularly important because NDIS currently do not allow travel allowance for provider/s to meet with deaf / hard of hearing persons in their communities or at place of meeting.

RECOMMENDATIONS

R Ensures that access to and procurement of assistive devices and communication equipment are provided for every deaf/ hard of hearing person. This must be part of the 'Deaf/ hard of hearing's NDIS package'. Also, ensures that those who are not eligible for the NDIS are able to access assistive devices and communication equipment through other programs.

S Reviews and amends NDIS's funding structure to include funds to cover the use of communication networks (e.g. internet and mobile plans) so to enable deaf and hard of hearing people to communicate effectively.

T Review and amend the NDIS's funding structure to allow providers to claim travel allowance so that provider can visit deaf and hard of hearing people at a place of meeting.

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