

Questions on notice – Deaf Australia

1. The NDIA expects to release information on the proposed NDIS eligibility/access criteria for deaf and hard of hearing people in early in 2017.

a. What should these criteria encompass?

Deaf Australia considers that, in addition to other NDIS eligibility access / access criteria, deaf hard of hearing people, who requires access to communication support such as interpreting, captioning and / or a notetaker are automatically eligible for the NDIS.

Deaf Australia considers that it is imperative that NDIS offer interpreter at all times because some deaf people are unaware that they can ask for an interpreter at the time of request for a meeting. A provisioning of an Auslan interpreter for an initial meeting with a planner or Local Area Coordinator (LAC) should be sufficient to meet an access to communication assistance criteria.

For hard of hearing, who may not use Auslan, but may use hearing aids with an augmented loop (either portable or fixed), a request by them would be indicative of the need for assistive devices for them to communicate, and therefore be eligible for NDIS.

Deaf Australia does not consider that a medical assessment of person's hearing level should be the only determinant of eligibility.

Deaf Australia also considers that there should be consistency across and between assessment tools for eligibilities for NDIS and non-NDIS provisions.

Persons over 65 years old are assessed via Aged Care Assessment Teams (ACAT) comprised of medical and allied health professionals who assess the physical, psychological, medical, restorative, cultural and social needs of frail older people and help them and their carers to access appropriate levels of support. Many ACAT assessments have failed deaf people and prevented them from obtaining necessary support (such as interpreting) for social activities. This means that there will be a divide between two age groups (those under 65 (NDIS participants) and over 65 (non-NDIS participants)). The divide between the two age groups will become significant. So clearly, Deaf Australia would not recommend this tool of assessment, unless an assurance is provided for deaf seniors to have access to Auslan interpreting so to participate in community activities.

The Commonwealth's Department of Health's Continuity of Support (CoS) Programmes – Specialist Disability Services for Older people failed to include Auslan (or any communication needs) provision in the Program manual raising question whether deaf / hard of hearing people are excluded.

b. What consultation has occurred with your organisation in the development of these eligibility criteria?

There has been no consultation with Deaf Australia in the development of the eligibility criteria.

2. A number of submissions have expressed concern about the ongoing provision of services to deaf and hard of hearing people who are not eligible for the NDIS. What is your understanding of what/how services will be provided to those people not meeting the eligibility criteria?

It would be presumption on the part of Deaf Australia to assume that all deaf people have similar views about the NDIS or that they are aware of how access to mainstream services may change in the near future.

Some of the existing programs/ services offers access to their services in a socially responsible and inclusive ways that do not require eligibility and there will be confusion about access to services in the future to these programs/ services.

Deaf Australia has a high level of concern about the uncertainty around ongoing provision of services to deaf and hard of hearing people who are not eligible for the NDIS. Concerns range across:

- the possible reduction in services for Auslan users and other deaf and hard of hearing people;
- increased pressure on the provision of, and quality of, interpreters who will be available to those not eligible for the NDIS, especially those in employment; and
- the interaction between the National Disability Insurance Scheme Act and the Disability Discrimination Act.

Auslan is used by many people who are:

- Australian resident or have citizenship;
- migrants who are deaf and use sign language (learning to use Auslan as they can adapt own sign language into Auslan); and
- across all age groups.

With the NDIS, the first point above will be eligible for NDIS, the subsequent points, the individual will be ineligible, unless they are under 65.

Current Commonwealth / state government funded services and programs do not have eligibility requirements. Many of these services and programs are earmarked for significant reduction of funding (as in case with National Auslan Booking and Payment Services (NABS) as programs are transitioned into NDIS. Auslan users not eligible for NDIS will be at great risk of much reduced funding/ resources, thereby the UN Convention on the Rights of Persons with Disability (Article 30.4) will have been breached.

In regard to interpreters, additional demand for interpreters will increase the work load of the current level of interpreters in meeting all needs across all types of assignments.

At present, interpreting is provided in areas of employment, training, education, health and organised events. Deaf people who are currently employed could be at greater risk of missing out on interpreters if all deaf people have access to an interpreting fund for community activities when the demand for interpreting increases three to fourfold.

Deaf people are concerned that under NDIS's 'choice and control', NDIS participants choosing to self-manage their fund, may source an 'interpreter' not suitably qualified as an Auslan interpreter, because NDIS does not require evidence of qualification.

This seem to be reinforced by Section 9.1 of the Disability Discrimination Act where interpreters are seen as 'disability support', where in section 9.2 of the same act requires a guide dog (or 'Assistant animal') to be accredited.

Deaf people are concerned about an influx of rogue operators who will take advantage of vulnerable deaf people and the impact across the broader deaf and hard of hearing community across all activities, and therefore the Australian economy.

There are numbers of deaf people working and leading productive lives who have grown accustomed to the fact that access to Auslan interpreting in community activities is a privilege organised event and provided by providers (such as Art Gallery, Melbourne Fringe, interpreted theatre and performances, and more, and others provided because they are a direct client of their services, e.g. bank). These provisions are enshrined in the Disability Discrimination Act (Cwth 1992) and relevant state/ territories legislation but there is concern that these may disappear thereby placing non-eligible participants at greater disadvantage.

Many do have access to interpreter for work (provided by Job Access – to a capped amount), for medical appointments (provided by National Auslan Intepreting and Booking Services) and Video Interpreting (provided by National Relay Service). Some employers are fully committed in providing and paying for access but many do not and many deaf people do not know how to make a complaint against employers, or employers will not take advantage of the employment scheme. There may be a confusion of NDIS eligible and NDIS non-eligible provision across some areas of employment, health and education.

It is our belief that many deaf people do not see the rationale for NDIS when they already can access many activities outside education, health and employment, and therefore many feel they may not be eligible for NDIS. They are concerned that, if they become a participant, they will lose the privilege that they already have (e.g. Intepreting at Sovereign Hill where Sovereign Hill may start requiring deaf person to supply own interpreter regardless of the DDA or relevant legislations).

Deaf Australia is concerned about lines becoming blurred, hence our request that the parameters between NDIS Act and DDA must be clarified.

However, it is also our belief that while many will participate NDIS for other things not currently provided by any scheme/ programs, such as, hearing aids or assistive devices (such as door alarm, baby cry alert, fire alert, loops), there will others who miss out on much needed assistance if those schemes cease.

Deaf Australia is concerned about ongoing confusion for deaf/ hard of hearing people about eligibility for NDIS and the clarity of what they can receive / or not receive under NDIS and whether if they will be eligible for NDIS.

3. The NDIA is developing a number of reference packages for use when plans are being prepared for deaf and hard of hearing people.

a. What, if any, consultation has occurred with your organisation in the development of these references packages?

Deaf Australia is not aware of any consultation with the deaf/ hard of hearing community regarding reference packages being prepared for deaf and hard of hearing people. Deaf Australia has raised this matter on several occasions with NDIS. I recall raising this matter at the first NDIS's CEO Forum in Geelong in 2014. Since, then there has been little or no movement in that regard.

However, Deaf Australia considers that any reference package(s) should comply with the UN Convention on the Rights of Persons with Disability.

b. What should these reference packages include?

Reference packages should include communication resources/ tool and learning / access Auslan programs and services across all age groups, for example;

- Pre-lingual (0 to 6 years of age)
 - 1., Language development (Auslan)*;
 - 2., hearing and speech services; and
 - 3., resources/ materials.
- Child age 6 to 15
 - 1., language and community development (cultural and identity)*;
 - 2., communication support (Auslan interpreter)*;
 - 3., hearing and speech services;
 - 4., Assistive devices;
 - 5., resource and materials.
- Youth from 15 to 30

- 1., Community development (mentor, support worker);
- 2., communication support (Auslan interpreter)*
- 3., hearing services; and
- 4., assistive devices

- Adult 30+

- 1., Community support;
- 2., Communication support (Auslan interpreter)*; and
- 3., hearing services; and
- 4., assistive devices

*denotes compliance with UN Convention on Rights of Persons with Disability (as minimum).

4. A number of submissions have expressed concern that there is a significant amount of variability in experience and expertise between different planners involved in preparing NDIS plans for the deaf and hard of hearing. Are you aware of these concerns?

Yes, Deaf Australia is aware of this concern about the variability of experience and expertise between different planners involved in preparing NDIS plans for the deaf and hard of hearing community.

Variability poses a significant risk for this community. Deaf Australia considers that it goes back to the quality of resources and training for Local Area Coordinator (LAC). Deaf Australia approached NDIS in 2014 asking specifically that a reference package be developed so that deaf / hard of hearing people would not be disadvantaged in accessing the NDIS and could attain the most appropriate outcome. Deaf Australia is not aware that a reference package been developed.

Deaf Australia is aware that LAC may have different views. Service providers may have influenced deaf/ hard of hearing people to their services through an extensive marketing focus in the area that may negate the aspirations of deaf people (and their families) wanting to achieve the goals.

Deaf Australia has discussed this issue with NDIS and was advised to meet with planners (e.g. Uniting Care, Salvation Army, etc) to provide awareness and training on working with deaf/ hard of hearing people. Deaf Australia advised that this take time and effort to coordinate training and enquired if there could be funding compensation available for this training. NDIS has not been forthcoming in this respect.

5. The issue of funding has generated concern amongst submission authors, particularly in relation to the fairness and consistency of funding between plans. Are you aware of these concerns, or have any similar experience?

There are reports from members of the deaf community (via social media) that there are varying levels of supports through NDIS. Some have reported that they have been refused hearing aids.

Through social media, members of the deaf community also reported that they are not receiving interpreting package as part of their NDIS package, and they were not clear why.

It is believed that NDIS planners thought they do not require interpreting fund for medical appointments as NABS is currently providing this service - as highlighted in the submission.

This issue is supported as of July 2016, 79 participants in trial sites have a plan and only 34 have an interpreting package. To date, NDIS has not been forthcoming with the statistics on numbers of participants and what level of supports they are receiving.

NABS has undertaken significant investment in employing a community relations person to meet with the deaf community to educate the deaf community about the threshold need for an interpreting package regardless and the need to inform NABS that they have NDIS package so NABS can invoice separately.

Deaf societies have also undertaken workshops to educate the deaf community about their services and promoting their services. This is confusing for deaf people.

6. Concerns have also been expressed regarding the actual cost of support services and assistive technologies versus the funded cost of support services and technologies. Are you aware of these concerns, and if so, what response would you provide?

Yes, Deaf Australia is aware of concerns about the difference between actual and funded costs of support services and technologies, however, it is not our place to ascertain how costs are calculated into the service as providers have different needs.

Deaf Australia must stress that deaf/ hard of hearing providers are technically specialist providers and not every local area have all types of specialist providers and the need to source these services outside NDIS participant's zone, which is not factored in the NDIS Act.

In our situation, for example, qualified interpreters all have varying level of skills and knowledge and may not necessarily live in the same area where the person who is deaf is residing. Under the current NDIS Act, the travel cost will not accommodate interpreters travelling to and from their place of resident to properly provide the service for deaf people (particularly those who live in rural/ remote areas) and therefore, deaf people are forced to utilise locally qualified interpreters who are not suitably skilled.

Alternatively, deaf would be required to travel outside their zone to access suitably qualified interpreters. This travel can be covered by NDIS – however, it means that those deaf individuals

are participating in the community outside their zone. It would seem to accommodate interpreter more than the deaf individual.

With the costs of interpreter, it is expected that the NDIS price for per hour to include all aspect of interpreters' needs, including, but not limited to: income, insurance/ protection, professional development, memberships, travel and so on.

This lack of appropriate access will hinder deaf person's capacity to access local services. The current rolling out of National Broadband Network has also impact the access to use of high speed internet where video conferencing is required, which also require ongoing costs of connectivity and appropriate equipment.

Those living in non-NBN zones are currently vulnerable due to these limitations, therefore, the costs of actual service versus the funded costs of support is widened.

NOTE: This is an issue raised in our submission to Productivity Commissions into the Costs of NDIS – submission is attached.

7. Concerns have also been expressed about inconsistencies in access to Auslan interpreters, both during the plan making process and in the subsequent plans. Do you have any concerns or experience in this regard?

Yes, Deaf Australia has significant concern about access to interpreters at all stages of the NDIS process. This is based on information from several members of the deaf community and interpreters who have expressed concern to Deaf Australia about the lack of consistent access to and use of interpreters in initial and subsequent meetings.

There is concern about the provision on interpreters and the expectations of what an interpreter is expected to do.

The reasons interpreters have not been provided include:

- No available interpreter;
- Booking left to last minute;
- No booking attempted; or
- Refusing assignment due to previous experience (e.g. performing additional role (e.g. act as an advocate).

This clearly indicates that there is lack of process for requests and clarity of interpreter's roles when booking for interpreter for these meetings. Ideally, when a request is made, the coordinator needs to make booking as soon as practically possible (e.g. on same day as request) to ensure that interpreter will be available in 2 – 3 weeks.

There has also been an expectation that interpreters are provided as an advocate when it clearly not the role of the interpreter, breaching National Accreditation Authority for Translators and Interpreters (NAATI)'s Code of Conducts. If a deaf person needs an advocate, then an advocate should be sourced separately.

8. A number of submissions have highlighted a need for improved use of and funding for the delivery of services via tele-practice, especially to support people living in rural and remote communities. How can this be achieved?

Yes, this is correct. Deaf Australia supports improved use of and funding for the delivery of services via tele-practice, especially in rural and remote communities.

Deaf Australia raised this issue in our submission to the provision of Hearing Services under the NDIS and again in the Productivity Commission into the Costs of NDIS (attached) Also, as mentioned at the hearing on 24 March 2017 that there are 961 accredited interpreters throughout Australia, including only 3 accredited interpreters in the Northern Territory.

Therefore, access to an Auslan interpreter needs to be done largely through video conference for NDIS participants living in the rural and remote communities. Many deaf / hard of hearing people living in rural and remote communities are experiencing significant barriers due to lack of interpreting and other deaf related supports (e.g. mentoring, learning Auslan, peer supports) services in their areas.

Many deaf people living in the rural and remote areas do not have employment and can afford only basic communication needs. Deaf Australia believe that NDIS should consider expanding the coverage to allow deaf people living the rural/ remote areas access to essential support otherwise not provided by the employers. For example, the Employment Assistance Fund (Commonwealth Government's Job Access scheme) will provide workplace modifications, but will not provide running costs, e.g., internet.

Deaf Australia considers that deaf / hard of hearing people living in rural/ remote communities should be given full access to the broadband network to enable them to access services that are available in the metropolitan areas and access interpreters from anywhere in Australia.

In addition to the response to Question 6, tele-practice will become a necessity for all Auslan users needing access to Auslan proficient providers, e.g. mentoring, learning Auslan, or interpreters throughout Australia not limited to rural and remote communities. Hence this why Deaf Australia proposed that a National Deaf Centre be established so to provide a range of services locally and nationally using high quality internet access. It is important to ensure that participants receiving services have access to high quality internet as picture quality is dependent on quality bandwidth.

9. A number of submissions have expressed concern regarding the potential transfer of Australian Hearing into non-Government ownership. What do you consider would be the implications if such a transfer were to occur?

Deaf Australia considers that the transfer of Australian Hearing into non-government ownership may be inevitable.

However, Deaf Australia is extremely concerned about the protection of deaf clients' personal information if there is a transfer of ownership to a non-government entity. Australian Hearing

has accrued a list of clients over the years and this could be handed to a private owner who would have access to these details.

Given experience with industry's aggressive marketing and continual disrespect of Auslan, Deaf Australia would question the ethics and intent around handling of the client database.

Therefore, it is our view that the client database should not be handed over until assurance is obtained that the information is intended for service provisioning only.