



Productivity Commission - Issues Paper
National Disability Insurance Scheme (NDIS) Costs
Submission from Deaf Australia

10 April 2017

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Contents

1.	About Deaf Australia and our Constituency	4
2.	Executive Summary	5
3.	Auslan (Australian Sign Language)	7
	a. Early Childhood and Development	10
	b. Interpreters (Auslan/ English)	12
	c. Assistive Devices and Communication Equipment / Aids	18
4.	Rural and Remote Communities	22
5.	Planning for NDIS	23
6.	Information, Linkage and Capacity (ILC)	24
7.	Legislative Parameters	26
	a. United Nations Conventions on Rights of Persons with Disability	26
	b. National Disability Insurance Scheme	27
	c. Disability Discrimination Act	28
8.	Key Points	32
9.	References	34

Scope of the study:

The Commission should address the following issues identified in the Heads of Agreement for the review of scheme costs:

- the sustainability of scheme costs
- jurisdictional capacity
- cost pressures (including wages pressures)
- changes in the agreed escalation parameters
- if efficiencies have been achieved within the scheme
- whether there has been any impact on mainstream services
- examine the most appropriate levers to manage any potential cost overruns.

In addressing these issues, the Commission should consider:

- a. Commonwealth and State funding and governance arrangements for the NDIS, including financial contributions and risk-sharing;
- b. the interaction with, and role of, other services in meeting reasonable and necessary support for people with severe and profound disability; and
- c. whether there are any issues with the scheme's design, including the application of market and insurance principles, in ensuring the best possible outcomes for people with severe and profound disability.

1. 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 ensuring the implementation of 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 linguistically diverse (CALD) group, or a linguistic minority group and do not generally consider their deafness as a disability.

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 that do not promote the inherent dignity of the individual as effectively as it should.

Deaf Australia does not represent the views of parents of deaf people, medical professionals or service providers as they are not the primary 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 needs greater attention and support to achieve full inclusion.

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2. Executive Summary

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

The National Disability Insurance Scheme (NDIS) is a welcome scheme for deaf and hard of hearing people to enable them to actively participate in the community using their language, Auslan (Australian Sign Language).

Participation in various community activities is generally inaccessible for Auslan users because most community organisations, clubs, or groups are unable to cover the cost of interpreters. This leads to wide ranging issues for deaf people such as lack of employment, education/ training and wellbeing.

Communication is an important issue for deaf and hard of hearing people. Yet, in today's society, sound remains the main source of information. Sounds are difficult to interpret and are variable from group to group, community to community, services to services and individual to individual making it harder for deaf / hard of hearing people to master every sound. Significant investment by Australian Governments over the years has been geared towards hearing intervention and support, and not the language or visual resources.

NDIS will offer deaf children, youth, adults and their family or carers the opportunity to learn Auslan that will effectively improve their communication skills as they are acquiring a language. Contrary to the current belief, hearing interventions aimed at helping deaf people learn to 'speak and listen' does not work for everyone, and by itself is not enough even for those it does help.

Deaf people are often the most misunderstood, the most alienated and marginalised of disability groups and often have various influencers that determine deaf people's lives through their 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 they make significant investments for deaf and hard of hearing people to access information in ways that are not appropriate for deaf and hard of hearing people.

Essentially, from the outset, deaf and hard of hearing people need access to effective communication that is in no way an interpretation of 'choice and control' but is an essential right for them to participate in everyday life. NDIS's 'reasonable and necessary' does not necessarily align with the UN Convention on the Rights of Persons with Disability where it states: *Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign language and deaf culture* (Article 30.4).

The United Nations' Convention on the Rights of Persons with Disabilities commits governments to recognising the importance of sign language and promoting its use. Being allowed to develop their cultural and linguistic identities – including education, employment, justice, health and other settings – is a key right of every deaf person.

It 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. This would mean that the NDIS needs to develop an effective reference packages and information and referral system to ensure that every person is fully informed of the range of supports and activities before 'choice and control' becomes an effective mechanism.

It is imperative that Auslan activities or programs (e.g. interpreting, Auslan courses or mentoring) service provision to deaf people and their families are required to have accredited and/ or tertiary qualified staff to perform these activities, as a minimum standard. These minimum standards are not, in our view, currently required criteria if deaf person self-manage their funds, raising concerns about safeguards and rogue operators.

In light of NDIS, Deaf Australia believes that many providers are withdrawing from their obligations under the Disability Discrimination Act and expect that NDIS to cover all 'reasonable and necessary' supports for persons with disability to participate in the community. This is particularly the case with interpreting issues that the deaf community is experiencing at the present time.

In this submission, we intend to look at the NDIS and ascertain whether the activities align with the UN Convention on the Rights of Persons with Disabilities (the Convention) and relevant Australian legislation to resolve these issues and challenges.

Kyle Miers
Chief Executive

3. 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 languageⁱ.

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 the 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 languagesⁱⁱⁱ 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.

Deaf people use Auslan in their everyday communication as a way to receive and impart information in various settings: education, employment, health, community and more. To many deaf people, use of Auslan is their basic human right and is enshrined in the Convention that recognises 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.

Yet, Auslan is not recognised as a language right for deaf people and this 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 NDIS's *choice and control* focuses on the participant's right to direct and make decisions about what is important to them in leading a good life with an emphasis that choice should be linked to building the individual's social capital and maximising the life chances available to them⁵.

Deaf Australia believes that 'choice and control' is effective when deaf persons and their carer/ family are aware and have access to a wide range of programs/ services in their area. Unfortunately, many Auslan services and programs are not available in their area due to entrenched government policies and support for hearing services over the years. These hearing services have built the capacity to deliver the services through years of services provision and marketing, and therefore, deaf persons and their carer/ family are unable to access much needed Auslan services/ programs in their area. Therefore, 'choice and control' is not realised.

The only pre-NDIS 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).

NABS is being transitioned into NDIS. Deaf Australia strenuously do not support this transitioning due to lack of safeguards in place when sourcing 'interpreters' for medical appointments should participants choose to self-manage NDIS package (additional information about this issue is covered under 4.b of this submission).

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. We advise this because the NDIS's website is complex and difficult to understand, which has led to many deaf people believing that NDIS is not for them.

Deaf Australia has also requested that the NDIA provide a specific package tailored for deaf/ hard of hearing people 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 at their initial meetings with Local Area Coordinators, the LAC have not provided an Auslan/ English interpreter or a deaf-appropriate advocate.

Recently the NDIA has produced six Auslan videos. This is an excellent start but there need to be more.

All three programs require a deaf person to know Auslan beforehand when utilising these services and 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 face 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 requires specific standards which are 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.

Auslan services are not available in every locality and with NDIS not providing travel allowance for providers to travel to participants' 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 recognises individuals who demonstrate proficiency in Auslan and to promote their employers as Deaf Friendly Providers. This initiative aims to raise awareness of and about Auslan users and provide information for Auslan users to access services without the need for 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.

There are three key areas that concerns Deaf Australia:

1. Early Childhood Development and Language Acquisition;
2. Interpreting (Auslan/ English); and
3. Assistive Devices and Communication Equipment / Aids.

1. Early Childhood Development and Language Acquisition

Over 95 per cent of deaf children are born into families that have little or no knowledge about deafness and often are anxious about how their deaf child will be brought up. Parents, carers, or guardians often 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 life, work, future, etc?’, or ‘what if s/he can’t respond to dangers?’ and more.

Deaf Australia recognises 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, including, but not limited to:

- learning Auslan (sign language);
- deaf/ hard of hearing role models/ mentors;
- peer to peer support;
- hearing support (hearing augmentation and devices); and
- professional support (e.g. counselling, psychology, etc).

Deaf people, in general, lag behind non-deaf people mainly because current practice fails to effectively facilitate the learning of Auslan and the promotion of linguistic identity of the deaf community^{vi}. Many early intervention services actively promote an aural and oral approach, claiming that if the child learns Auslan, it will hinder the child’s speech and listening development.

There is much evidence to show that children who learn sign language early have, academically and in the workplace, consistently outperformed 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 programs receive little or no support or funding.

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

Deaf Australia asserts that the risks of hopes for outcomes not being realised, leading to depression and economic consequences to society, are harmful consequences of the aural/oral ideology as cochlear implantation and the exclusion of Auslan has become the standard of care^{vii}.

Some example of supporting evidence for our assertions:

- ***Language acquisition for deaf children: reducing the harms of zero tolerance to the use of alternative approach***, Tom Humphries, Poorna Kushalnagar, Gaurav Mathur, Donna Jo Napoli, Carol Padden, Christian Rathmann and Scott R Smith, Harm Reduction Journal, 2012 9:16, 2 April 2012.
- ***Should all Deaf Children learn Sign Language?*** Nancy K Mellon, John K Niparko, Christian Rathmann, Gaurv Mathur, Tom Humphries, Donna Jo Napoli, Theresa

Handley, Sasha Scambler and John D Lantos, Paediatrics, Volume 136, number 1, July 2015.

Current approach

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

Presently, Newborn Hearing Screening 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.

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

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

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 families to learn Auslan. Families who wish to 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.

Transitioning:

Australian Hearing will be transitioned into NDIS and it Deaf Australia's understanding that parents of deaf/ hard of hearing children and Australian Hearing are concerned that the quality of service provisioning will decrease when transitioned into NDIS.

Deaf Australia supports this concern; however, Deaf Australia believes that a National Deaf Centre needs to be established as the first point of contact as a significant pathway for deaf/ hard of hearing children, youth and adults into the NDIS so that the individual and carers/ parents are receiving unbiased information and can access a range of support that can be offered through NDIS or elsewhere.

Key Points:

- i. Language acquisition (not just and speech and listening development) must be a primary goal for all deaf/ hard of hearing children;
- ii. A need for a national deaf centre to be established or an extension of Australian Hearing to provide holistic support and information for families of recently diagnosed children to achieve above point;
- iii. The national deaf centre to be the primary contact for all information, referrals, supports and development covering all deafness related issues;

2. Interpreters (Auslan/ English)

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 a wide range of activities, including, but not limited to: education, employment and training, entertainment and leisure, history and more.

At present, many deaf people often are unable to access community-based activities because most community clubs, organisations or groups are unable to afford the costs of interpreting services. Deaf people are often left out in these situations – Deaf Australia believes that NDIS will address this gap.

However, the current supply level of Auslan/ English interpreters will not address this gap.

At present, there are 961 accredited Auslan/ English interpreters, however, not all of them work in a full-time capacity. Deaf Australia believes there are as many as 300 to 350 interpreters working full time (or approximately 30% of the accredited workforce).

The table below shows the number of Auslan interpreters by state/ territory^{ix}.

	Paraprofessional	Professional	Total
ACT	20	2	22
NSW	190	51	241
NT	3	1	4
Qld	118	46	164
SA	27	16	43
Tas	23	4	27
Vic	209	58	267
WA	142	13	155
Unknown	35	3	38
	767	194	961

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^x including Auslan.

On an average, 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 some assignments as they do not possess sufficient knowledge to articulately convey the topic. Unfortunately, the NDIS does not take this into account, which can ultimately have serious consequences, particularly in the case of medical and legal assignments.

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	961	1:14.2	290	1:46.9
2021	*19,056	1,200	1:15.9	350	1:54.5
2026	*25,727	1,400	1:18.4	420	1:61.3

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

Deaf Australia met with NDIS to discuss what would be the minimum hours per week for deaf community members to access Auslan interpreters. We advised that a minimum of 2 hours per week (or 104 hours per annum), instead of 1.5 hours as advised by another organisation. Many Auslan interpreter services have minimum hours due to various reasons such as Sydney's cost of living, Perth's distance between client and interpreter, and availability of interpreters.

Based on actual number of interpreters working (Census 2001), and the minimum 2 hours of interpreting per week, this means interpreters would need to be working at least 72.6 hours a week continuously, covering all types of assignments (e.g. education, employment, health,

and et cetera). This is based on assuming that every accredited interpreter is actively interpreting.

However, as mentioned above, not every interpreter is actively interpreting. This place significant pressure on meeting the demand, which will increase from 72.6 hours to 93.9 hours (Census 2016), 108.9 hours (2021) and 122.5 hours (2026) per interpreter – per week.

With the rollout of the NDIS, the demand for interpreters for community based activities will increase, and therefore pushing the breaking point further where the interpreting industry will have become 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 qualified interpreters, leaving Auslan users vulnerable in education, employment, health and more.

Travel costs:

NDIS will not cover travel allowance for interpreters to undertake assignments because within the NDIS's scope, it is envisioned that persons receiving NDIS packages are to utilise local services. If the person needs to participate in an activity outside their local area, then NDIS will cover travel costs so the participant can attend and participate in the activity.

However, our situation is vastly different than other people with disabilities. We can only participate in activities if appropriate communication support is available. As interpreter numbers are not significant, the skills and expertise required of interpreters are various, e.g. legal, medical, education and others, and they require ongoing professional development to further enhance their professional skills in specific interpreting areas, many interpreters living in the local area may not be suitable for specific assignments. As a consequence, interpreters with appropriate skills and expertise are often required to travel, sometimes at vast distance, in order for the deaf person's needs to be met.

What happens if the local interpreters are not suitably qualified for the deaf's person needs and there is a need for a more skilled interpreter that lives outside the local area? NDIS will not cover travel costs, therefore, deaf people are forced to use unsuitable local interpreters. NDIS currently expects that the interpreting hourly rate includes interpreter's travelling costs. We believe this is counterproductive because interpreters living outside the area will begin to say 'Thanks, but no thanks' leaving deaf people in a more vulnerable position, which means that deaf people are unable to exercise 'choice and control'.

For example, a deaf person living in Shepparton. Interpreters in Shepparton are not suitably qualified or skilled for a particular assignment so the deaf person needs to bring in an interpreter from Melbourne. In the current non-NDIS practice, the interpreter will get paid for the job assignment (e.g. 2 hours) plus 4 hours (for travelling time) plus 50 cents per kilometre for driving. Altogether, it may cost up to \$500 - \$600 for a single appointment.

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) is done 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 funds to access Auslan/ English interpreters.

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

Deaf Australia believes that legislation 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 comparable to other person with disabilities accessing the same provider, for example;

Scenario A:

A person who uses a wheelchair needs to go to the bank XYZ to deal with his account and finds that the venue is not wheelchair accessible.

Scenario B:

A person who is hard of hearing needs to go to the bank XYZ to deal with his account and finds that the venue is not audio loop accessible.

Scenario C:

A person who is deaf and uses Auslan needs to go to the bank XYZ to deal with his account and finds that the bank is not Auslan accessible.

Under the present NDIS approach, NDIS will not provide funding for Scenario A and B because it is the venue's responsibility to ensure their service is physically accessible (e.g. have ramp and have hearing loop) and conforms to the Building Standards as outlined in the Disability Discrimination Act. Therefore, the onus is not on the person, but on the provider.

However, for Scenario C, it is expected that the deaf person who needs an Auslan interpreter will be using their own NDIS funds to cover their communication needs. Therefore, the onus is on the deaf person, not the provider.

Why, we ask, is there a different approach in managing access to service providers who are legally obliged to provide access as per the Disability Discrimination Act?

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 believes 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 requires specific standards which are 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.

In saying this, we strongly believe that some aspect of the current programs, such as National Auslan Booking and Payment Services (NABS) should remain separate from NDIS until such parameters are set to distinguish the responsibility of providers and the responsibility of NDIS in provisioning of interpreters.

Auslan and spoken languages (for medical appointments):

Deaf Australia notes the contradictory approach to provisioning of interpreting for medical appointments. Auslan and spoken languages are treated differently when it comes to similar needs.

For example, the Department of Social Services provides funding for interpreting service for all language needs, however, when it comes to Auslan, the National Auslan Booking and Payment Services (NABS) is being transitioned into NDIS while funding for medical interpreting for spoken language (managed by Commonwealth Department of Immigration and Customs' Translation and Interpreting Services (TIS)) remains unchanged.

Transitioning:

The National Auslan Interpreting Booking and Payment Services (NABS) commenced providing Auslan users with accredited Auslan/ English interpreters for private medical consultations in 2005.

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 attract a Medicare rebate.

This program, however, does not provide access to Auslan/ English interpreters for admissions into public hospitals as they are funded by state or territory governments, or private hospitals.

NABS provides various and specific training 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 codes of conduct.

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 the 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 bookings are funded by the Department of Social Services. This fund is not under review nor is it being considered for transitioning to the NDIS or elsewhere.

Our position:

For these reasons outlined above, Deaf Australia strongly believes the transition of medical interpreting provision into NDIS is inappropriate and not in the 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.

Key Points:

- iv. Use of Auslan interpreting is a human right (as enshrined in the Convention);
- v. Medical appointments provided by NABS should not be transitioned into NDIS until assurances are made to ensure that deaf people understand their rights and risks when 'choice and control' comes into play;
- vi. Clear parameters for provisioning of Auslan interpreting under NDIS and other providers (as required by Disability Discrimination Act) must be put in place;
- vii. Travel allowance to be included in addition to cost of provisioning of interpreter due to availability and skills of interpreter not available locally;
- viii. NDIS need to ramp up its pathways to increase level of available interpreters to meet demand for interpreter as NDIS rolls out;
- ix. NDIS to ensure that interpreters must be qualified through National Accreditation Authority for Translators and Interpreters (both via NDIS registered service providers and self-managed);
- x. Provisioning of interpreting (both spoken and Auslan) by Department of Social Services is inconsistent; it needs to be consistent;

3. Assistive Devices and Communication Equipment / Aids

Assistive Devices take the form of hearing aids, 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 recognises that this is common and parents need 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 subsidised 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 aids 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 the child's early development.

The Australian Government has been subsidising 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 allowed deaf and hard of hearing people to purchase hearing aids through this scheme, however, due to the large uptake of hearing aids, the Commonwealth Government 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 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 the family to learn Auslan. Families who wish to 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 in July 2015 stated:

'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 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 stated 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 them 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 interest that no one said that hearing aids help 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 complementary 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 and many people are not eligible.

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 does not allow travel allowance for provider/s to meet with deaf / hard of hearing persons in their communities or at place of meeting.

Key Points:

- xi. Assistive devices and complementary services are to be made available alongside with Auslan program;
- xii. Visual communication devices and hearing aids are considered essential equipment to ensure safety of an individual and must be included in NDIS packages;
- xiii. Access to communication via internet/ satellite must be made available for all deaf people and the NDIS needs to supplement additional ongoing cost in accessing telecommunication networks;

4. Rural and Remote Communities

Deaf Australia acknowledges that there are approximately 10-15% of deaf / hard of hearing population living in rural and remote communities and their access to specialised services are few and far between. They therefore rely on local communities to source whatever support they can provide. Often, these supports are inadequate.

NDIS will offer deaf/ hard of hearing people the opportunity to access much needed support by providing for the additional costs of living in rural and remote areas. However, we believe this is insufficient, as evident in the Northern Territory, for example, where there are only 4 accredited interpreters for the entire Territory.

The Royal Institute for Deaf and Blind Children has a tele-program which is provided to deaf and blind children living in these areas. Deaf Children Australia piloted a mentoring program for deaf children living in these areas, with mentoring provided by professionals living in metropolitan areas.

Both organisations use high speed internet connectivity to enable videos to be clear and stable. Low speed will cause significant delay in the transmission, ghosting, or very poor picture.

Unfortunately, deaf/ hard of hearing adults do not have similar level/ type of support and this often resulted in difficulty in gaining meaningful employment and lack of education/ training opportunities which leads to low self-esteem/ confidence, a trigger in the person's mental health and wellbeing. When this happens, local services are not equipped to provide adequate support, leaving them further behind.

NDIS may offer deaf/ hard of hearing people additional support to access higher quality network connectivity which means providers do too. What this means is that the costs of access to high quality network will be effected to both end users.

Key points:

- xiv. Ensure all deaf / hard of hearing people have access to high quality network system to access services not available their local areas;
- xv. Ensure that providers are compensated by way of providing direct services to deaf/ hard of hearing people when using high quality network system;
- xvi. Key focus on bringing qualified interpreters to rural and remote communities with use of advance communication technologies and/ or include travel allowance for interpreters to attend appointments (see Key Points vii);

5. Planning for NDIS

Deaf Australia believes planning for NDIS for deaf/ hard of hearing people requires significant improvement in the way that NDIS conducts this process. There are significant numbers of deaf/ hard of hearing people who are not receiving adequate support as the focus of this process is outcome based and not 'on demand' based.

As at end of the trial (June 2016), the total number of deaf participant was 79 and of those, only 34 had access to interpreter funds. Of the current number of NDIS participants 'Hearing Impairment' is only 2.2% of total NDIS participants^{xi}. This represents a small fraction of total deaf/ hard of hearing population.

NDIS source NDIS planners who have little or no understanding of deaf / hard of hearing people's needs and are given packages we believe are not inclusive and are based on local knowledge of the planners. Deaf Australia has met with NDIA representatives and expressed concern about planners' knowledge and awareness, however, NDIA will not compensate for awareness training.

Lack of reference packages also presents problems in decision making processes as evident in the trial period where less than half of NDIS participants who are deaf receive interpreting in their plan. Some members of the deaf community have established a private Facebook group to discuss amongst themselves the plans, strategies, issues and other forums and Deaf Australia monitors this group to gain greater insights into the issues and challenges that they have. Question such as: Do you use interpreter for bank? How do you know which plan to have? How do we know if provider is appropriate organisation? Will planner book interpreter for initial meeting? And so on.

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. We advise this because the NDIS's website is complex and difficult to understand, which has led to many deaf people believing that NDIS is not for them.

Deaf Australia has also requested that the NDIA provide a specific package tailored for deaf/ hard of hearing people 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 at their initial meetings with Local Area Coordinators, the LAC have not provided an Auslan/ English interpreter or a deaf-appropriate advocate.

Recently the NDIA has produced six Auslan videos. This is an excellent start but there need to be more.

Some organisations provide workshops for the community to gain a better understanding of how they can plan for NDIS, however, these workshops are inaccessible for deaf people as they do not provide interpreters.

Deaf organisations have been providing community workshops about the NDIS (not funded) and mainly to promote their services when transitioning into NDIS. Deaf Australia understand the purpose

of the activity; however, we believe that this activity would be better provided by an independent organisation who is not a service provider registered with the NDIS, preferably by a deaf organisation.

At the recent Joint Committee inquiry of Hearing Services under the NDIS, a question was asked if Deaf Australia was involved in the consultation in the development of Reference Packages. To date, Deaf Australia has not been involved or invited to participate in any level of consultation. Deaf Australia believes it is counterproductive not to include the national peak organisation representing deaf people in the consultation group.

Key Points:

- xvii. Deaf and hard of hearing awareness of NDIS is poorly coordinated and supported;
- xviii. Deaf specific non-service organisations would be better suited to provide community information workshops and these organisations need to be appropriately funded and not have vested interests in any specific providers;
- xix. Reference packages must be developed in consultation with Deaf Australia, as the national peak body for deaf people;

6. Information, Linkage and Capacity (ILC)

ILC plays an important role in providing information and awareness to the wider community who may not benefit from individualised plans as well as those who receive individualised plans. Service provision for deaf and hard of hearing people is large and complex and there is a need for a national point where all information can be sourced, however that point must be impartial, unbiased and not under any influence of provider organisation/s.

Deaf Australia has recently put in two funding submissions for a web-based information and awareness training package with the National ILC Grant Round. Our submissions are 2 of 450 submissions received by NDIA for a total grant of 13 million dollars. If all grants are successful, then each submission will be averaging a \$29,000 per program.

Deaf Australia does not believe that web-based information is sufficient to provide the information and support for the community to gain awareness and information. Deaf Australia believes that a national deaf centre needs to be established to provide efficient information, linkage and capacity as a single point of contact.

Children who are diagnosed with hearing loss are referred to Australian Hearing and Australian Hearing will be transitioned into NDIS. Parents are fearful that Australian Hearing will lose its valuable client service (known as Client Service Obligations (or CSO)), however, Deaf Australia believes that this service should be expanded to include all other supports that are available. This should include, but not be limited to:

- Auslan and language development;
- Mentor and peer to peer support;
- Information, training and resource development;

- Assistive devices and hearing services; and
- Professional services (audiology, speech pathology, counselling, etc).

The National Relay Service's Outreach Program has ceased to provide a training and awareness program for people with disability and organisations to specifically learn how to use the Relay Service, potentially adding pressure to any national ILC program to provide support that is non-NDIS related.

Deaf Australia believe there is no transition strategy for the National Relay Service's Outreach Program.

The primary focus of the NDIA's Information, Linkage and Capacity (ILC) (formerly known as Tier 2) is working with local areas and communities. This model is impractical for deaf and hard of hearing people 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 and various 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.

As it currently stands, ILC is weakened by a broad policy and limited budget that looks to reduce duplication of similar services. As mentioned, deaf and hard of hearing service provision is large and complex and specific organisations have specific knowledge and expertise and are more likely to be successful in obtaining small ILC funding to provide the program and will push their own values and services that are not reflective of the needs of the community. We believe this negate the purposes and objectives of the NDIS.

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.

Key Points:

- xx. Strengthen the focus of ILC program to national information and resource centre that can provide support locally;
- xxi. These programs need to be funded on ongoing basis;
- xxii. Reinstate National Relay Service's Outreach Program until a transition strategy is in place;

7. Legislative Parameters

Deaf Australia welcomes the National Disability Insurance Scheme as it paves the way for greater inclusion for deaf / hard of hearing people in a way that has never before been available to them.

However, Deaf Australia is conscious of the overlapping of legislations, in particular the Disability Discrimination Act, 1991 (Cwth) and the National Disability Insurance Scheme, 2013 (Cwth), and believes that there is a need for clear parameters as to which funding should be provided as part of the NDIS and which is service providers' obligations under the Disability Discrimination Act.

Deaf Australia strongly supports the philosophy of choice and control where NDIS participants choose what support they need and who provides this service. It is our strong belief, that choice and control works only when the persons are fully informed of the choices and the risks and that they have access to these services.

a. United Nations Convention on the Rights of Persons with Disabilities (the Convention)

Australian Government ratified the United Nation Convention on the Rights of Persons with Disability. We refer specifically to:

Article 2 (Definitions): 'Language' includes spoken and signed language and other forms of non-spoken languages.

Article 9 (Accessibility) Section 2 (e): To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings, and other facilities open to the public.

Article 21 (Freedom of expression and opinion, and access to information) (b) and (e): Accepting and facilitating the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions; and Recognising and promoting the use of sign language.

Article 24 (Education) Section 2 (b) and Section 4: Facilitating the learning of sign language and the promotion of linguistic identity of the deaf community; and In order to help ensure the realisation of this right, State Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professional and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

Article 30 (Participation in cultural life, recreation, leisure and sport) Section 4: Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity including sign language and deaf culture.

Deaf Australia believes that the following legislation does not take on board the above articles. This needs to happen, in particular where sign language is recognised as a right, not merely 'reasonable and necessary' as currently defined under the NDIS Act.

b. National Disability Insurance Scheme

Deaf Australia supports the philosophy of 'Choice and Control' as a fundamental objective of the scheme. However, as discussed in various parts of this submission, many deaf/ hard of hearing people are unaware what services are available and how they can access these services/ provisions.

The implementation of ILC will not begin until July 2017 – 3 years after the trial date was established.

This essential support for informing deaf/ hard of hearing people is lacking and therefore, many deaf/ hard of hearing people are currently on plans that may not be utilising the 'Choice and Control' philosophy effectively.

At present, it is expected that deaf people will have access to funds for interpreting needs. We believe that these funds may be used for interpreting for everything except education and employment.

What this mean is that deaf people can use NDIS funds to access interpreters for the following:

- Community activities;
- Health and medical appointments;
- Legal, auditor, tax agent;
- Financial institutions;
- Sports and recreation activities;
- Conferences, expos, public events;
- Tourism, museums or galleries; and
- More.

NDIS's 'necessary and reasonable' framework determines how NDIS participants can receive the package. Some of the activities above, e.g. health and medical appointments, financial institution, conference, expos, public events, and tourism, museum or galleries is blurring the lines between 'necessary and reasonable' and provider's responsibility under the Disability Discrimination Act (see below) and the Convention (see above).

Under the NIDA Act a deaf person who needs an 'interpreter' may employ a neighbour, friends or even a family member to interpret at their medical appointments, which is not only inappropriate but dangerous.

The National Auslan Booking and Payment Services (NABS) was established in 2005 to alleviate this concern and requires interpreters to be highly skilled and trained in medical settings. The Department of Social Services who is funding NABS is transitioning this service into NDIS.

It seems that we are reverting to pre-accredited interpreter era we work so hard to improve quality of care for deaf people.

c. Disability Discrimination Act, 1992 (Cwth)

As highlighted in the 4.b in this submission (Interpreting Auslan/ English), Deaf Australia believes that the Disability Discrimination Act presents a significant barrier for deaf people to access qualified services because provisioning of Auslan interpreting is few and far between.

For example, Sovereign Hill (Ballarat) will provide Auslan interpreters on a certain day once a year. According to the Disability Discrimination Act, they are providing reasonable accommodation by providing an Auslan interpreted event once a year.

What happens when a deaf person from Sydney (or elsewhere in Australia) decides to visit Sovereign Hill at a different time of their choosing and is unable to access an Auslan interpreter because it is not scheduled. This means deaf people must use their NDIS funds to access Auslan interpreters for these events.

Overseas in the United States, for example, interpreters are provided twice a week e.g Fridays and Sundays, every week to provide a series of interpreted performances throughout its theme park. If the deaf person wishes to visit on days when interpreters are not scheduled, they need to contact the organisation at least 2 weeks prior so they can arrange an interpreter^{xii}.

Section 9 of the Disability Discrimination Act (1992) States:

Carers, assistance, assistance animal and disability aid definitions

Meanings of carers or assistance, assistance animal and disability aid

- (1) For the purpose of this Act, a carer or assistance in relation to a person with a disability, is one of the following who provides assistance or services to the persons because of the disability:
 - a. A carer;
 - b. An assistance;
 - c. An interpreter;
 - d. a reader.

- (2) For the purpose of this Act, assistance animal is a dog or other animals;
 - a. Accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or
 - b. Accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph (Section 53); or
 - c. Trained:

- i. To assist a person with a disability to alleviate the effect of a disability; and
- ii. To meet standard of hygiene and behaviour that are appropriate for an animal in a public place.

(3) For the purpose of this Act, a Disability Aid, in relation to a person with a disability, is equipment (including a palliative or therapeutic device) that:

- a. Is used by the person; and
- b. Provides assistance to alleviate the effect of disability.

(4) The following table has effect:

Having a carer, assistance animal or disability aid		
Item	For the purposes of this Act, a person with a disability has...	If the person ...
1	A carer or assistance	<ul style="list-style-type: none"> (a) Is presently accompanied by the carer or assistance; or (b) Was previously accompanied by the carer or assistance; or (c) May be accompanied by the carer or assistance in the future; or (d) Is imputed to be accompanied by the carer or assistance.
2	An assistance animal or disability aid	<ul style="list-style-type: none"> (a) Is presently accompanied by, or possesses, the animal or aid: or (b) Was previously accompanied by, or possessed, the animal or aid; or (c) May be accompanied by, or possess, the animal or aid in the future; or (d) Is imputed to be accompanied by, or to possess, the animal or aid.

Deaf Australia believes that NDIS and the Disability Discrimination Act has failed to take on board the definitions outlined in the Convention. Moreover, the present Disability Discrimination Act, also fails to recognise 'interpreter' (9.1(c)) as 'accredited under the interpreting accreditation on authority, e.g. National Accreditation Authority for Translators and Interpreters (NAATI) in the same way as guide dogs are accredited.

Therefore, Deaf Australia believes that the definition in the DDA has been 'transferred' into the NDIS which, we believed, has caused confusion for participants and providers in how funds can be utilised and provided.

We believe that both the Disability Discrimination Act and the National Disability Insurance Scheme Act must be amended to align with the Convention that recognises sign language interpreters must be professionally trained and accredited and to ensure that the parameter for provisioning of Auslan interpreters is clearly defined.

To this end, Deaf Australia believes the following table below will clearly define the parameters of the legislation.

	NDIS	DDA	Who funds?
Community activities	Yes	No	NDIS
Health and Medical services (allied health services)	No	Yes*	DSS
Gym, fitness, personal training	Yes	No	NDIS
Legal, auditor, tax agent	No	Yes**	DSS
Financial Institution (bank)	No	Yes	Provider
Sports, recreation, activities	Yes	No	NDIS
Conference, expo, public events	No	Yes	Host organisation
Tourism, museum, galleries	No	Yes	Provider

*Medical interpreting is being transitioned into NDIS, however, NDIS does not require the interpreter to be professionally accredited. This is a serious problem, NDIS needs to recognise that provisioning of interpreters who are professionally accredited is a necessity, otherwise it should stay under DSS.

**Interpreting for legal, auditor, tax agent is currently unfunded. This means the cost are absorbed by the providers will pass the cost to the deaf person.

In addition, we believe that the Disability Discrimination Act needs further amendment to ensure it is providers' responsibility to actively provide communication access to services (similar to American Disability Discrimination Act) to avoid onus of responsibility on persons with disability and remove 'undue hardship' which often allows providers an escape from providing access for deaf people to their services. It needs to be clear that providers must accept responsibility for providing access to their services and not pass the cost to deaf people.

Key Points:

- xxiii. Align Australia's legislation with the United Nations Convention on the Rights of Persons with Disabilities, in particular, interpreters as accredited service providers;
- xxiv. Amend the Disability Discrimination Act to make it clear that Auslan interpreting is an accredited profession (similar to 'assistance animal' under the Act) and strengthen

the rights of persons with disability to access services without undue hardship being used as an excuse by providers; and

- xxv. Clarify parameters for provisioning of interpreting services between NDIS and DDA.

8. Key Points

- i. Language acquisition (not just speech/ listening development) must be a primary goal for all deaf/ hard of hearing children;
- ii. A need for a national deaf centre to be established or an extension of Australian Hearing to provide holistic support and information for families of recently diagnosed children to achieve above point;
- iii. The national deaf centre to be the primary contact for all information, referrals, supports and development covering all deafness related issues;
- iv. Use of Auslan interpreting is a human right (as enshrined in the Convention);
- v. Medical appointments provided by NABS should not be transitioned into NDIS until assurances are made to ensure that deaf people understand their rights and risks when 'choice and control' comes into play;
- vi. Clear parameters for provisioning of Auslan interpreting under NDIS and other providers (as required by Disability Discrimination Act) must be put in place;
- vii. Travel allowance to be included in addition to cost of provisioning of interpreter due to availability and skills of interpreter not available locally;
- viii. NDIS need to ramp up its pathways to increase level of available interpreters to meet demand for interpreter as NDIS rolls out;
- ix. NDIS to ensure that interpreters must be qualified through National Accreditation Authority for Translators and Interpreters (both via NDIS registered service providers and self-managed);
- x. Provisioning of interpreting (both spoken and Auslan) by Department of Social Services is inconsistent; it needs to be consistent;
- xi. Assistive devices and complementary services are to be made available alongside with Auslan program;
- xii. Visual communication devices and hearing aids are considered essential equipment to ensure safety of an individual and must be included in NDIS packages;
- xiii. Access to communication via internet/ satellite must be made available for all deaf people and the NDIS needs to supplement additional ongoing cost in accessing telecommunication networks;
- xiv. Ensure all deaf / hard of hearing people have access to high quality network system to access services not available their local areas;
- xv. Ensure that providers are compensated by way of providing direct services to deaf/ hard of hearing people when using high quality network system;

- xvi. Key focus on bringing qualified interpreters to rural and remote communities with use of advance communication technologies and/ or include travel allowance for interpreters to attend appointments (see Key Points vii);
- xvii. Deaf and hard of hearing awareness of NDIS is poorly coordinated and supported;
- xviii. Deaf specific non-service organisations would be better suited to provide community information workshops and these organisations need to be appropriately funded and not have vested interests in any specific providers;
- xix. Reference packages must be developed in consultation with Deaf Australia, as the national peak body for deaf people;
- xx. Strengthen the focus of ILC program to national information and resource centre that can provide support locally;
- xxi. These programs need to be funded on ongoing basis;
- xxii. Reinstate National Relay Service's Outreach Program until a transition strategy is in place;
- xxiii. Align Australia's legislation with the United Nations Convention on the Rights of Persons with Disabilities, in particular, interpreters as accredited service providers;
- xxiv. Amend the Disability Discrimination Act to make it clear that Auslan interpreting is an accredited profession (similar to 'assistance animal' under the Act) and strengthen the rights of persons with disability to access services without undue hardship being used as an excuse by providers; and
- xxv. Clarify parameters for provisioning of interpreting services between NDIS and DDA.

9. References

- ⁱ Felicity Bleckly, '[History of Auslan – Australian Sign Language](#)', n.d. (accessed 8 December 2016).
- ⁱⁱ World Federation of the Deaf, '[About us](#)', n.d. (accessed 12 December 2016)
- ⁱⁱⁱ .id The Population Experts, '[Language spoken at home](#)', 2011 (accessed 12 December 2016).
- ^{iv} United Nations, '[Universal Declaration of Human Rights](#)', 10 December 1948, (accessed 2 December 2016).
- ^v NDIS, '[IAC advice on 'choice and control'](#)', August 2013, (accessed 28 March 2017).
- ^{vi} United Nations, '[Convention on the Rights of Persons with Disability](#)' March 2007, (accessed 15 January 2017).
- ^{vii} Harm Reduction Journal, '[Language acquisition for deaf children, Reducing the harms of zero tolerance to the use of alternative approaches](#)', April 2012, accessed (27 March 2017).
- ^{viii} Australian Hearing, '[Annual Report 2015-16](#)', September 2016, (accessed 6 December 2016).
- ^{ix} Kevin Bleasdale, Email correspondence, 28 February 2017
- ^x NAATI, '[Our Industry](#)', n.d. (accessed 2 December 2016).
- ^{xi} NDIS, '[COAG Disability Reform Council Quarterly Report](#)', 31 December 2016 (accessed 5 April 2017).
- ^{xii} Disneyland, '[Hearing Disability](#)', n.d. (accessed 28 March 2017).