



National Disability Strategy

Submission by Deaf Australia to the Department of Social Services

30 October 2020

Acknowledgement of First Peoples of Australia

Deaf Australia acknowledges the Australian Aboriginal and Torres Strait Islanders peoples of this nation. We acknowledge the traditional custodians of the lands on which our organisation is located and where we conduct our business. We pay our respect to ancestors and Elders, past and present. Deaf Australia is committed to honouring Australian Aboriginal and Torres Strait Islanders peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

Acknowledgement of Deaf People and the Community

We acknowledge and respect the members of the deaf community in Australia, who preserve rich heritage, culture and our language; Auslan (Australian Sign Language). We also acknowledge our custodians of Auslan, promoting awareness, equality and access through our sign language. Through Auslan, we inspire future leaders in our deaf community to continue our legacy and heritage.

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About Deaf Australia

Deaf Australia was founded in 1986 as the national deaf-led peak body representing deaf¹ people who use Auslan (Australian Sign Language) as their primary or preferred language. Throughout its history, Deaf Australia has undertaken significant activities to improve the lives of deaf people through education, employment, health, communication, technologies, community and more. This broad-scoped role has focussed on two specific areas: Access to Information and Accessible Communication.

Deaf Australia works towards realisation of deaf person's linguistic and human rights in partnership with Australian Governments, national organisations, providers and relevant stakeholders to achieve this vision: **Deaf people as fully engaged citizens.**

¹ For the purpose of this submission, we refer 'deaf' to all-encompassing individuals who has a varying degree of deafness, this includes individual who considered themselves as 'Deaf', 'deaf', 'deafblind', 'hard of hearing' and persons with a hearing loss/ impairment'. This includes individual who are members of the signing Deaf Community who uses Auslan as primary or preferred language and may identify themselves as 'Culturally Deaf'.

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1. Introduction and Background

Deaf Australia appreciates the opportunity to present a submission on the National Disability Strategy. Through its members, Deaf Australia played a role in the development of the first National Disability Strategy and has been monitoring the implementation since the strategy came into force. There has been some significant achievement with the introduction of the National Disability Insurance Scheme (NDIS), which Deaf Australia supports, to some degree.

Deaf people are often the most marginalised group in the disability sphere and the deaf community is frequently portrayed negatively as unintelligent and uninformed. This is attributed to communication difficulties and lack of understanding about our communication needs. Many members of the deaf community, however, are highly intelligent and resilient and active in their respective communities.

The deaf community, as a whole, is a diverse and truly multicultural group. Among them are people who identify as Aboriginal and/or Torres Strait Islanders, Culturally and Linguistically Diverse, LGBTIQ+, children and young people, people experiencing or at risk of homelessness and an aging population.

Prior to the implementation of the NDIS, Deaf Australia received National Secretariat Funding for many years and this was used to undertake various work and activities to improve the status of deaf Australians across a range of services and programs.

Government ceased this funding in favour of a 'cross-disability' model which, since 2015 has seen Deaf Australia lose its capacity to adequately represent our constituents as outlined in the UN Convention on the Rights of Persons with Disabilities (Article 4.3). This has made it difficult for Deaf Australia to monitor and report on the National Disability Strategy. We have to do this voluntarily and this is not sustainable.

In 2017, Deaf Australia prepared an extensive submission to the *Senate Inquiry into Inclusive and Accessible Community – National Disability Strategy 2010-2020*² and many of the issues raised in this submission are still relevant today. This is in addition to our submission to the 2008 consultation on the National Disability Strategy, which raised many issues that have remained unresolved.

Deaf children are still denied full inclusion in the education system where schools use their discretionary powers to determine the level and type of supports the child needs funded within the school's budget. Consequently, there may be impacts on the deaf child's future employment opportunities and burdens on the Australian Government's welfare system.

The issue is further compounded by the fact that the education system prefers to employ people who have little or no understanding about Auslan and the learning needs of deaf children and continue to focus on auditory/verbal as a primary method of learning with little success³.

The Commonwealth/ state and territory governments' annual contribution of \$883m for hearing services contains no funds allocated to Auslan programs⁴. The recent Commonwealth Government Budget provides support to \$22m for a 'hearing roadmap' with no funding allocated to Auslan.

² <https://deafaustralia.org.au/wp-content/uploads/Deaf-Australia-National-Disability-Strategy-2017.pdf>

³ Deaf Australia, 'Early Intervention and Education for Deaf and Hard of Hearing Children', March 2013

⁴ Miers, 'Does Listening Help? The Impact of Deaf Children's Literacy', The National Press Club, 21 August 2019.

The Hearing Roadmap⁵ was heavily designed by professional providers who have a direct pecuniary interest in this matter, which influenced how the roadmap was developed. Deaf Australia was involved in the development of the roadmap; however, our representation has been overwhelmed and brushed aside by those who do not have lived experience.

Video Relay Service was introduced in 2013 as part of the National Relay Service. In 2018, the tender process saw no change in the level of provision of a service that is growing in popularity in the deaf community. The reduction of service funding makes it more difficult for deaf people to enjoy equal status with others.

Government's insistence on, without consultation, transitioning the NABS Auslan interpreting services into the NDIS does not conform with the United Nations Convention on the Rights of Persons with Disabilities. Auslan (as a sign language) is recognised as a right (Article 2), and yet, the NDIS's remit focuses on 'reasonable and necessary', which blurs the lines between 'needs' and 'rights'. This has led to many deaf people continuing to struggle to receive appropriate funding/supports for their communication needs, and consequently the outcomes of the National Disability Strategy cannot be achieved for this group.

Between 1992 and 2016, the Australian Human Rights Commission received 1,003 complaints from deaf people and most of these complaints are categorised into two groups:

- Accessible Information (e.g. captions, cinema)
- Accessible Communication (e.g. interpreters, technology)

Of the 1,003 complaints, only 526 (or 52.4%) have been successfully resolved, and even today, many providers are seeking exemptions to providing accessible services. This too serves as an impediment to the success of the National Disability Strategy.

Many deaf people have given up making complaints, knowing there will be little or no success, simply because the structure of the current discrimination legislation tends to favour the providers and not the consumers and even when complaints are resolved, the resolution does not necessarily meet intended outcomes.

It is Deaf Australia's view that the current legislation must change in order to ensure successful outcomes for the National Disability Strategy. In failing to make this change, the National Disability Strategy will also fail.

Deaf Australia has a national strategy 'Roadmap 2020-2025' that focuses on four key priorities:

1. Auslan and Indigenous Sign Languages – their recognition and promotion;
2. Strengthening the voice (capacity) of Deaf Australians;
3. Enhancing providers' capacity to service the need of deaf community; and
4. Increasing the capacity of the organisation to achieve these priorities.

To view Deaf Australia's Roadmap 2020-2025, please visit this site:

<https://deafaustralia.org.au/wp-content/uploads/DA-Roadmap-2025-PRINT-3.pdf>.

Deaf Australia believes these strategies can complement/align with some/much of the National Disability Strategy. To be effective in achieving these strategies, Deaf Australia needs to be appropriately funded as a national representative organisation to support the success of the National Disability Strategy, whilst representing our constituents by bringing key issues and concerns to the highest level along with national initiatives such as NDIS.

⁵ Department of Health, Roadmap for Hearing Health, February 2019.

Deaf Australia also supports other submissions that aim to enhance accessibility and services that will promote the following:

- Birth Rights
- Deaf Identity
- Equal Language
- Bilingual Education
- Lifelong Learning
- Employment
- Opportunities
- Accessibility
- Equal Participation
- Sports[^]

Throughout the submission, you will note there has been many instances/ occurrences where our needs are not supported, and it is imperative that Auslan (Australian Sign Language) is recognised as a formal language in the same way as other languages are recognised.

Auslan needs:

- To be seen as equal as other languages
- To receive same support as other languages
- To receive same priority as other languages (e.g. cohort groups)
- To ensure individual's rights to access Auslan supports is achieved
- To ensure families of deaf children to receive full Auslan supported programs in addition to existing services (they must not have to choose between speech/hearing or Auslan services)
- To be appropriately researched to demonstrate the beneficial use in various setting
- To be promoted as a language rights for deaf people to use them, and
- To be legally recognised and promoted.

[^] Supporting the submission prepared by Deaf Sports Australia addressing recognition of sport participation as a key lifestyle option for all Australians.

2. Recommendations

Deaf Australia recommends the following:

- a. Removing 'inclusive' from the vision to read '*An Australian Society that enables people with disability to fulfill their potential as equal members of the community*'.
- b. That the six outcomes consider the submenus that will promote greater participation for and by people with disability.
- c. That the Guiding Principles strongly adhere to CRPD Article 4.3 as the first and foremost principle in the delivery of the NDS.
- d. That DPOs be appropriately resourced and staffed, and that government establish strong consultative and collaborative relationships directly with them, in order to strengthen community attitudes across all outcome areas.
- e. That there be a clear distinction between 'advocacy' and 'service provision', and between non-DPOs and DPOs, to enable clear accountability in the provision of supports and services; and that the advisory regime be remodelled to enable DPOs to consult directly with government (and be appropriately funded) rather than through a third party.
- f. That government establish a top down best practice model and reviews and updates the legislation, and that the Strategy plays an important role in the non-government sector's disability plans to ensure there are alignments, strategies, and outcomes that are consistently delivered to maximise the benefit of the NDS.
- g. That when communicating with people with disability, the government must cease 'government speak' and transition into 'PWD speak' so that contents are easily understood by them.
- h. That Targeted Action Plans consider all needs without prioritising one disability group over another.
- i. That DPOs be adequately funded to undertake the role of engagement with our members and government in the delivery and monitoring of the NDS.

5. General Comments

A. 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, the grammar and vocabulary of Auslan 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, 2011 and 2016 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 language⁶.

The World Federation of the Deaf states that the global population of deaf people is at 70,000,000 (70 million)⁷ or close to 10% of the world's population. Using this ratio against Australia's population of 25 million, Australia should have, at most, (at least, in theory), 250,000 deaf people, who would (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 languages⁸ 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 forecasting that the Census 2021 result will more than double the current reported population of Auslan users simply because we have been successful in lobbying the Census to add Auslan as a language prompt in the 'other language used at home' question.

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

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

The UN Convention on the Rights of Persons with Disabilities recognises that language means 'spoken and signed language (Auslan) and other forms of non-spoken languages' (e.g. written). Following the definition of 'language', the United Nations Universal Declaration of Human Rights (1948) affirms that '**language is a human right**', which thereby means sign language, too, is a human right.

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 (other than 'reasonable and necessary' support from NDIS), community

⁶ Felicity Bleckly, 'History of Auslan – Australian Sign Language', n.d., (accessed 8 December 2016).

⁷ World Federation of the Deaf, 'About us', n.d., (accessed 12 December 2016).

⁸ .id The Population Experts, 'Language spoken at home', 2011 (accessed 12 December 2016).

or professionals to learn Auslan so that deaf members/clients can communicate in a natural environment.

In Victoria alone, 26,715 students are learning Auslan in language programs and it is offered in 112 schools taught by 54 teachers⁹. To our knowledge, none of these teachers possess qualifications in Auslan. Students would be better served by teachers who have linguistic knowledge, and this would also provide employment opportunities for deaf people.

B. Lived experience

It is said that 1 in 6 Australians have some degree of deafness and it is projected that by 2050, 1 in 4 Australians will have some degree of deafness¹⁰.

The Census 2016 has shown that there are 11,682 Australians who use Auslan as a language at home. However, Deaf Australia believes this number is grossly underestimated due to the fact that the question in the Census has not prompted or aided a person to write 'Auslan'. In Census 2021, this issue will be resolved as there will be a prompt in the question '*if other, for example, Auslan, please write 'Auslan'*'.

Deaf people's communication and access to information needs in order to make informed choices and decisions, are different to those of non-deaf people. There is a widely held assumption that hearing devices (such as hearing aids or cochlear implants) will help fix the problem. This is not accurate. Hearing devices amplify sounds but do not necessarily improve the understanding of sounds. Many deaf people who have hearing devices often require additional supports. However, government and policy makers tend to listen to non-deaf professionals to determine what supports we require. This is clearly evident in the development of the 'hearing roadmap'.

Many mainstream services do not provide Auslan supported programs, which makes it more difficult for Auslan users to access these services and forces them to rely on Auslan interpreters in many areas. The use of Auslan interpreters is a significant benefit that can be offered through the NDIS. However, the NDIS also looks to reduce people's access to the NDIS over a period of time as they expect mainstream services to be more accessible.

A wide range of supports and services have not accommodated the communication and information access needs of deaf people. Life stages and activities affected include early childhood development, education and training, employment, justice, communication technologies, and so on. This has lifelong impacts on participation in the community and the ongoing struggle for a level playing-field.

Until we, deaf people with lived experience of deafness, are heard and what we say is incorporated, the National Disability Strategy, will not work ... which reinforces the well-known phrase: **nothing about us – without us**.

C. Coronavirus Pandemic (COVID-19)

During the current period of COVID-19, awareness of many issues and challenges that Deaf Australia has raised over the years has come to the forefront. This demonstrates why it is important that government collaboratively works with Deaf Australia to address a range of issues.

Such issues include:

⁹ Victorian Government, 'Languages Provision in Victorian Government Schools, 2019', Department of Education and Training, 2020.

¹⁰ Access Economics, 'The Economic impact and cost of hearing loss in Australia', February 2006.

- Telehealth Services – telehealth does not use a video capable system that can include a 3rd person (interpreter) in a third location;
- Mental health services – not accessible for deaf people;
- Remote schooling – deaf children do not have adequate communication support;
- Video platforms – lack of ‘universal design’ when accessing multiple video platforms (compared to audio telephony system).
- Auslan interpreted TV announcements – even if governments and other authorities include an Auslan interpreter, broadcasters keep cutting the interpreter from the screen;
- Live captions – riddled with errors; and
- Facemasks – lack of transparent masks that conforms to health standards; and
- Other issues.

For meaningful collaboration to be effective, Deaf Australia needs to be appropriately resourced to provide accurate and more detailed advice and strategies to address discrepancies. During the COVID pandemic, Deaf Australia has been involved in many meetings and yet has not been compensated for professional advices.

D. National Disability Insurance Scheme (NDIS)

Deaf Australia supports the National Disability Insurance Scheme (NDIS), however there are some aspects that need clarification between needs and rights. There is a widely held assumption by the non-deaf community that Auslan is a method of communication. It is much more than that, and this lack of knowledge (and attitude) about the value of Auslan has led to Auslan frequently being placed under communication supports as a need rather than a right. Deaf people who say they use Auslan should not have to justify it as a need. It is a right.

Anecdotal evidence has shown that deaf people who have been participants in the NDIS for several years have seen their funding being gradually reduced each year. It is unclear why this is occurring as access to interpreters and/or other communication support is both a lifelong need and right. It does not diminish over time or period of use. To diminish the funds available for this will only revert to deaf people increasingly experiencing communication barriers that NDIS was intended to remove. The NDIS philosophy of ‘Choice and Control’ will become severely limited when there is insufficient funding for communication supports which will force deaf people to decline many opportunities to participate in the community simply because communication is difficult without the communication supports they need.

Deaf Australia prepared a report in 2019: ‘*Community of Practice: Deaf and Hard of Hearing, A Consumer’s Report*’ which highlighted that ‘reasonable and necessary’ has consistently been misunderstood due to the lack of a broad understanding of deaf people’s communication needs,¹¹ resulting in many deaf people having an inappropriate level of funding to access essential communication supports.

The transitioning of the National Auslan Booking and Payment Services (NABS) into the NDIS, for example, has created confusion for deaf people who regularly use NABS for medical appointments, because access to health services are seen as essential services. Deaf Australia has always viewed this transition to be a mistake in Government decision making. NABS should remain as provision of access to essential services for all deaf people regardless of whether or not they are NDIS participants, and other interpreting needs should be treated separately.

¹¹ Deaf Australia, Community of Practice: Deaf and Hard of Hearing. A Consumer’s Report, July 2019.

One of the NDIS key goals is to transition people with disabilities into mainstream supported services. This is an ideal concept; however, for Auslan supported mainstream services, it remains to be seen whether this will eventuate. Has Government or the NDIS consulted with Deaf Australia on this issue? No. Consultation needs to happen.

6. Response to Questions

A. Outcome Areas

1. During the first stage of consultations we heard that the vision and the six outcomes areas under the current Strategy are still the right ones. Do you have any comments on the vision and outcome areas being proposed for the new Strategy?

Deaf Australia's vision '**Deaf people as fully engaged citizens**' is similar to the proposed National Disability Strategy's vision '**An inclusive Australian society that enables people with disability to fulfil their potential as equal members of the community**'.

However, 'inclusion' is subjective and can be interpreted in different ways depending on whose view is being considered. One may consider inclusion to mean that the person with disability is included in the group; yet, they may still be excluded if the accessibility and supports they need are unavailable to them. For example, putting deaf children in a mainstream school where they do not have deaf peers is not 'inclusion'; it is the opposite of inclusion, it is segregation because the deaf child is not able to effectively communicate with others around them. Likewise, having a specialised teacher in a mainstream program is not inclusion because it does not benefit non-deaf/disabled students.

Deaf Australia believes the six outcomes are still relevant. However, it is worth considering how the submenus for each Outcome area will promote greater opportunity and engagement for and of people with disabilities in all areas and align them with UN Conventions including, but not limited to:

- Declaration of Human Rights;
- Convention on the Rights of the Child;
- Declaration on the Rights of Indigenous People
- Convention on the Rights of Persons with Disabilities

Opportunity and engagements include early childhood development, sports and recreation, extra-curricular activities, lifelong learning, health and wellbeing, employment and training, and so on. These activities will need to be considered as part of the overall policy objectives and strategies to enable the success of the activities.

- a. **Deaf Australia recommends removing 'inclusive' from the vision to read 'An Australian Society that enables people with disability to fulfill their potential as equal members of the community'.**
- b. **Deaf Australia recommends that the six outcomes consider the submenus that will promote greater participation for and by people with disability.**

B. Guiding Principles

2. What do you think about the guiding principles proposed here?

Deaf Australia believes the guiding principles should be driven for and by people with disabilities. It has been our current and previous experience that stakeholders (usually

providers with vested interests in specific services) are too often represented in consultations by those who do not have lived experience.

The Guiding Principles must strongly adhere to Article 4.3 of the CRPD, which states:

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

The current consultation and co-design model needs to be clearly defined with a view to achieving stronger input by people with disabilities. The providers do play an important role in providing support and services; however, they should not be placed in a position of authority or have the capacity to unduly influence policy makers as they do not necessarily reflect the views and needs of disability groups.

When implementing the new National Disability Strategy, Deaf Australia strongly urges the Government to review existing strategies, policies and programs to ascertain whether or not the strategies, policies and programs are driven by people with disability and to amend these documents to reflect what people with disability are saying.

c. Deaf Australia recommends that the Guiding Principles strongly adhere to CRPD Article 4.3 as the first and foremost principle in the delivery of the NDS.

3. What is your view on the proposal for a new Strategy to have a stronger emphasis on improving community attitudes across all outcome areas?

As reflected in the question above, it is imperative that people with disabilities are represented by organisations that are defined as Disabled Peoples Organisations (DPO) where the majority of members as well as the governing body (Board of Directors) are persons with disability¹².

This means that government needs to consult primarily with DPOs. That is a minimum standard that is expected to be replicated across the industry and private sectors.

Deaf Australia has been providing direct advice and has consulted with a wide range of government and non-government bodies and because Deaf Australia is not properly funded, often this advice and consultation is provided for free.

If we begin to charge for our services, these bodies will seek advice from different organisations who may not be a DPO or may be a service provider who may willingly provide free advice in the hope that they will receive reciprocal benefits, and their advice may not necessarily be in the best interests of people with disability.

If government wishes to ensure the success of the National Disability Strategy, there needs to be a top-down approach of consulting and collaborating with people with disabilities themselves through their properly funded DPOs, and this needs to begin with Government and elected ministers. Government and elected ministers then need to advise business and providers to do the same.

Once this culture of reciprocal relationships between DPOs, governments and non-government agencies, business and providers is established, it sets the tone for community attitudes towards people with disabilities. Community attitudes cannot be changed simply

¹² <https://www.disabilityaustraliahub.com.au/disabled-peoples-organisations-dpo/>.

by telling people they should have a different attitude, particularly if the people telling them this don't do it themselves. Government needs to set the tone for what is expected and what is good practice by practising it themselves.

- d. Deaf Australia recommends that DPOs be appropriately resourced and staffed, and that government establish strong consultative and collaborative relationships directly with them, in order to strengthen community attitudes across all outcome areas.**

C. Strengthening Accountability

4. How do you think that clearly outlining what each government is responsible for could make it easier for people with disability to access the supports and services they need?

Clear information about what each government is responsible for is always helpful for everyone, including people with disabilities. However, this alone is not enough.

Deaf Australia believes there is a need to enhance cooperation between government agencies, commercial and private sector organisations and DPOs to strengthen the outcomes of the National Disability Strategy. DPOs generally have stronger and more transparent direct connections with their disability communities than any other organisation; they are in a better position than any other organisation to give people with disabilities clear and accurate information about supports and services.

DPOs need to be well placed to provide advice and to consult with relevant authorities to address accessibility issues across the supports and services; and they need to be appropriately remunerated for the advice that government receives from them, to enable them to do this work.

Consulting with providers who have an interest in providing the services being consulted about is not always in the best interests of persons with disability. As service providers, they may have special knowledge and skills and may be able to provide adequate, even superior, supports and services. However, as service providers their business benefits from the provision of services so their advice is always influenced by their own views on services and supports, and their advice is not necessarily based first on what is in the best interests of disabled people. It is also vital for government to understand and be mindful of how easy it can be for service providers to manipulate people with disability, especially if the service provider is doing everything, or close to everything, for the disabled person.

There needs to be a clear distinction within the advisory regime to clearly identify who is providing the advice – a service provider or a DPO, and government needs to have a clear understanding of the motivations of these distinct roles. The distinction between 'advocacy' and 'service providers' is necessary to ensure accountability of service providers for people with disability in accessing the supports and services they need. This includes how funding / grants are structured to avoid such conflicts of interest.

In addition, sourcing advice from a third party who is not a DPO and expecting this third party to consult with DPOs in the context of 'consultation' is nothing short of disrespect to people with disability. It forces DPOs and the disabled people who run them to work for a pittance or for nothing. Our organisation, and many others, has spent many hours contributing without any financial recompense. This model of government consultation is disrespectful to the whole concept of disabled people's right to be represented by their own representative organisations and have a direct say in issues that affect them.

- e. Deaf Australia recommends that there be a clear distinction between 'advocacy' and 'service provision', and between non-DPOs and DPOs, to enable clear**

accountability in the provision of supports and services; and that the advisory regime be remodelled to enable DPOs to consult directly with government (and be appropriately funded) rather than through a third party.

5. How do you think the Strategy should represent the role that the non-government sector plays in improving outcomes for people with disability?

The top-down approach to improving outcomes must begin with government in order to establish a best practice approach that can then be replicated with non-government organisations and service providers.

Some issues may require legislation as some providers go to extremes to avoid providing reasonable accommodation. For example, when Auslan Interpreters have been present at public briefings during bushfires or COVID-19, TV broadcasters have frequently cut the interpreter off the screen. Since the interpreter is not paid for by the broadcasters, there may be an implied view that they are not obligated to include the interpreter.

Broadcasters do have guidelines that request they ensure that interpreters are not cut off while broadcasting public announcements, but these guidelines are voluntary and have no consequences attached when broadcasters fail to act accordingly. This offers no assurance or confidence for deaf people that broadcasters will do the 'right thing'.

The Disability Discrimination Act (Cwth) 1992 is now almost thirty years old and is seriously out of date. The legislation actually allows discrimination by providers if they believe their offer is 'reasonable' irrespective of the person's disability and needs. If the person finds their offer not reasonable, the legislation frequently finds in favour of the provider. This is why approximately half of the complaints made by deaf people have not been resolved.

The complaint system for these situations is archaic at best.

If government is serious about the National Disability Strategy, then government must investigate legislation requirements and ascertain that issues are addressed, otherwise the NDS will have no clout.

- f. Deaf Australia recommends that government establish a top down best practice model and reviews and updates the legislation, and that the Strategy plays an important role in the non-government sector's disability plans to ensure there are alignments, strategies, and outcomes that are consistently delivered to maximise the benefit of the NDS.**

6. What kind of information on the Strategy's progress should government make available to the public and how often should this information be made available?

For our constituents to be able to understand information, it needs to cater to their information access needs. Far too often, information provided is of a high level and many deaf people are unable to understand how this translates to their needs. This is why it is important for government to work with DPOs to make information available in a manner that will best suit the community.

For example, the Department of Social Services has been attempting to get deaf people to transition from NABS into NDIS. The information that was distributed to deaf members was not developed by deaf people for deaf people and was inappropriate to deaf people's information access needs.

The NDIS has prepared a Customer Charter and the document was translated into Auslan. However, the Auslan video was difficult to understand as there were no visual cues to assist the person to know what was being covered.

In preparing information for the community, all information must be made available in Auslan and other accessible communication formats. These resources must be prepared in consultation with targeted groups to ensure that the resources are appropriately adapted to their knowledge and understanding to increase effectiveness of information delivery.

- g. Deaf Australia recommends that when communicating with people with disability, the government must cease 'government speak' and transition into 'PWD speak' so that contents are easily understood by them.**

D. Putting policy into action to achieve outcomes for all people with disability

- 7. What do you think of the proposal to have Targeted Action Plans that focus on making improvements in specific areas within a defined period of time (for example, within one, two, or three years)?

Deaf Australia believes this strategy has merit. However, it come with a risk, particularly where disability groups are marginalised and are not a big part of the disability sphere – for example, deafblind people, deaf seniors and others.

If Targeted Action Plans are developed, then it would be appropriate for National DPOs to be sufficiently funded and resourced to enable them to undertake these activities in collaboration with stakeholders and government agencies.

- h. Deaf Australia recommends that Targeted Action Plans consider all needs without prioritising one disability group over another.**

- 8. How could the proposed Engagement Plan ensure people with disability, and the disability community, are involved in the delivery and monitoring of the next Strategy?

In the past, government hosted disability advisory groups which met at least twice a year (or more) to discuss high-level strategies. However, low-level issues have largely been ignored, neglected or not considered a priority, and this has left many people with disability at a disadvantage. It is imperative that DPOs play an important role to identify, monitor, consult and provide advice to government on issues concerning their constituents and to discuss the strategies going forward.

Over the past few years, Deaf Australia and other peak disability organisations, have been attending high level meetings with the NDIS and other government agencies, with compensation only for travel. Our expertise is not paid for and many of us have struggled to find value in contributing our time and expertise voluntarily. When we contribute voluntarily, there is no obligation for any of us to commit to research, investigate or conduct thorough consultations with our members to provide sound advice to government.

- i. Deaf Australia recommends that DPOs be adequately funded to undertake the role of engagement with our members and government in the delivery and monitoring of the NDS.**