



Joint Standing Committee Inquiry – Current Scheme Implementation and Forecasting for the NDIS

Interim report submission

The Deaf Society and Deaf Services Limited

October 2021



ABOUT US

The Deaf Society and Deaf Services Limited (TDS & DSL) are specialist service providers for Deaf, Deafblind, and hard of hearing Australians. We merged into one organisation in October 2020 and work with the deaf community to see deaf people “empowered, connected, and achieving”.

FACTS

- Auslan (Australian Sign Language) is the sign language of the Australian Deaf community.
- Auslan (Australian Sign Language) is an accepted communication method recognised by the National Accreditation Authority for Translators and Interpreters.
- Auslan is recognised as a community language (Dawkins, 1991)¹.
- One in six Australians have some form of hearing loss, with that number projected to increase to one in four by 2050. Hearing loss is the 2nd most prevalent national health issue yet remains the 8th national funding priority (Access Economics, ‘Listen Hear’, 2006)².

DEFINITIONS

Deaf

The term “Deaf” refers to those who use a sign language as their primary language. Deaf people are more likely to have been born deaf or to have acquired a hearing loss early in life. This group is relatively small, but not insignificant; 11,682 people chose a signed language as their “language spoken at home” in the 2016 Census³. Deaf people typically tend to acquire sign language as their primary means of communication in addition to the written or spoken language of the wider community. They are not necessarily fluent in written English and proficiency should not be assumed.

Hard of hearing

The term “hard of hearing” is usually used to refer to those who use English rather than a signed language as their primary means of communication. Most people with a hearing loss (estimated at one in six Australians), belong to this group. People with acquired hearing loss will usually continue accessing information and interacting with those around them in English, whether spoken or written, and are well served by assistive technologies such as hearing aids, hearing loops, and captions.

Auslan

Auslan (Australian Sign Language) is the signed language used by the Deaf community in Australia and is the primary and preferred language of those who identify with the Deaf community. It is historically related to British Sign Language, as is New Zealand Sign Language, and has been influenced, to a lesser extent, by Irish Sign Language and American Sign Language. It is not a signed form of English, rather, it is a language in its own right with its own unique grammatical structures, which are different to that of English. As with any foreign language, many years of study are needed to acquire fluency.

¹ Dawkins, J (1991). Australia’s Language: The Australian Language and Literacy Policy. Australian Government Printing Service: Canberra

² Listen HEAR! 2006, a report by Access Economics and CRC HEAR

³ <https://deafaustralia.org.au/media-release-census-2021/>



INEQUITABLE VARIATIONS IN PLAN FUNDING

Inequitable variations within NDIS plans have been influenced by the Agency's refusal to afford the Deaf community with the same considerations as CALD and indigenous communities. TDS & DSL continues to advocate for Auslan users to be represented as a cultural and linguistic minority group that fits within a CALD framework. While deafness is defined as a disability under several legislative frameworks, including the Disability Discrimination Act 1992, and the National Disability Insurance Scheme Act 2013, the Deaf community view themselves as a cultural and linguistic minority group. As such, services and needs for Deaf individuals predominantly focus on communication, language and access issues such as providing Auslan interpreters and delivering other supports in Auslan; this also includes providing appropriate technology to facilitate access to information and services. According to Dawkins⁴, Auslan users have been recognised by the Australian Government as a community group, stating:

"It is now increasingly recognised that signing deaf people constitute a group like any other non-English speaking language group in Australia, with a distinct sub-culture recognised by shared history, social life and sense of identity, united and symbolised by fluency in Auslan, the principal means of communication within the Australian Deaf Community"

Deaf individuals who use Auslan as their first language consider English as their second language, and as such, their formulation of world views and general knowledge is through a three-dimensional, spatial, visual language, which occurs through interactions with other Deaf individuals and Auslan users, rather than mass media; as a result, Deaf and hearing cultures are vastly different. These differences impact greatly on how a planning conversation would occur with a Deaf participant and lead to inequitable plans often due to a lack of awareness and understanding of their unique cultural and linguistic needs.

As an example, questions such as *"Do you feel safe in your own home?"* would need to be further unpacked to be made accessible for Deaf participants:

- *Do you rent or own your own home?*
- *Do you receive letters from the bank or real estate agency?*
- *Do you understand the letters?*
- *Can you tell me what these letters say?*
- *If you do not understand these letters, what do you do with them?*
- *Have you ever been in trouble with the bank or real estate agency?*
- *Have you been evicted? Have you almost been evicted?*
- *Do you have a flashing light for your doorbell? Smoke alarm? Alarm clock?*
- *Do you worry about people breaking in?*

⁴ Dawkins, J (1991). Australia's Language: The Australian Language and Literacy Policy. Australian Government Printing Service: Canberra



- *Do you worry about opening the door when you don't know who is on the other side?*

It is our experience that Deaf individuals do not receive an adequate explanation regarding their care needs unless an active Deaf organisation has provided such information or if the person they are communicating with at the Agency is familiar with Auslan, and/or Deaf culture. This has significant impacts on plans and is also evident for Deaf participants accessing support coordination.

INEQUITABLE PLANS FOR DEAF AND HARD OF HEARING CHILDREN

Inconsistencies are common amongst plans for Deaf and hard of hearing children. Some planners provide access to cochlear implants and Auslan tutoring without question, while some planners view this as “double dipping”, stating a child who has a cochlear implant does not need to access Auslan. This inconsistent approach to plans means that if the oral pathway is unsuccessful, and Auslan tutoring is not included in the plan as requested, the Deaf child is at risk of linguistic deprivation. It should also be noted that when a child receives a cochlear implant, all residual hearing is lost. Without wearing their cochlear implant processor, they are effectively profoundly deaf. If the child or the child's parents do not know Auslan, the family are unable to communicate when the processor is not being worn. There are times when processors need to be removed or repaired, and at such times, the child would need Auslan to communicate.

Deaf children who are not provided with a sign language early in their development are at risk of linguistic deprivation; they may never be fluent in any language, and they may have deficits in cognitive activities that rely on a firm foundation in a first language. These children are socially and emotionally isolated. Deafness makes a child vulnerable to abuse, and linguistic deprivation compounds the abuse because the child is less able to report it. Parents rely on professionals as guides in making responsible choices in raising and educating their deaf children. Lack of expertise on language acquisition and overreliance on access to speech often result in professionals not recommending that the child be taught a sign language or, worse, that the child be denied sign language.

(Humphries et al., 2016)⁵

A holistic, transdisciplinary approach ensures language acquisition occurs at the same rate as hearing children, whether this be in Auslan or spoken English. Auslan can be accessed before speech, and therefore provides foundational knowledge for deaf children. For example, using one language to support the learning of another provides context for the deaf child; a deaf child can learn the sign for “eat” and then learn to say the word through speech therapy. The speech pathologist is not then left with the additional task of teaching the child, conceptually, what the term “eat” means because the child has already learnt the meaning through Auslan.

Additional inconsistencies have been cited amongst plans where some Deaf children have been denied access to Auslan interpreters by the Agency whilst others have not. There have also been reports from families where the NDIA has stated that parents can simply interpret for their child.

Deaf children who use Auslan require access to professionally trained, credentialled interpreters who adhere to the ASLIA Code of Ethics and Guidelines for Professional Conduct. This is to ensure

⁵ Humphries, T., Kushalnagar, P., Mathur, G. et al. Language acquisition for deaf children: Reducing the harms of zero tolerance to the use of alternative approaches. Harm Reduct J 9, 16 (2012).
<https://doi.org/10.1186/1477-7517-9-16>



communication can be appropriately facilitated between English and Auslan. Deaf children benefit greatly by having access to Auslan interpreters as they provide access to incidental learning and familiarises the child with the role of a professional interpreter. They also provide access to additional vocabulary, educate the child on how to articulate themselves and conduct interactions with hearing people. It is not appropriate for parents to assume the position of interpreter for their child, particularly as parents learning Auslan do not have the proficiency, speed, and vocabulary of a credentialled interpreter.

Recommendation 1

NDIA delegates must understand and adopt transdisciplinary approaches to language acquisition and provide consistent plans for deaf children to pursue bi-lingual and bi-modal education.

THE NEED FOR DEAF AWARENESS TRAINING

As Deaf people were not previously eligible to access disability funded supports through earlier funding models, very little is known about the Deaf community across the sector.

Initially, plans for Deaf participants were built poorly and often inadequately; and for many Deaf participants this continues to be the case. This is exacerbated by Deaf participants having never been eligible for funded supports under previous models, and not being able to articulate accurately their support needs in planning meetings. Additionally, many of the planning questions are not Deaf friendly (as highlighted above), therefore Deaf participants often struggle to identify their goals, and in some cases, struggle to understand conceptually what a “goal” is.

Deaf participants’ ineligibility for services under previous funding models has meant that many staff working in the sector, including NDIA delegates, have little to no understanding of the barriers Deaf participants experience, and of the appropriate supports they require.

It is our recommendation that the NDIA rolls out mandatory Deaf Awareness Training to all NDIA delegates which offers the following insights:

- The term “hearing impaired” is offensive to most Deaf people.
- The 'uppercase D' Deaf is used to describe people who identify as culturally Deaf and are actively engaged with the Deaf community.
- Over 90% of deaf children are born to hearing adults.
- Hearing parents of deaf children rarely become fluent in or learn Auslan.
- Hearing parents require many hours of Auslan tutoring to stay ahead of their deaf child’s Auslan acquisition, to provide good modelling.
- Lack of access to a common shared language (Auslan) in the home results in linguistic deprivation.
- Early intervention and a holistic approach are crucial for deaf infants.
- Language acquisition between 0 to 5 years of age is crucial.
- Language acquisition missed in a child’s formative years can never be caught up on.
- Deaf children miss out on incidental learning, such as conversations around them including television and radio.
- Often Deaf children born to Deaf parents reach milestones at the same rate as their hearing peers due to having a shared, common language at home.



- Deaf children of Deaf parents who have Auslan as their first language often have better literacy than Deaf children to hearing parents.
- Not all Deaf people are literate in written English.
- Auslan does not have the same grammar and syntax as English.
- Auslan is a three-dimensional, spatial, visual language.
- Not all Deaf or hard of hearing children are eligible for cochlear implants.
- Hearing aids provide environmental sound for profoundly deaf people and do not allow speech to become audible.

Recommendation 2

Mandate Deaf Awareness Training for NDIA delegates nationally.

THE NEED FOR ASSISTIVE TECHNOLOGY

There is little understanding by the NDIA that many regional and remote areas in Australia do not have Auslan interpreters or teachers of the Deaf physically located there. Under current plans there is no allowance for travel or appropriate assistive technology.

In the Agency's inability to approve assistive technology for Deaf participants residing in regional and remote parts of Australia, this has caused inequity for those participants and an additional strain on an already limited resource.

Using the Australian Census as a reference point for what is deemed *reasonable and necessary* is inaccurate and has given cause for inequitable plans. As 45% of people with a disability live close to the poverty line⁶ and are therefore unable to afford what some may deem as an everyday item, appropriate assistive technology devices, such as tablets and laptops, are often overlooked as reasonable and necessary in NDIS plans.

Not having access to local supports in regional and remote areas has created the need for Deaf participants to execute their plans virtually. For assistive technology not to be deemed by the NDIA as reasonable and necessary or disability specific has contributed to inequitable variations in plan funding.

Despite reports with recommendations for assistive technology being completed by speech pathologists, highlighting the need for a communication device with 4G capability, Deaf participants are being denied access to assistive technology by the Agency, under the guise of the device not being "disability specific", being an "everyday item" or "not reasonable and necessary".

⁶ <https://inclusionmelbourne.org.au/disability-and-poverty/>



Please see comments and responses in the recent case study below. The participant's name has been changed.

Case Study – John

Deaf adult residing in the Northern Territory

John is a Deaf adult who requires Assistive Technology to access necessary services with his NDIS funding. Some of these services are currently unavailable in the Northern Territory. John has trouble with English literacy skills and therefore requires support with writing and reading English in everyday contexts (e.g., emails). John does not require a computer for work emails as such. It was stated in the report that John is required to read and write as a part of his job. Access to Speech Pathology services via a specialised communication device, such as a laptop, will support John to improve his English literacy skills. Improved English literacy will enable John to increase his economic participation by being able to read and send emails.

As outlined in the General Assistive Technology template, John requires a specialised communication device, to provide John access to Speech Pathology support to improve his communication skills. Additionally, the communication device will provide access to interpreters in a Territory where no interpreters currently reside⁷. The device will allow John to access interpreters remotely for appointments with professionals such as GPs, tax consultants, bank managers, real estate agents and so forth. This device will also enable John to communicate with his friends, family and members of the community.

It should be noted that there are no qualified Auslan Interpreters residing in the Northern Territory.

Currently the only way a Deaf participant residing in the Northern Territory can access Auslan Interpreters is via Video Remote Interpreting (VRI), using a communication device. This directly links to the goals outlined in John's NDIS plan:

- *I would like to improve my communication technique and be more effective when communicating with others.*
- *I would like to have hearing impaired assistive technology to support my daily needs.*
- *I would like to have an Auslan interpreter available to me so when I go out in a group or social setting I can communicate with others and be understood.*

NDIA response

*Laptops and iPads are now a commonplace part of daily life for the Australian public. The NDIS regards these lines as a general household expense, as they are commonly used for wide and varied purposes and tasks. This is even stated in the attached document that John also needs a computer for work to read and answer emails. When considering a request for technology, the disability related item would more likely be the application that would be used exclusively by the laptop to improve the daily life of the participant that would otherwise be made difficult by their disability. In this case, the VRI access. For this reason, the laptop would **not be deemed reasonable and necessary**.*

⁷ <https://headtopics.com/au/annabel-is-deaf-but-there-are-no-auslan-interpreters-in-the-nt-to-assist-her-22267665>



Despite reports being completed by speech pathologists, highlighting the need for assistive technology with 4G capability, Agency delegates in the Northern Territory refused John's request, stating the device was not disability specific. However, without the device, John, and many Deaf participants across the Northern Territory, are unable to access interpreters remotely as there are no interpreters residing across the Northern Territory.

Deaf participants in regional and remote areas are unable to access supports in person, such as Auslan interpreters, though this can be remedied with communication devices, such as laptops and tablets, to provide access virtually. Addressing thin markets cannot be resolved in the short to medium term, as Auslan fluency takes many years to acquire, as with any other language.

Access to appropriate communication devices provide options to exercise choice and control for Deaf participants. This enables participants to seek additional, appropriate services such as support coordination, improved daily living, one on one skill development, Auslan tutoring and speech therapy. As previously mentioned, Deaf participants have unique cultural and linguistic needs; expanding options to receive support remotely in an environment where there are none available locally will see higher utilisation of plans, providing Deaf participants with the support they need.

Recommendation 3

Approve access to appropriate communication devices, including laptops and tablets with 4G capability, to improve access to services for Deaf people in regional and remote areas.

ADDITIONAL COMMENTS

TDS & DSL intend to provide additional comments for consideration in the final report in February 2022, covering:

- Limitations and access barriers to non-NDIS service provision including health, education, and justice systems;
- Information, Linkages and Capacity Building grants program sustainability;
- Auslan interpreter workforce shortages, plan utilisation impacts and thin markets;
- The importance and benefit of the Auslan pathway and language acquisition for early intervention; and
- Accessibility of Auslan translations for NDIA resources.