



# Access and Equity Inquiry

Submission by the Australian Communications Consumer Action Network  
to the Department of Immigration and Citizenship



February 2012



## **About ACCAN**

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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# Executive summary

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ACCAN welcomes the opportunity to make a submission to the Access and Equity Inquiry.

ACCAN hopes that the Australian Government will take this opportunity to ensure that all Australians, including those of CALD background, will be able to use telecommunications, including the internet, to access Government services and information.

ACCAN makes the following three recommendations:

1. That the Australian Government ensures that people with disability can use phone-based interpreting services in order to access government services
2. That the Australian Government ensures that members of Australia's Deaf community can use Auslan-English video interpreting and relay services in order to access government services
3. That the Australian Government requires that Auslan be included amongst the community languages considered when materials are translated for CALD groups.



# Response to Discussion Paper

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ACCAN would like to comment on three issues relating to communication. The *Access and Equity in Government Services Report 2008-2010* states that communication “encompasses the provision of information in appropriate manners, formats and languages”<sup>1</sup>.

## **1. TIS National**

TIS National's telephone interpreting service is an essential tool in ensuring that people from non-English-speaking backgrounds have access to government services using the phone. The Access and Equity in Government Services Report 2008-2010 lends weight to this, stating that “(m)ost government departments noted that they provide access to the Translating and Interpreting Service for their clients”<sup>2</sup>. As a TIS fact sheet notes:

The concept of access and equity is central to TIS National operations. First introduced in 1985, the Australian Government's Access and Equity policy aims to ensure government funded services meet the needs of Australians, regardless of their cultural and linguistic background, so they can participate fully in economic, social and cultural life in Australia. This includes services delivered by government agencies, community organisations and commercial enterprises.<sup>3</sup>

However, ACCAN has two concerns about access to TIS services.

### **1.1 Access to TIS by people with disability**

According to the National Ethnic Disability Alliance (NEDA), one in every four people with disability is a person of either first or second generation non-English-speaking background<sup>4</sup>. Further:

People from NESB with disability do not have equal access to services. For example people born in non-English speaking countries with disability are less likely to access support services than people with disability born in English speaking countries. Poor access to services, education and employment opportunities means isolation and marginalisation for many people from NESB with disability, their families and carers.<sup>5</sup>

Yet the TIS, an essential service for people of non-English-speaking backgrounds, is not accessible to people with disability. People who are hearing-impaired or speech-impaired, for example, who cannot use a ‘regular’ phone with reliability, are unable to use the TIS.

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<sup>1</sup> <http://www.immi.gov.au/about/reports/access-equity/2010/part-2.pdf> , p.7

<sup>2</sup> Ibid.

<sup>3</sup> <http://www.immi.gov.au/media/fact-sheets/91tis.htm>

<sup>4</sup> National Ethnic Disability Alliance, *One Million People Factsheet*;

[http://www.neda.org.au/page/fact\\_sheets.html](http://www.neda.org.au/page/fact_sheets.html)

<sup>5</sup> Ibid.

With the ageing of the population, more and more people, including those from non-English-speaking backgrounds, will be experiencing hearing impairment<sup>6</sup>, and perhaps to a lesser extent, speech impairment. They may also experience a decrease in their English language skills<sup>7</sup>. If they are to be able to access government services, they need a solution which will meet their needs both linguistically and in terms of their disability.

People who are hearing-impaired or speech-impaired *and* who are English users (spoken or written) have access to the [National Relay Service](#) (NRS), a phone service contracted by the Australian Communications and Media Authority (and soon to become contracted by the Telecommunications Universal Service Management Agency, TUSMA) and funded by a levy on eligible telecommunications providers. NRS customers use telephone typewriters (TTYs) or the internet, in the main, to make phone calls which are mediated by a relay officer. This service, however, is available only to speakers/writers of English<sup>8</sup>. People who are hearing-impaired or speech-impaired and who use a language other than English are unable to access the NRS. NEDA provides the following case study:

An elderly man from NESB had a hearing impairment required some means of communication with the outside world. He had limited English skills, had little family support and was socially isolated and at risk of injury due to his disability and other medical conditions. With the assistance of an advocacy service, the client applied for [a] TTY Super Print Telephone Typewriter. A relay service educator visited the client at home and installed and explained the system. Yet, after a number of unsuccessful and distressing attempts to work with the typewriter and the National Relay Service system, the client decided [to cancel] it. The National Relay Service and the technology was not compatible with his language and no other alternatives were available.<sup>9</sup>

Like all Australians, people who are hearing-impaired or speech-impaired, but who do not speak/write English, need to be able to communicate with government agencies. They should not be discriminated against or excluded because of their disability or their language use.

There are two possible solutions – either the TIS must be able to handle calls via TTY and/or other text-based services, or the NRS must be able to relay calls in languages other than English. For further details, see [ACCAN's submission](#) to the Review of Access to Telecommunications by the Department of Broadband, Communication and the Digital Economy.

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<sup>6</sup> Australian Hearing, *Hearing loss in Australia: It's more common than you might think*; <http://www.hearing.com.au/upload/media-room/Hearing-loss-in-Australia.pdf>

<sup>7</sup> M. Clyne, Multilingualism research in Australia: Tyranny of distance and challenge of a new society, in M. Putz (ed.), *Thirty Years of Linguistic Evolution*, 1992; extract at <http://books.google.com.au/books?id=zH5SsWz2p0YC&pg=PA405&dq=%22second+language+attrition%22+migrants+aging&hl=en&sa=X&ei=pydDT4j2EevymAXskpjVBA&ved=0CGQQ6AEwCA#v=onepage&q=%22second%20language%20attrition%22%20migrants%20aging&f=false>

<sup>8</sup> See checklist, 'Is the NRS for me?' at <http://www.relayservice.com.au/making-a-call/making-a-call-with-little-or-no-speech/is-the-nrs-right-for-me/>

<sup>9</sup> National Ethnic Disability Alliance, *Telecommunications Issues Factsheet*; [http://www.neda.org.au/page/fact\\_sheets.html](http://www.neda.org.au/page/fact_sheets.html)

## Recommendation One:

**That the Australian Government ensures that people with disability can use phone-based interpreting services in order to access government services**

### 1.2 Access to TIS for people who are Deaf

The TIS provides interpreting services in a range of community languages, but there is a glaring omission – Auslan. Auslan, or Australian Sign Language, is the language of Australia’s Deaf community. It is quite unlike English, and has no written form. For many Deaf Australians for whom Auslan is a first or preferred language, English in its written and/or spoken form is very much a second language<sup>10</sup>. The Deaf community, therefore, is an NESB group, despite the fact that most Deaf community members were born and raised in Australia.

Yet despite this, and despite the fact that TIS is bound by Australia’s Access and Equity Policy, which “aims to ensure government funded services meet the needs of Australians, *regardless of their cultural and linguistic background*”<sup>11</sup> (my italics), TIS does not provide interpreting services between English and Auslan.

In the days when ‘telecommunications’ meant a landline phone, this was understandable. Now, however, ‘telecommunications’ includes a range of video-enabled devices, including videophones, smartphones and desktop- or laptop-based applications. It is time for Australia’s Deaf community to have access to TIS services, or a service analogous to TIS – a [video remote interpreting service](#). In the same way as, say, an Arabic-English interpreter now interprets via the phone between an English-speaking Australian Tax Office employee and an Arabic-speaking member of the public, an Auslan-English interpreter would interpret via video between an English-speaking ATO employee and a Deaf member of the public. Such a service could sit alongside a [video relay service](#), which is analogous to the current National Relay Service, but would relay calls between Auslan and English where the two parties are not in the same location (for example, if the ATO employee was phoned, rather than visited, by the Deaf person). The two services could be provided by the same provider, or two separate providers. The point is that all Australians have the right to use their preferred language to access government services. The Australian Government must provide methods to allow this access.

## Recommendation Two:

**That the Australian Government ensures that members of Australia’s Deaf community can use Auslan-English video interpreting and relay services in order to access government services**

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<sup>10</sup> Deaf Australia, *The Australian Deaf community*, <http://www.deafau.org.au/info/deafcomm.php>; *What is Auslan?*, <http://www.deafau.org.au/info/auslan5.php>; *Deaf culture*, <http://www.deafau.org.au/info/dculture.php>

<sup>11</sup> <http://www.immi.gov.au/media/fact-sheets/91tis.htm>

## 2. Web accessibility

It is commendable that many government websites now include information in languages other than English<sup>12</sup>.

However, once again, the needs of Auslan users as an NESB/CALD community have been ignored. ACCAN was able to find only a single example of government information available in Auslan<sup>13</sup>. This is despite the fact that written English is simply not accessible for a large number of Auslan users<sup>14</sup>.

Translations into Auslan are becoming more common at the state government level<sup>15</sup>. It is now time for the Commonwealth Government to catch up.

### Recommendation Three:

**That the Australian Government requires that Auslan be included amongst the community languages considered when materials are translated for CALD groups**

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<sup>12</sup> For example, <http://www.ato.gov.au/content/00171454.htm>, <http://www.acc.gov.au/content/index.phtml/itemId/1027219>, <http://www.familyassist.gov.au/multilingual/>

<sup>13</sup> [http://www.staysmartonline.gov.au/auslan\\_videos](http://www.staysmartonline.gov.au/auslan_videos)

<sup>14</sup> Australian statistics on adult Deaf literacy are unavailable. However, in the United States, for example, the median English literacy of deaf high school graduates is the equivalent of 4.5 grades – that is, about the equivalent of a hearing 9-year-old. From: J. Holt, ‘Classroom Attributes and Achievement Test Scores for Deaf and Hard of Hearing Students’, *American Annals of the Deaf*, 139(4), 430-437.

A FAHCSIA report, ‘Report on supply and demand for Auslan interpreters’, 2004, reported that 30% of signing Deaf people aged over 15 years completed year 12, compared with 41% of the general Australian population; and 54% of signing Deaf people aged over 15 years had left school at year 10 level or below compared to 45% of the general Australian population.

[http://www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/auslan\\_report/section1.htm](http://www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/auslan_report/section1.htm)

In an American study of Deaf and hard of hearing 17-year-olds and 18-year-olds, the median Reading Comprehension subtest score corresponds to about a 4.0 grade level for hearing students.

<http://research.gallaudet.edu/Literacy/index.html>

A Canadian study by Literacy Ontario, ‘Literacy profile of Ontario’s deaf and hard of hearing adults’, noted that “The literacy level of Deaf and hard of hearing is below that of the rest of the Ontario population. In particular, 52% have low literacy (below level 3), compared to 38% among the general Ontario population. Literacy ranges widely depending on the level of hearing loss: those with partial difficulty have a somewhat lower incidence of low literacy than the Ontario average (33%), while those completely unable to hear have a 71% incidence.” <http://www.tcu.gov.on.ca/eng/training/literacy/hearing/hearing.pdf>

And in the UK, consumers with British Sign Language as their first language reported that “the barriers for using English for email, SMS and instant messaging prevent them from using these services as frequently [as do people with English as a first language]”, in ‘Voice telephony services for deaf people’, D. Lewin et al, June 2009, p11; [http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/voice\\_telep.pdf](http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/voice_telep.pdf)

<sup>15</sup> [http://www.industrialrelations.nsw.gov.au/In\\_another\\_language/Auslan.html](http://www.industrialrelations.nsw.gov.au/In_another_language/Auslan.html);

[http://office.elections.nsw.gov.au/about\\_elections/community\\_information\\_resources/community\\_information\\_formats/auslan\\_with\\_captioning\\_and\\_voice\\_over](http://office.elections.nsw.gov.au/about_elections/community_information_resources/community_information_formats/auslan_with_captioning_and_voice_over);

[http://www.arts.vic.gov.au/General/Website\\_Accessibility\\_Statement/Website\\_Accessibility\\_Statement\\_-\\_AUSLAN](http://www.arts.vic.gov.au/General/Website_Accessibility_Statement/Website_Accessibility_Statement_-_AUSLAN)



# ACCAN Resources

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As more government services and information are accessible online and/or using mobile communications, it becomes even more important for people of CALD backgrounds to have affordable, accessible, available telecommunications.

ACCAN has completed a substantial amount of work in the area of access to telecommunications for people of CALD backgrounds – including Deaf people and Indigenous people.

The following documents may be of use to the Inquiry Panel when considering how the Australian Government can assist CALD communities and individuals in accessing government services and information.

- [Home internet for remote Indigenous communities](#)
- [Communicating Difference: NESB Communications Customers](#)
- [Mind The Gap: Refugees and communications technology literacy](#)
- [Inclusive Communications](#)
- [The capacity of communication networks and emergency warning systems to deal with emergencies and natural disasters](#)
- [Telecommunications and Deafblind Australians](#)
- [Taking Advantage of Disadvantage](#)
- [Realising Universal Communications](#)