



The Australian Federation of Deaf Societies

## **SUBMISSION**

Regarding

**Application for Exemption – Network Television Exemption #3**

From

Prime Media Group of companies, the WIN Corporation group of companies and the Macquarie Southern Cross Media group of companies

## INTRODUCTION

The Australian Federation of Deaf Societies (AFDS) was established in 1966 to meet the needs of organisations providing services to the Australian Deaf Community.

Member organisations include:

- Deaf Society of New South Wales
- Deaf Services Queensland
- Royal South Australian Deaf Society (Deaf CanDo)
- Tasmanian Deaf Society (TasDeaf)
- Victorian Deaf Society (VicDeaf)
- Western Australian Deaf Society (WADeaf)

The combined annual turnover of AFDS member organisations is over \$30,000,000 with a wide range of services and projects provided including:

- Auslan Interpreting services,
- Counselling services,
- Children and family support,
- Support services for older people,
- Independent Living Skills programs,
- Community Education programs,
- Deafness Awareness Training programs,
- Employment services,
- Services for people with hearing impairment,
- Legal education project, and a
- Women's project.

AFDS has lobbied and made representations to various organisations and government inquiries on issues such as improved access to education, employment, interpreting, captioning and TTY relay services for Deaf and hard of hearing people. This has included advocating for the establishment and funding of the Australian Caption Centre, the National Relay Service and the National Auslan Interpreter Booking and Payment Service (NABS).

AFDS has provided financial and in-kind support for various events and activities and to numerous organisations, helping these organisations to become established, independent bodies.

AFDS worked with the Deaf Community in lobbying for the recognition of Auslan as a community language by the Australian Government and the accreditation of Auslan interpreters by the National Accreditation Authority for Translators and Interpreters (NAATI).

In conjunction with Deaf Australia (formerly Australian Association of the Deaf), Australian Sign Language Interpreters Association and other national partners, AFDS provided input into recent research commissioned by the Australian Government into the supply, demand and funding of Auslan

interpreting services in Australia. The commissioned by the Australian Government Department of Family and Community Services led to the funding and establishment of the National Auslan Interpreter Booking and Payment Service (NABS).

### **RESPONSE TO APPLICATION FOR EXEMPTION (Number 3)**

The Australian Federation of Deaf Societies sees absolutely no reason(s) provided by the Applicants in the Application for Exemption, to provide exemption from their requirements under the Disability Discrimination Act (1992) Section 24(1).

The current Applicants have not provided reasons for the requested exemption and as such, the Australian Federation of Deaf Societies strongly opposes the Application.

As no bona fide reasons have been made by the Applicants as to the reasons they require exemption from Section 24(1) of the Disability Discrimination Act (1992), the Australian Federation of Deaf Societies acknowledges that there is no grounds of *unjustifiable hardship*, and therefore exemption should not be granted under the definitions of the Disability Discrimination Act (1992) Section 11 (a)-(d). As such, the Australian Federation of Deaf Societies does not see any evidence why the requirements under the Disability Discrimination Act (1992) to provide adequate captioning services can not be met without unjustifiable hardship.

## **Disability Discrimination and Social Exclusion**

Social inclusion has been a primary policy of the current Federal government. The ratification of the UN Convention on Rights of People With Disabilities (The Convention) has specific aims in increasing the participation of people with disabilities in the community.

Deaf Australians who live in regional and rural communities face further social exclusion than those in metropolitan areas. The simple increased stigma, traditional ways of thinking and way of life, and reduced access to disability services in particular Auslan interpreters in these areas compounds the social exclusion experienced by Deaf Australians in regional and rural areas.

In the view of the Australian Federation of Deaf Societies, the Applicants would like to continue to put barriers in front of Deaf Australians to keep them socially excluded from their communities. We see no other reasons for their application.

## **Safety Issues**

As highlighted by the recent tragedy in the Victorian Bushfires, there is a need for adequate communication amongst regional and rural communities, especially in times of emergency.

Freely granting the regional Television networks a further exemption from their requirements under the Disability Discrimination Act (1992) would allow them to essentially isolate Deaf Australians, cut-off their communications and information retrieval, and risk their lives in areas that have emergency messages broadcast on television.

## **Educational Standards**

The television networks seem to have no regard for Deaf Children in regional and rural communities and their educational needs.

If this exemption were to be granted by the Australian Human Rights Commission, there is no requirement on the networks to provide captioning during major educational television time-slots (such as late afternoon and after-school hours). Furthermore, the exemption would grant the networks the ability to isolate Deaf children from entertainment, and essentially limit their development and learning abilities.

## **The United Nations Convention on the Rights of Persons with Disabilities**

The United Nations Convention on the Rights of Persons with Disabilities (The Convention) seeks to ensure that equal rights and equity are experienced by all people with disabilities.

Australian became a signatory and ratified The Convention in July, 2008.

Of particular note and context, is Article 9, Section 1 (b):

*“1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:*

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;*
- (b) **Information, communications and other services, including electronic services and emergency services.***”

As such, the Australian Federation of Deaf Societies would see that if the exemption were to be granted, that the Australian Human Rights Commission would be equal to ignoring the ratified United Nations Convention on the Rights of Persons with Disabilities.

Furthermore, the Australian Federation of Deaf Societies would have no confidence in the AHRC representing, ensuring and protecting these rights of the Australian Deaf Community.

## **RECOMMENDATION**

The Australian Federation of Deaf Societies demands that the exemption be refused for the following reasons:

1. The Applicants have not shown unjustifiable hardship to provide captioning services,
2. The implications (as listed above) for the Deaf Community in regional and rural areas are too severe to allow the exemption to occur. The exemption would allow the Applicants to do irreparable damage to the Australian Deaf Community,
3. The Australian Federation of Deaf Societies would have no confidence in the operation and effectiveness of the Australian Human Rights Commission as granting this exemption would represent institutional non-compliance.
4. The essence of granting the exemption would be in direct conflict with the United Nations Convention on Rights of People With Disabilities, Article 9, 1 (b).