



LEGISLATIVE COUNCIL

PROCEDURE COMMITTEE

Auslan interpretation for broadcasting

Report 16

November 2022



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Procedure Committee

Auslan interpretation for broadcasting

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Auslan interpretation for broadcasting

“November 2022”.

Chair: Hon Matthew Mason-Cox MLC



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Terms of reference

- (1) That the Procedure Committee inquire into and report on:
 - (a) the merits of varying the standing orders to introduce live Auslan interpretation in the broadcasting of all or part of the Legislative Council's proceedings,
 - (b) alternative mechanisms for ensuring the Legislative Council acts in accordance with the United Nations Convention on the Rights of Persons with Disabilities requiring equal access to information and communications (including through live sign language interpretation) signed by Australia in 2007, and
 - (c) any other related matter.

The terms of reference were referred to the committee by the Legislative Council by the committee on 23 February 2022.¹

¹ *Minutes*, NSW Legislative Council, 23 February 2022, p 2972, item 7

Committee details

Sub-Committee members

The Hon Matthew Mason-Cox MLC	Liberal Party	<i>(Chair)</i>
Ms Abigail Boyd MLC	The Greens	
The Hon Mark Buttigieg MLC	Australian Labor Party	
The Hon Wes Fang MLC	The Nationals	

Full Committee members

Hon Matthew Mason-Cox MLC	Liberal Party	<i>(Chair)</i>
Hon Robert Borsak MLC	Shooters, Fishers and Farmers	
Hon Mark Buttigieg MLC	Australian Labor Party	
Ms Cate Faehrmann MLC	The Greens	
Hon Scott Farlow MLC	Liberal Party	
Hon John Graham MLC	Australian Labor Party	
Hon Emma Hurst MLC	Animal Justice Party	
Hon Natasha Maclaren-Jones MLC	Liberal Party	
Hon Shayne Mallard MLC	Liberal Party	
Hon Sarah Mitchell MLC	The Nationals	
Revd the Hon Fred Nile MLC	Christian Democratic Party	
Hon Rod Roberts MLC	Pauline Hanson's One Nation Party	
Hon Penny Sharpe MLC	Australian Labor Party	
Hon Damien Tudehope MLC	Liberal Party	

Chair's foreword

I am very pleased to present this report of the Procedure Committee on its inquiry into Auslan interpretation for broadcasting.

This Inquiry gave members of the Deaf community the opportunity to share with the Legislative Council their experiences of what it is like to engage in the political process in New South Wales.

The focus of the inquiry was to consider potential measures that would enable Deaf residents to more fully participate in the proceedings of the Legislative Council. To that end, the Committee heard from members of the Deaf community as well as representatives from a number of other parliamentary jurisdictions to give evidence on the steps they have taken to address the needs of their Deaf constituents.

Based on the evidence received and recognising the particular obligations democratic institutions such as the Legislative Council have under the Convention on the Rights of Persons with Disabilities, the Committee has developed a series of recommendations centred on a proposed pilot program.

The pilot program will include the introduction of Auslan interpretation for the broadcasting of certain proceedings, including the Governors speech at the opening of the new Parliament after the March 2023 election. It will also introduce a monthly Auslan video summary of key proceedings which will be published on the website of the Legislative Council, in consultation with the Deaf community.

In a first for the Legislative Council, a video summary of this report in Auslan will also be produced.

Recognising that this report constitutes a first step in what will be a staged process of improved access to the proceedings of the Legislative Council for the Deaf community, the Committee looks forward to working with those who provided evidence to evaluate the proposed pilot in the 58th Parliament, with a view to developing future recommendations.

I thank members of the Procedure Committee for their consideration of this report and the secretariat for managing this inquiry.

Hon Matthew Mason-Cox MLC

President

Recommendations

- Recommendation 1** **26**
That the Legislative Council in 2023 establish a pilot program to provide Auslan interpretation for certain proceedings that could include:
- the Governor's address to the opening of the 58th Parliament;
 - a Question Time to mark the National Week of Deaf People; and
 - debates of significance to the Deaf community.
- Recommendation 2** **26**
That as part of the pilot program, the Legislative Council produce a monthly video summary of key proceedings in Auslan in consultation with the Deaf community and publish this summary on the website of the Legislative Council.
- Recommendation 3** **26**
That as part of the pilot, and in consultation with the Deaf community, the Legislative Council secure Auslan interpreters for the purpose of supporting:
- any Legislative Council proceeding that is accompanied by Auslan interpretation in 2023; and
 - the proposed monthly video of key Legislative Council proceedings in Auslan.
- Recommendation 4** **27**
That an evaluation of the pilot program be conducted before further steps are taken to improve access for the Deaf community to the proceedings of the Legislative Council.
- Recommendation 5** **28**
That, following the evaluation of the pilot program, the Legislative Council liaise with the Legislative Assembly on a whole-of-Parliament initiative to provide Auslan interpretation for certain proceedings, and to also consider:
- facilitating workshops with the Deaf community to develop new Auslan vocabulary for parliamentary terms and language;
 - delivering a monthly Auslan Parliamentary bulletin, produced in consultation with the Deaf community, covering the work of parliamentary committees, important legislation passed and other debates;
 - delivering Auslan-specific tours to individuals who communicate in sign language around the Parliament;
 - engaging members of the Deaf community through means such as an internship program with the purpose of improving the accessibility of parliamentary information; and
 - establishing Deaf awareness training for parliamentary staff.
- Recommendation 6** **28**
That an Auslan video summary of the contents of this report be prepared and placed on the website of the Legislative Council.

Conduct of inquiry

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 23 February 2022.

The committee received 11 submissions.

The committee held one public hearing at Parliament House in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, and answers to questions on notice.

Chapter 1 Introduction

This chapter provides an overview of the Inquiry process. It details the steps taken to put together a half-day hearing with a number of Deaf witnesses and the inclusion of Australian Signed Language (Auslan) interpretation to the live broadcast. The chapter concludes with a brief outline of the report's structure.

Establishment of the Inquiry

1.1 On 23 February 2022, the House considered and passed a motion moved by Ms Abigail Boyd MLC, relating to the use of Auslan interpretation in the Legislative Council.² The terms of the motion were as follows:

- (1) That the Procedure Committee inquire into and report on:
 - (a) the merits of varying the standing orders to introduce live Auslan interpretation in the broadcasting of all or part of the Legislative Council's proceedings,
 - (b) alternative mechanisms for ensuring the Legislative Council acts in accordance with the United Nations Convention on the Rights of Persons with Disabilities requiring equal access to information and communication (including through live sign language interpretation) signed by Australia in 2007, and
 - (c) any other related matter.

1.2 The Procedure Committee met on 28 March 2022, where the Chair tabled the terms of the motion referred by the House.

1.3 A further meeting of the Procedure Committee took place on 9 June 2022, where the Committee agreed upon a list of stakeholders to invite to provide submissions, set a deadline of 5 August for the receipt of those submissions, and commissioned the Parliamentary Library to prepare an issues paper on the use of Auslan interpretation for broadcasting by other parliaments. A table containing an overview of the measures undertaken by other parliamentary jurisdictions from the issues paper is Appendix 1.

1.4 On 21 September 2022, the Procedure Committee agreed to establish a sub-committee made up of the Chair of the Procedure Committee (the President, the Hon Matthew Mason-Cox MLC), one Government member (the Deputy President), one Crossbench member (Ms Abigail Boyd MLC) and one Opposition member (Mr Mark Buttigieg MLC). In a first for the Procedure Committee, a half-day hearing was set for 14 October 2022.

1.5 The inquiry received eleven written submissions (including one confidential submission) from the following individuals and peak bodies:

- Benjamin Cronshaw
- the Legislative Assembly for the Australian Capital Territory

² *Minutes*, NSW Legislative Council, 23 February 2022, p 2972, item 7.

- Australian Deaf Elders Group
- Deaf Connect
- Deaf Australia
- Darlene Thornton
- Shirley Liu
- the Clerk of the House of Representatives, New Zealand
- Dr Jessica Kirkness; and
- the Centre for Culture and Technology, Curtin University.

Conducting the hearing

- 1.6** All those who lodged written submissions were invited to attend to give evidence at the half-day hearing. Of those who provided submissions, eight individuals or organisations appeared as witnesses.
- 1.7** In addition to those who provided submissions, the secretariat also invited a representative from the Victorian Parliament to give evidence at the hearing. This was done after the Chair became aware of the work this jurisdiction is undertaking to improve access to the Parliament for members of the Victorian Deaf community.
- 1.8** On the day of the hearing there were 12 witnesses in total. Three panels were established, with the following witnesses allocated to each:

Panel 1 – private citizens

- Dr Jessica Kirkness
- Lorraine Mulley, and
- Darlene Thornton.

Panel 2 – academics and peak lobby groups

- Professor Mike Kent, Head of Department, iSchool, Curtin University
- Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University
- Jen Blyth, CEO, Deaf Australia, and
- Brent Phillips, Chief Impact Officer, Deaf Connect.

Panel 3 – representatives of other parliamentary jurisdictions

- Nicole Lawder, Member for Brindabella, Australian Capital Territory Legislative Assembly
- Tom Duncan, Clerk, Australian Capital Territory Legislative Assembly
- David Monk, Director, Australian Capital Territory Legislative Assembly
- David Wilson, Clerk, New Zealand House of Representatives, and
- Andres Lomp, Community Engagement Manager, Victorian Parliament.

1.9 The secretariat made arrangements with Deaf Connect for interpreters to assist with the hearing. The interpreters were contracted to translate the evidence given by Deaf participants to members, and also to interpret the hearing into Auslan for the live broadcast.

1.10 A case study documenting the logistical steps taken to put together the hearing is provided at Appendix 2 to this report.

Report structure

1.11 Chapter 2 sets out the context for the Inquiry. It provides background information on the number of individuals in New South Wales who communicate in Auslan and the number of qualified Auslan interpreters in New South Wales. Australia's obligations under the Convention on the Rights of Persons with Disabilities, and the current policies and practices of the Legislative Council are documented. The chapter then considers the evidence the inquiry received from members of the Deaf community, as well as a number of academics and peak lobby groups with respect to the Deaf community's access and inclusion in the political processes of New South Wales.

1.12 Chapter 3 considers the steps that have been taken by other parliamentary jurisdictions with respect to the incorporation of sign language into the broadcasting of parliamentary proceedings. It also looks at other measures that have been implemented to improve the accessibility of their parliaments for the Deaf community. The jurisdictions under consideration include: Victoria, the Australian Capital Territory and New Zealand. The Chapter concludes by recommending the establishment of a pilot containing a range of measures to improve access for the Deaf community to the proceedings of the Legislative Council.

Chapter 2 The Legislative Council and the Deaf community

This chapter outlines key definitional considerations and the prevalence of Auslan as a language in the New South Wales community and Australia's obligations under the Convention on the Rights of Persons with Disabilities. It also documents the current approach of the Legislative Council to facilitating access to its proceedings and summarises the evidence received by the Committee from the Deaf community.

Definitions

- 2.1** 'Auslan' is the primary and preferred language of the Deaf community in Australia and has been recognised as a community language by the Australian Government since 1987.³ It is a visual-spatial language with its own unique grammar and lexicon, as opposed to being a signed form of English.⁴
- 2.2** 'Deaf' with a capital 'D' is a descriptor for people who use sign language as their primary form of communication, and culturally identify with the Deaf community.⁵
- 2.3** 'deaf' with a lower case 'd' is a general descriptive term of the physical condition of deafness.⁶
- 2.4** 'hearing loss' is a descriptive term for the physical loss of hearing regarding a loss of hearing to any degree.⁷
- 2.5** 'Hard of hearing' is the descriptor for those who have acquired hearing loss during later childhood or adulthood, and as a result may use English as their primary form of communication.⁸ While this term is the recommended descriptor from international and national peak bodies for the Deaf community, many individuals also use the alternative term 'hearing impaired'.⁹
- 2.6** 'Deafblind' is the descriptor for individuals suffering from a combination of both hearing and sight loss. These individuals can be categorised into two distinct groups depending on which impairment they were born with. Those born deaf who later lose their vision will often use Auslan as their primary language, for which there are touch based Auslan interpreting techniques. While those who were born blind and have encountered hearing loss will often primarily communicate in English although they may learn Auslan as well.¹⁰

³ Submission 11, Centre for Culture and Technology, Curtin University, p 1. Submission 5, Deaf Australia, p 2.

⁴ Evidence, Ms Darlene Thornton, 14 October 2022, p 3.

⁵ Submission 4, Deaf Connect, p 1.

⁶ Submission 4, Deaf Connect, p 2.

⁷ Submission 4, Deaf Connect, p 1.

⁸ Submission 4, Deaf Connect, p 2.

⁹ Evidence, Dr Jessica Kirkness, 14 October 2022, p 4.

¹⁰ Submission 4, Deaf Connect, p 2. Evidence, Ms Darlene Thornton, 14 October 2022, p 6.

- 2.7** 'Audism' is a term used to describe the audio-centric attitudes that include overt and covert forms of discrimination towards those with hearing impairments. These attitudes and behaviours prioritise hearing and speaking over the use of sign language as an imposed primary method of communication.¹¹
- 2.8** 'NAATI', standing for National Accreditation Authority for Translators and Interpreters, is a public not-for-profit company jointly owned by the Commonwealth, State and Territory governments. The body maintains the national standards for, and provides certification to, translators and interpreters in Australia.¹²
- 2.9** 'Auslan/English interpreter' describes a NAATI certified interpreter who interprets between Auslan and English.¹³ NAATI has three levels of certification:
- 'Certified Provisional Interpreter' – this represents a level of competence in interpreting for the purpose of general conversations.¹⁴
 - 'Certified Interpreter' – considered the minimum standard to interpret parliamentary proceedings, although not all interpreters with this certification would be considered capable.¹⁵
 - 'Certified Conference Interpreter' – these are individuals who are trained to interpret high-level situations such as speeches and presentations. There are only a handful of interpreters with this level of certification in Australia.¹⁶
- 2.10** 'Deaf interpreter' is a term to describe a NAATI certified interpreter who is trained to convey meaning between either Auslan or written English, and other signed languages.¹⁷ They are typically used to assist those who have familiarity with foreign sign languages or have limited conventional Auslan ability, and often work in conjunction with hearing Auslan interpreters.¹⁸

The prevalence of Auslan in New South Wales and the number of qualified interpreters

- 2.11** The 2021 Census identified 16,242 people who regularly use Auslan in their household within Australia, with 3,986 of those residing in NSW.¹⁹ If the less extensive users are also included, there are 30,000 users of Auslan across Australia.²⁰

¹¹ Submission 5, Deaf Australia, p 5.

¹² Submission 4, Deaf Connect, p 2.

¹³ Submission 4, Deaf Connect, p 2.

¹⁴ Submission 4, Deaf Connect, p 3.

¹⁵ Submission 4, Deaf Connect, p 4. Evidence, Ms Darlene Thornton, p 7.

¹⁶ National Accreditation Authority for Translators and Interpreters, Certified Conference Interpreter, <https://www.naati.com.au/become-certified/certification/certified-conference-interpreter/>.

¹⁷ Submission 4, Deaf Connect, p 2.

¹⁸ Evidence, Ms Lorraine Mulley, Australian Deaf Elders Group, 14 October 2022, p 4. Evidence, Ms Darlene Thornton, 14 October 2022, p 4.

¹⁹ Submission 4, Deaf Connect, pp 1 and 4.

²⁰ Evidence, Dr Jessica Kirkness, 14 October 2022, p 4.

2.12 According to Deaf Connect there are currently 155 Certified Auslan interpreters registered in New South Wales working in various capacities, with 107 of those considered 'Certified Provisional Interpreters', and 47 considered 'Certified Interpreters'.²¹

Australia's obligations under the Convention on the Rights of Persons with Disabilities

2.13 Australia was one of the original signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2007, which was then ratified in 2008. The general principles of the CRPD, as set out in Article 3, include: non-discrimination, full and effective participation and inclusion in society, and equal opportunity.²²

2.14 In addition to Article 3, the most relevant provisions of the CRPD to the current inquiry are:

- Article 9 – Accessibility: 'To enable people with disabilities to live independently and participate fully in all aspects of life...'²³
- Article 21 – Freedom of expression and opinion, and access to information: '...the freedom to seek, receive and impart information and ideas on an equal basis through all forms of communication of their choice...'²⁴
- Article 29 – Participation in political and public life: 'States Parties shall guarantee persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others...'²⁵

2.15 In 2019, in its periodic report into Australia's compliance with the CRPD, the United Nations Committee on the Rights of Persons with Disabilities expressed a number of concerns with respect to Australia's progress in meeting our obligations under Article 21, namely:

The Committee is concerned that, besides a provision under the Disability Discrimination Act, there are no legally binding information and communications standards that require information to be fully accessible.²⁶

2.16 Certain recommendations were proposed, with two focusing on Auslan:

- Ensuring, 'information, particularly all information about significant changes to laws, policies, systems and obligations, is provided in accessible modes, means and formats, including ...Auslan...', and

²¹ Submission 4, Deaf Connect, p 4.

²² *United Nations Convention on the Rights of Persons with Disabilities*, Article 3.

²³ Submission 5, Deaf Australia, p 2. Submission 6, Ms Darlene Thornton, p 1. Submission 7, Ms Shirley Liu, p 1. Submission 11, Centre for Culture and Technology, Curtin University, p 2.

²⁴ Submission 5, Deaf Australia, p 2. Submission 6, Ms Darlene Thornton, p 1. Submission 11, Centre for Culture and Technology, Curtin University, p 2.

²⁵ Submission 1, Mr Benjamin Cronshaw, p 1. Submission 5, Deaf Australia, p 2. Submission 7, Ms Shirley Liu, p 1.

²⁶ United Nations Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia* (2019), para 42.

- '...that the State party promote and support the use of sign language (Auslan) and take steps to ensure the availability of qualified sign language interpreters.¹²⁷

2.17 Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University, noted that as an important political institution in the Australian political system, the Legislative Council has a responsibility to do its part to assist Australia to meet its international obligations.²⁸

Current approach of the Legislative Council to addressing the needs of the Deaf community

Procedure and practice

2.18 Neither the Standing Orders, nor any other official policies of the Parliament set out when and how Auslan/English interpretation services are to be accessed or provided. Instead, a process exists, whereby members, with the approval of the President, individually organise for an interpreter to be present for certain speeches or special occasions.

2.19 The only example of this was on 7 June 2007, when Helen Westwood MLC, sought to have her inaugural speech translated into Auslan by a translator on the floor of the Council. The member requested that a translator be allowed on the floor through the President, with the President granting his request in the following terms:

Order! I have received a request from the Hon. Helen Westwood that a sign interpreter be permitted to stand on the floor of the House to assist people in the public gallery during the giving of her inaugural speech. After consulting with members and the Clerk I have agreed to this request on the basis that it is only for the duration of the member's speech.²⁹

2.20 The cost for the provision of the Auslan interpreter was covered by the Department of the Legislative Council.

Live captioning

2.21 The New South Wales Parliament is the first jurisdiction in Australia to implement real-time captioning for parliamentary proceedings.³⁰

2.22 The Legislative Council adopted the measure on 21 June 2022.³¹ The captions are produced by a team of stenographers using the same technology utilised by the Houses of Parliament in the

²⁷ Submission 11, Centre for Culture and Technology, Curtin University, p 4. United Nations Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia* (2019), para 42.

²⁸ Evidence, Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University, 14 October 2022, p 10.

²⁹ *Hansard*, NSW Legislative Council, 7 June 2007, p 1006 (Helen Westwood).

³⁰ *Hansard*, NSW Legislative Council, 21 June 2022, p 11 (The President).

³¹ *Minutes*, NSW Legislative Council, 21 June 2022, p 3461, item 26.

United Kingdom. This service is provided by Ai media. Under the terms of the contract, accuracy is required to be 98 per cent.

- 2.23** In July 2022, Legislative Council Committees joined the House in rolling-out this technology, meaning that all Legislative Council proceedings are now accessible via live-captions.

The provision of hearing loops

- 2.24** The Parliament has fitted induction loops into the galleries of each of the Chambers, and in all of the other main public spaces within the building. This allows individuals using hearing aids to connect directly to any audio devices being used in the room.

Other Parliament-wide access and inclusion policies

- 2.25** The Parliament has adopted a 2022-2024 Disability Inclusion Action Plan (DIAP) to improve access to the Parliament for all New South Wales residents.³² This document has been prepared in accordance with the DIAP Guidelines and the principles of CRPD, in consultation with members, their staff, the three departments and community advocacy groups.
- 2.26** With respect to 'improving user experience with the committee systems' for the Deaf, deaf and hard of hearing communities, the DIAP notes that hearing loops have been installed in hearing rooms. The DIAP further notes that 'Auslan interpreters [be present] at certain hearings'.³³

Access and inclusion to Legislative Council proceedings for the Deaf community

Current levels of access

- 2.27** Access and inclusion in the political processes of New South Wales is not only protected under the CRPD, but also under the *Disability Inclusion Act 2014* (NSW). Despite this, there are currently limited means by which the Deaf community in New South Wales is able to access information related to the political process.³⁴
- 2.28** The Deaf community, like all other Australian communities, have a stake in, and an interest in the decisions taken by bodies such as the Legislative Council.³⁵ As Jen Blyth, CEO of Deaf Australia put it:

Our position is to make sure that information is there not just in regards to emergencies but in relation to anything that they might need to know that is relevant to them as a person, regardless of their demographics or their history or their religion. It's about making sure they have the right access to all information within a time frame that's

³² Parliament of New South Wales, *Disability Inclusion Action Plan 2022-2024*.

³³ Parliament of New South Wales, *Disability Inclusion Action Plan 2022-2024*, p 11.

³⁴ Submission 5, Deaf Australia, p 4.

³⁵ Submission 10, Dr Jessica Kirkness, p 2.

appropriate so that they can make an educated decision on anything that might affect them...³⁶

- 2.29** Brent Phillips, Chief Impact Officer, Deaf Connect, also made this link between access to information, informed decision making and equality:

I definitely support those comments that have already been made, understanding that people need to be aware of governmental information and be able to make informed decisions as well so that they can access and be equal citizens.³⁷

- 2.30** This was echoed by other inquiry participants, who noted that a lack of accessibility and inclusion creates barriers for Deaf people to engage with politics.³⁸

- 2.31** According to Mr Benjamin Cronshaw, while there may not be a large number of individuals who engage closely with Legislative Council proceedings,³⁹ he pointed to the symbolic importance of breaking down barriers, and the link between inclusion and the health of our democracy:

Having live Auslan interpretation, or other measures to facilitate access and engagement with our democratic process, could be symbolic of actively promoting inclusion for people with disabilities. That is, a sign that we want more people to be engaging with the processes of Parliament and recognising that varied and equal participation is a good thing for democracy.⁴⁰

- 2.32** Jurisdictions such as New South Wales saw an increase in interpreted content being broadcast during the 2019/2020 summer bushfires, and throughout the COVID-19 pandemic. The Premier and Ministers were generally accompanied by an Auslan interpreter when delivering important public information relating to these crises.⁴¹ Once these crises subsided, however, so too did the inclusion of Auslan interpretation in the broadcasting of public information.⁴²

- 2.33** Frustration therefore persists in the Deaf community that the only time in which they are able to access broadcasted public information is when the information is bad, as Mr Phillips from Deaf Connect stated:

...it is known to see an interpreter on TV when there is bad news coming or there's an emergency situation. But you don't see interpreters for good news stories – for funding allocations, for other happening in our country – why the interest rates are going up or down. That way we are able to make informed decisions regarding to our lives...Having access provided for all situations, regardless of their nature – if it's boring or exciting or an emergency or not – having access. But there is a delay there in regard – to having access to what our peers do have here in Australia.⁴³

³⁶ Evidence, Ms Jen Blyth, CEO, Deaf Australia, 14 October 2022, p 11.

³⁷ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, pp 11-12.

³⁸ Submission 7, Ms Shirley Liu, p 2. Submission 3, Lorrain Mulley, Australian Deaf Elders Group, p 1. Submission 5, Deaf Australia, p 4.

³⁹ Submission 1, Mr Benjamin Cronshaw, p 1.

⁴⁰ Submission 1, Mr Benjamin Cronshaw, p 1.

⁴¹ Submission 6, Ms Darlene Thornton, p 1.

⁴² Evidence, Ms Jen Blyth, CEO, Deaf Australia, 14 October 2022, p 13.

⁴³ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, p 13.

- 2.34** Such frustration extends to the arbitrary control the hearing community has over determining which information is deemed worthy of being signed, and that which is not. As Ms Blyth from Deaf Australia stated:

...it's not okay for the Government to make that decision with regard to which announcements should have interpreters or not. I would like to acknowledge that there are more interpreters being seen on occasion, but they are still very ad hoc and dependent on what are the whims of whoever it is that wants an interpreter for that information...it needs to make sure that there is a standardisation in regard to when one is provided and how. If that decision means that it's not all the time, that needs to be well considered.⁴⁴

Interpreter workforce issues

- 2.35** While there is general agreement that more needs to be done to improve access and inclusion for the Deaf community to the political process in New South Wales, there is also recognition that due to the lack of highly qualified Auslan interpreters available, there are limits to what the Legislative Council can do. As Ms Darlene Thornton, who is actively involved in training the Auslan interpreter workforce, stated:

We need to understand the statistics here in New South Wales. Presently, we have about 4000 deaf people. We have 40 registered professional-level certified interpreters who are able to manage the content that would be required to be interpreted in Parliament.⁴⁵

- 2.36** Interpreter access issues already persist in the Deaf community, with many individuals in New South Wales unable to find qualified interpreters for essential tasks:

There are a lot of people in New South Wales that are unable to access interpreters in hospital appointments, in their employment, in schools, and in police and justice systems.⁴⁶

- 2.37** Ms Thornton described that lack of availability of interpreters as '...one of the biggest problems we [the Deaf community] have.'⁴⁷

- 2.38** Concerns were therefore raised regarding the prospect of the Legislative Council engaging Auslan interpreters to cover all proceedings:

It's a horse before the cart situation – having the balance of interpreters that can be seen, and then also interpreters that are available to work...There's also a balance of interpreters in the wider community, having them available so that we can be participants in the community in a wider sphere.⁴⁸

⁴⁴ Evidence, Ms Jen Blyth, CEO, Deaf Australia, 14 October 2022, p 13.

⁴⁵ Evidence, Ms Darlene Thornton, 14 October 2022, p 7.

⁴⁶ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, p 11.

⁴⁷ Evidence, Ms Darlene Thornton, 14 October 2022, p 7.

⁴⁸ Evidence, Ms Darlene Thornton, 14 October 2022, p 8.

- 2.39** The situation was summed-up by Ms Thornton as a catch-22, '...we need them here; we need them there; we want them in both spaces.'⁴⁹
- 2.40** Awareness was identified as being of real importance to addressing the supply-side component to the workforce issue.⁵⁰ After the first wave of the pandemic, when daily press conferences were held with an Auslan interpreter included in the broadcast, there was a 400 per cent (approximately) increase in enrolments to Deaf Connect's language training program.⁵¹
- 2.41** Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University, also mentioned the strong evidence base for the link between exposure and choosing sign language interpretation as a career:
- ...part of my research is looking at representation as a way toward inclusion and I think by having more Auslan interpreting happening, such as in the context we are talking about, people become exposed to it and attracted to Auslan interpreting as a career choice, so it feeds the supply issue there. I have a colleague in the US, Professor Beth Haller, who does work on this. She has found that following increased visibility of American Sign Language in popular culture it then became a language that high school students started learning...⁵²
- 2.42** Once individuals do pursue a career in Auslan interpreting, there is a lack of professional training and development opportunities available. As Mr Phillips stated:
- ...There are a lot of gaps there as well – I'm thinking about professional development and mentoring and also making sure that those people that do become interpreters do have a variety of different pathways they can pursue, whether that be legal, government, politics, mental health and so forth.⁵³
- 2.43** In addition to awareness and professional development/career opportunity issues, a number of other underlying drivers of the workforce shortage were identified, including: the time it takes for individuals to acquire the highest accreditation levels (approximately ten years),⁵⁴ and, a lack of consistent work.⁵⁵

Live-captioning

- 2.44** As English is not the first language of many individuals in the Deaf community, live-captioning often provides little assistance in terms of improved access to broadcasted content:

⁴⁹ Evidence, Ms Darlene Thornton, 14 October 2022, p 7.

⁵⁰ Evidence, Dr Jessica Kirkness, 14 October 2022, p 7. Evidence, Ms Darlene Thornton, 14 October 2022, p 7. Evidence, Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, p 12.

⁵¹ Evidence, Dr Jessica Kirkness, 14 October 2022, p 7.

⁵² Evidence, Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University, 14 October 2022, pp 16-17.

⁵³ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, p 12.

⁵⁴ Evidence, Ms Darlene Thornton, 14 October 2022, p 7.

⁵⁵ Evidence, Ms Nicole Lawder, Member for Brindabella, Legislative Assembly of the Australian Capital Territory, p 20.

...for many people Auslan is their first language and their preferred language. Captions in English are a useful start but they're not enough to fully include the nuances of important political information.⁵⁶

- 2.45** Ms Thornton emphasised the visual nature of Auslan, explaining what is lost in translation when a Deaf individual relies-upon live-captions alone:

...So all the information is contained in that visual space. There's no written form of the language and that means it's more complicated for an Auslan user to comprehend written English...It's a different way of the brain comprehending the language in the first instance...the tone of voice is what is missing and that is what is expressed in the visual form of Auslan.⁵⁷

- 2.46** According to Ms Blyth, the lower level of English proficiency in the Deaf community means that the benefits of live live-captions are limited:

A high per centage of deaf Australians, of the signing community – their literacy levels are roughly the same as a grade 6 or grade 8 student. So thinking about someone with that level of literacy to be able to understand those proceedings in a written context, but also the amount of time it would take them to read it as well.⁵⁸

- 2.47** Inquiry participants were also critical of the quality and size of the captions that accompany broadcasted content, where these captions are placed on the screen, their general accuracy, and their compatibility with smaller mobile devices.⁵⁹ Despite this, it is recognised that live-captioning does provide some benefit, particularly for those in the Deaf or hard-of-hearing communities whose first language is English.⁶⁰

Potential use of Artificial Intelligence

- 2.48** Participants at the hearing considered the role that Artificial Intelligence might play in supplementing the important role human Auslan interpreters currently perform in New South Wales. While agreeing that there is a role for technology to play in improving access to the political process for the Deaf community, Professor Ellis indicated that the technology as it currently stands is not up to the task of performing functions such as live Auslan interpretation:

...I think in the Auslan and sign language space, the technology is just not there yet to achieve what you're talking about, because Auslan is a whole-of-body communication experience. It's not just about having avatars of hands.⁶¹

⁵⁶ Evidence, Dr Jessica Kirkness, 14 October 2022, p 3.

⁵⁷ Evidence, Ms Darlene Thornton, 14 October 2022, p 3.

⁵⁸ Evidence, Ms Jen Blyth, CEO, Deaf Australia, 14 October 2022, p 16.

⁵⁹ Evidence, Ms Lorraine Mulley, Australian Deaf Elders Group, 14 October 2022, pp 2, 5 and 6.
Evidence, Ms Darlene Thornton, 14 October 2022, pp 2, 5 and 6.

⁶⁰ Evidence, Ms Darlene Thornton, 14 October 2022, p 2.

⁶¹ Evidence, Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University, 14 October 2022, p 14.

2.49 Ms Blyth indicated that while open to the idea of using technology to address some of the workforce issues raised, that any development of such technology must involve the Deaf community:

Without having the Deaf community's involvement as part of that process or without having the Deaf Community's intent as well as part of that process, it is quite an issue.⁶²

Suggested pathway forward

2.50 Given the workforce shortage issues, Mr Phillips and Ms Blyth suggested that the Legislative Council should be adopting a staged and strategic approach to improving access to parliamentary proceedings.⁶³

2.51 Mr Phillips recommended the Legislative Council adopt a five-year project or a 'five-year roadmap' taking the form of a pilot,⁶⁴ which could include:

- Initially, having interpreters for all press conferences, then
- Developing a small unit of interpreters within the Parliament to reduce future pressures on the translators doing work in the community, and to provide new specialist career pathways, and then
- Take steps to provide further access to other parliamentary proceedings and events.⁶⁵

2.52 The proceedings mentioned as being of most interest to the Deaf community are Question Time, and any other speeches or debates that are particularly pertinent to Deaf residents of New South Wales.⁶⁶ Ms Thornton also suggested that thought should be given to incorporating Auslan interpretation into the submission process, inquiry hearings, and that work should be done to ensure that all Parliamentary materials are accessible to the Deaf community.⁶⁷

Committee Comment

2.53 The Committee recognises that, as a House of the Parliament of New South Wales, the Legislative Council has an important role to play in ensuring Australia meets its obligations under Articles 9, 21 and 29 of the UN Convention on the Rights of Persons with Disabilities (CRPD).

2.54 It is acknowledged by the Committee that members of the Deaf community do not, currently, have equal access to political information, nor the support required for them to be active

⁶² Evidence, Ms Jen Blyth, CEO, Deaf Australia, 14 October 2022, p 14.

⁶³ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, pp 11-12.

⁶⁴ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, p 15.

⁶⁵ Evidence, Mr Brent Phillips, Chief Impact Officer, Deaf Connect, 14 October 2022, p 15. Evidence, Ms Jen Blyth, CEO, Deaf Australia, 14 October 2022, pp 15-16.

⁶⁶ Submission 3, Lorrain Mulley, Australian Deaf Elders Group, p 1. Submission 6, Ms Darlene Thornton, p 1.

⁶⁷ Submission 6, Ms Darlene Thornton, pp 1-2.

participants in the proceedings of the Legislative Council, and in the political process more generally.

- 2.55** The Committee notes that while live-captioning provides real assistance to members of the deaf community who have English as their first language, for those in the Deaf community who have Auslan as their first language, the assistance they provide can be limited.
- 2.56** The Committee offers in-principle support for Government action to address these workforce shortages and increase availability of Auslan interpreters.
- 2.57** The serious workforce shortages in the Auslan interpretation sector are noted by the Committee, particularly with respect to those highly qualified interpreters who are in high demand. On that basis, any efforts to improve access for the Deaf community must be taken in a staged and strategic way, to ensure that the Parliament does not add to the workforce shortage by taking interpreters away from the work that is focused on the everyday needs of the Deaf community. Direction as to how a staged approach to the Auslan interpretation of certain Legislative Council proceedings is provided at Chapter 3.

Chapter 3 The approaches of other parliamentary jurisdictions

This Chapter will consider the steps taken and challenges faced by each of the parliamentary jurisdictions that gave evidence to the Inquiry with respect to the incorporation of sign language into the broadcasting of parliamentary proceedings, and other measures taken to improve access to the political process for the Deaf community. The Chapter is therefore split in two, considering the broadcasting issue first, followed by the other procedural changes and measures that have been taken. Based on the experiences of these jurisdictions, as well as the evidence referred to in Chapter 2, this Chapter will conclude with recommendations as to how a staged approach to the Auslan interpretation of certain Legislative Council proceedings could be implemented.

The incorporation of sign language interpretation into the broadcasting of proceedings – steps taken, and challenges faced

This section specifically addresses the experiences of other parliamentary jurisdictions with respect to the incorporation of sign language interpretation into the broadcasting of parliamentary proceedings, leaving consideration of procedural changes and other non-broadcasting related measures to be considered in the next section.

Australian Capital Territory

- 3.1** In 2015, the Australian Capital Territory Legislative Assembly amended its standing orders to allow Auslan interpreters onto the floor of the Chamber.⁶⁸ Members have the ability to arrange for an interpreter on an ad hoc basis, with the Office of the Legislative Assembly responsible for covering the cost.⁶⁹
- 3.2** With respect to the incorporation of Auslan interpretation into the broadcast of proceedings, the Assembly advised that:
- Broadcasters are notified when an interpreter is expected to be on the floor, so as to make adjustments to the camera angles used in the broadcast.⁷⁰
 - Members understand that translated speeches must be delivered from start to finish without interruption, given the complications associated with interpreting interjections and other contributions to the debate.⁷¹
- 3.3** Ms Lawder, the Member for Brindabella, Australian Capital Territory Legislative Assembly, provided further detail with respect to the mechanics of organising an interpreter to be on the floor:

⁶⁸ An amendment was made to Standing Order 210 to allow for Auslan interpreters onto the floor of the Parliament.

⁶⁹ Submission 2, Legislative Assembly of the Australian Capital Territory, p 1.

⁷⁰ Submission 2, Legislative Assembly of the Australian Capital Territory, p 1.

⁷¹ Submission 2, Legislative Assembly of the Australian Capital Territory, p 1.

The person requesting the interpreter lets the Office of the Legislative Assembly – the Clerk's office – know and the person requesting the interpreter, for example myself, books the interpreter. The Hansard has to be advised, and for the camera angle, all of those arrangements made so that they pan out slightly so that the speaker and the Auslan interpreter are visible on the camera.⁷²

- 3.4** Ms Lawder further commented on various steps the broadcasting crew have to take to capture debates or speeches that are being delivered through an Auslan interpreter on the floor of the House. Ms Lawder also noted that interjections are largely ignored:

When it comes to another speaker who may be responding, we have just a pause while the interpreter walks over to the other speaker. We have a bit of a slowdown – not particularly slowed down but a slightly slowed-down experience. As we've already heard, interjections just pretty much get ignored. You can't interpret two people speaking at once. It is very difficult.⁷³

- 3.5** Despite Assembly members having had the ability to request a translator since 2015, they have only done so on five occasions, generally on matters specifically affecting the Deaf community.⁷⁴ This was put down to a lack of available qualified Auslan interpreters in the ACT.⁷⁵
- 3.6** To cover an entire sitting day of the Legislative Assembly, Ms Lawder suggested at least three interpreters would be required.⁷⁶ This suggestion was based in-part on the exhaustion levels Ms Lawder observed in the small pool of Auslan interpreters who were called-upon to interpret emergency services announcements during the 2019/2020 bushfire season.⁷⁷
- 3.7** According to the Clerk of the Assembly, Tom Duncan, in addition to the lack of available interpreters, one of the main impediments to establishing a permanent pool of interpreters within the Assembly is the cost.⁷⁸

Victoria

- 3.8** The Victorian Parliament does not currently incorporate Auslan interpretation into the live broadcasting of parliamentary proceedings, but it is a matter under active consideration by the Hansard Unit. Plans are currently afoot, however, to include Auslan interpretation in the

⁷² Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 22.

⁷³ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 22.

⁷⁴ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 18.

⁷⁵ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 18.

⁷⁶ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 22.

⁷⁷ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 22.

⁷⁸ Evidence, Mr Tom Duncan, Clerk, ACT Legislative Assembly, 14 October 2022, p 23.

broadcast of the opening of the Sixtieth Parliament following the November 2022 state election.⁷⁹

- 3.9** When explaining the Victorian Parliament's current approach, Mr Andres Lomp, Manager of Community Engagement at the Victorian Parliament, made the point that most members of the public don't generally watch an entire sitting day or sit through the broadcast of a whole committee inquiry hearing:

Most people probably wouldn't watch Parliament full-time anyway. A hearing might go for six hours, and people aren't going to sit, necessarily, though a whole hearing.⁸⁰

- 3.10** The Victorian Parliament has instead taken the decision to focus on providing 'curated content',⁸¹ which is edited content tailor-made to cater the needs and interests of particular groups in society. By taking this path (to be discussed in the next section), the Victorian Parliament has not faced the same issues in accessing interpreters as in the ACT and New Zealand.⁸²
- 3.11** Mr Lomp also commented on the role videoconferencing technology can play in the delivery of Auslan interpreting services, including for the broadcasting of parliamentary proceedings. He specifically referred to the cost savings associated with translators travelling less, and how the time saved by working remotely also helps to reduce the burden on the small pool of interpreters by allowing them to complete more jobs in the one day.⁸³

New Zealand

- 3.12** The official sign language of New Zealand is New Zealand Sign Language (NZSL).⁸⁴ In the House of Representatives, NZSL interpretation is provided for:
- Question Time during New Zealand Sign Language Week.
 - The Budget Statement and the leader's reply to the Budget.
 - Debates of significance to the Deaf community and other special occasions.⁸⁵
- 3.13** Responsibility for the broadcasting of proceedings sits with the Clerk of the New Zealand House of Representatives, Mr David Wilson, who also has the discretion to determine when interpreters are to be used. This being the case, members can request that an interpreter be

⁷⁹ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 23.

⁸⁰ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 23.

⁸¹ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 23.

⁸² Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 21.

⁸³ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, pp 21-22.

⁸⁴ Submission 9, Clerk of the House of Representatives of New Zealand, p 1.

⁸⁵ Submission 9, Clerk of the House of Representatives of New Zealand, p 2.

provided for certain items of business. Where an interpreter is used, they are not considered to be participants in the proceedings of the House.⁸⁶

3.14 The Clerk took steps to expand the provision of NZSL services for House broadcasts in 2018 so that all oral questions would be translated on a sitting day. After going to tender, the initiative had to be abandoned due to a lack of available qualified interpreters.⁸⁷

3.15 Despite this, the Clerk indicated a willingness to continue to seek solutions to the workforce shortage issue. Mr Wilson suggested one of the solutions would be to establish a permanently employed unit of interpreters within the Parliament. Then, through a staged process, the Parliament could cover some of the more significant proceedings each day:

...probably starting with question time and building up from there. But as with the ACT, there would need to be a successful budget bid. We can't afford to provide it at the moment.⁸⁸

3.16 The Clerk also concurred with the comments of other witnesses regarding the efficiencies to be gained for both the Parliament and the small pool of interpreters by making use of remote access technology.⁸⁹

3.17 With respect to the practical set-up of the broadcasting of proceedings that includes the NZSL interpreter, Mr Wilson had the following points to make:

- Interpreters do not work on the floor of the Chamber, but instead work in a separate room on the precinct.
- A fit for purpose camera is used, as well as a chroma screen (a blue or green backdrop) in the room to improve the definition of the interpreter's hands.
- A facilitator is present in the room to ensure the quality of the broadcast.⁹⁰

3.18 In terms of what the interpreters are able to capture when interpreting proceedings such as Question Time, the Clerk had the following to say:

Generally, presiding officers have required silence during the asking of a question and questions have to be very short. They're usually 15 or 20 seconds. They can't be a speech. So that can be interpreted and then followed by the answer, and they will just ignore any interjections. That seems to work okay, but we do need to have multiple interpreters because they can't keep it up for very long before they need a break.⁹¹

3.19 As for the audience at home, members on the floor or individuals in the public gallery, the House of Representatives have put in place the following measures:

⁸⁶ Submission 9, Clerk of the House of Representatives of New Zealand, p 2.

⁸⁷ Submission 9, Clerk of the House of Representatives of New Zealand, p 2.

⁸⁸ Evidence, Mr David Wilson, Clerk, House of Representatives of New Zealand, 14 October 2022, p 23.

⁸⁹ Evidence, Mr David Wilson, Clerk, House of Representatives of New Zealand, 14 October 2022, p 22.

⁹⁰ Submission 9, Clerk of the House of Representatives of New Zealand, p 2.

⁹¹ Evidence, Mr David Wilson, Clerk, House of Representatives of New Zealand, 14 October 2022, p 22.

- Placing a picture in picture box, taking up approximately 1/12th of the screen in either of the top corners.⁹²
- In the public gallery, a small screen is available for Deaf members of the public to be able to access the interpretation. A small screen can also be made available to Deaf members on the Chamber floor.⁹³

Procedural and other access-focused measures

This section considers procedural changes and measures taken by other parliamentary jurisdictions, other than those relating to the incorporation of Auslan interpretation into the broadcasting of parliamentary proceedings.

Australian Capital Territory

- 3.20** In 2015, Standing Order 210, which addresses who has the right to be on the floor of the Chamber during meetings, was amended to insert Auslan interpreters as an additional exception to the rule that only members be allowed on the floor:

Except with the permission of the Speaker, who may exercise discretion for a short period in the case of Members caring for infants, or for an Auslan interpreter, only Members are permitted on the floor of the Chamber during meetings of the Assembly.⁹⁴

- 3.21** Ms Lawder, who was integral to the procedural amendment, explained how the change was implemented:

This began in October 2014 when I wanted an Auslan interpreter present for an adjournment speech on the National Week of Deaf People. Under our standing orders...strangers were not allowed onto the floor of the Parliament. However, special permission was granted in this instance. About a year later, I moved an amendment to our standing orders to allow an Auslan interpreter onto the Chamber floor without seeking permission. The matter was referred to our Standing Committee on Administration and Procedure...In 2015, in October, the change was debated in the Chamber, with an Auslan interpreter on the floor by leave, and the amendment to Standing Order 210 was approved.⁹⁵

- 3.22** In addition to amending the Standing Orders, the Assembly is about to commence the use of closed captioning for proceedings in the Chamber.⁹⁶

⁹² Submission 9, Clerk of the House of Representatives of New Zealand, p 3.

⁹³ Submission 9, Clerk of the House of Representatives of New Zealand, p 3.

⁹⁴ SO 210, *Standing Orders and continuing resolutions of the Assembly*, Legislative Assembly of the Australian Capital Territory.

⁹⁵ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 18.

⁹⁶ Submission 2, Legislative Assembly of the Australian Capital Territory, p 1.

- 3.23** The ACT has not conducted a gap analysis with respect to whether it is meeting its obligations under the Convention on the Rights of Persons with Disabilities (CRPD).⁹⁷ That being the case, further measures to improve access are expected after the Assembly's Standing Committee on Education and Community Inclusion, which is undertaking an inquiry into access to services and information in Auslan, provides its recommendations.⁹⁸

Victoria

- 3.24** Most of the efforts to improve access for the Deaf community to the Victorian Parliament have focused on measures other than the live broadcasting of parliamentary proceedings. Beginning in 2017, after receiving feedback from Deaf participants of the Youth Parliament on their experience in the Victorian Parliament,⁹⁹ some of the steps taken to improve access include:

- Facilitating workshops with the Deaf community to develop new Auslan vocabulary for parliamentary terms and language.¹⁰⁰
- Introducing a monthly Auslan Parliamentary bulletin, produced in conjunction with three Deaf community members, covering the work of parliamentary committees, important legislation passed and other debates.¹⁰¹
- Facilitating Auslan-specific tours, where Deaf members of the community volunteer to take individuals who communicate in sign language around the Parliament.¹⁰²
- Including Auslan interpretation for Facebook Live Webinars organised by the Parliament on a range of topics throughout the year.¹⁰³
- Including members of the Deaf community in a youth associate program run by the Parliament, which sees individuals employed by the Parliament for 160 hours over three months to work on a range of projects, including improving the accessibility of parliamentary information.¹⁰⁴

⁹⁷ Evidence, Ms Nicole Lawder, Member for Brindabella, ACT Legislative Assembly, 14 October 2022, p 24.

⁹⁸ Submission 2, Legislative Assembly of the Australian Capital Territory, p 1.

⁹⁹ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 19.

¹⁰⁰ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, pp 20.

¹⁰¹ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 19.

¹⁰² Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, pp 20.

¹⁰³ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 20.

¹⁰⁴ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 20.

- During the National Week of Deaf People and the International Day of Sign Language, the Parliament has run deaf awareness training for parliamentary staff. The Parliament also ran a Facebook Live event on Auslan and Indigenous languages.¹⁰⁵
- Work is underway to deliver more information regarding the work of various parliamentary committees to the Deaf community, including by having Auslan interpreters for particular hearings.¹⁰⁶ Mr Lomp mentioned the recent example of an interpreter being used to provide a video summary of a report handed down by one of its inquiries into access to TAFE for people with disabilities.¹⁰⁷
- The establishment of a disability action and inclusion plan that considers the Parliament's built environment, communications strategy, engagement with and knowledge of the experiences of those with disabilities.¹⁰⁸

3.25 The Victorian Parliament has not been plagued by the same issues faced by the ACT and New Zealand in terms of finding Auslan interpreters to complete the work. Mr Lomp put this down to:

- Planning events requiring interpreters well in advance to give the various interpreting companies time to plan.¹⁰⁹
- Holding events on weekends, when interpretation services are in less demand.¹¹⁰
- Taking advantage of the ability for interpreters to deliver their services online. Mr Lomp explained that the broadcasting unit of the Parliament has been able to work with interpreters so that they can deliver their services from outside of the Parliamentary precinct. This means the Parliament is able to engage interpreters for discreet periods of time, which reduces costs and saves time for interpreters, who are then able to offer their services to multiple clients each day.¹¹¹

3.26 Mr Lomp commented on one of the supply-side components to the workforce shortage issue, which is the inconsistent nature of contract work. Mr Lomp highlighted the role parliaments can play in providing a steady and reliable stream of interpreting opportunities for those in the sector, which will assist to improve workforce retention outcomes:

When we started the Auslan bulletin, we used our broadcast team here in Parliament to work with the young deaf community members. Eventually, because they were going

¹⁰⁵ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 20.

¹⁰⁶ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 20.

¹⁰⁷ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 20.

¹⁰⁸ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 24.

¹⁰⁹ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 21.

¹¹⁰ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 21.

¹¹¹ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, pp 21-22.

into other employment, it wasn't possible to continue. But they recommended a very good company, Auslan Consultancy, here in Victoria. One of the reasons they did that was because they said it would also continue to support Auslan interpreters being employed because it gave them employment by us giving the video work to them. It becomes a steady – opportunities to give Auslan companies work, I think, is a really important part of encouraging that.¹¹²

- 3.27** Mr Lomp also made mention of the importance of awareness raising to attracting people to a career in interpreting,¹¹³ echoing evidence given by Deaf Australia and Dr Kirkness, with respect to the link between the incorporation of Auslan interpreters into the broadcast of leaders press conferences during the 2019/2020 summer natural disasters and the increased interest in Auslan language courses.¹¹⁴

New Zealand

- 3.28** While the focus of the House of Representatives has been on incorporating NZSL into the broadcasting of proceedings, other accessibility and inclusion measures have also been put in place, including:

- The closed captioning of proceedings, and
- The establishment of an accessibility reference group made up of staff and other community members with lived experiences of disabilities.¹¹⁵

- 3.29** While recognising that live-captioning is in no way a substitute for live sign language for the Deaf community, the Clerk emphasised the importance of captions to the deaf and hard of hearing communities, whose native language is English and not NZSL.¹¹⁶

- 3.30** The Clerk indicated that while the Parliament of New Zealand had not conducted a formal gap analysis to determine whether it is fulfilling its obligations under the CRPD, a standing committee inquiry into the accessibility of the Parliament was established to consider these issues.¹¹⁷ Its report, dated May 2014, included two recommendations specifically targeted at improving access to the Parliament for the Deaf community in New Zealand:

Recommendations

- 3 We recommend to the Government that it provide funding for upgrading the Parliament website and make more information available, to publish

¹¹² Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 21.

¹¹³ Evidence, Mr Andres Lomp, Community Engagement Manager, Victorian Parliament, 14 October 2022, p 21.

¹¹⁴ Evidence, Ms Jen Blyth, Chief Executive Officer, Deaf Australia, 14 October 2022, p 15. Evidence, Dr Jessica Kirkness, 14 October 2022, p 7.

¹¹⁵ Submission 9, Clerk of the House of Representatives of New Zealand, p 3. Evidence, Mr Wilson, Clerk of the House of Representatives of New Zealand, 14 October 2022, p 24.

¹¹⁶ Submission 9, Clerk of the House of Representatives of New Zealand, p 3.

¹¹⁷ Evidence, Mr Wilson, Clerk of the House of Representatives of New Zealand, 14 October 2022, p 24.

educational videos, and to ensure that information and videos are available in additional languages and accessible format such as easy-read and large print.

- 4 We recommend to the Government that it provide funding for Parliament Television to provide live audio descriptions and simultaneous New Zealand Sign Language interpretations of coverage of the House.¹¹⁸

- 3.31** The Clerk indicated that the Government had accepted and taken steps to implement these recommendations.¹¹⁹

Other jurisdictions

- 3.32** A table, prepared by the Parliamentary Library, summarising what a number of other jurisdictions around the world are doing to improve access for the Deaf community to parliamentary proceedings can be found at Appendix 1.

Committee comment

- 3.33** The Committee recognises that, despite recently introducing live-captioning for House and committee proceedings, there is more the Legislative Council can do to improve access to the proceedings of parliament for the Deaf community. The measures adopted by the Parliaments of Victoria, the ACT and New Zealand to more actively involve the Deaf community in the democratic process are to be applauded.
- 3.34** It is also acknowledged that the lack of qualified interpreters in New South Wales limits what can practically be achieved in the short to near term. Providing interpreters for all Legislative Council proceedings currently broadcast would place too great a burden on the small pool of interpreters doing important day-to-day work for approximately 4,000 residents in New South Wales who regularly use Auslan. It is further noted that there are high costs associated with providing Auslan translation services for all parliamentary proceedings.

A staged approach to improving access and inclusion for the Deaf community

- 3.35** The Committee notes general agreement regarding the need for any measures taken to improve access to be implemented in stages. This is to avoid placing even greater pressures on an already overburdened Auslan interpretation sector. As a first step, the Committee therefore supports the implementation of a pilot made up of three measures set out below.
- 3.36** The Committee notes the need for more of the Legislative Council's proceedings to be accompanied by Auslan interpretation. It is therefore recommended the Legislative Council in 2023 establish a pilot program to provide Auslan interpretation for certain proceedings that could include:

¹¹⁸ Government Administration Committee, New Zealand House of Representatives, *Inquiry into the accessibility of services to Parliament*, 2014, Recommendations 3 and 4.

¹¹⁹ Evidence, Mr Wilson, Clerk of the House of Representatives of New Zealand, 14 October 2022, p 24.

- the Governor's address to the opening of the 58th Parliament;
 - a Question Time to mark the National Week of Deaf People; and debates of significance to the Deaf community.
-

Recommendation 1

That the Legislative Council in 2023 establish a pilot program to provide Auslan interpretation for certain proceedings that could include:

- the Governor's address to the opening of the 58th Parliament;
 - a Question Time to mark the National Week of Deaf People; and
 - debates of significance to the Deaf community.
-

- 3.37** The Committee was impressed by the Victorian Parliament's outreach program, particularly its Auslan Parliamentary Bulletin that allows the Deaf community to engage in their own time with curated content covering various parliamentary proceedings. It is recommended that as part of the pilot program, the Legislative Council produce a monthly video summary of key proceedings in Auslan in consultation with the Deaf community and publish this summary on the website of the Legislative Council.
-

Recommendation 2

That as part of the pilot program, the Legislative Council produce a monthly video summary of key proceedings in Auslan in consultation with the Deaf community and publish this summary on the website of the Legislative Council.

- 3.38** The Committee recognises the important role the Parliament can play in helping mitigate some of the workforce issues in the Auslan translating sector by providing regular opportunities for Auslan interpretation in the Legislative Council. It is recommended that as part of the pilot program, and in consultation with the Deaf community, the Legislative Council secure Auslan interpreters for the purpose of supporting:

- any Legislative Council proceeding that is accompanied by Auslan interpretation in 2023; and
 - the proposed monthly video of key Legislative Council proceedings in Auslan.
-

Recommendation 3

That as part of the pilot, and in consultation with the Deaf community, the Legislative Council secure Auslan interpreters for the purpose of supporting:

- any Legislative Council proceeding that is accompanied by Auslan interpretation in 2023; and
 - the proposed monthly video of key Legislative Council proceedings in Auslan.
-

Evaluating the pilot

- 3.39** That an evaluation of the pilot program be conducted before further steps are taken to improve access for the Deaf community to the proceedings of the Legislative Council.
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Recommendation 4

That an evaluation of the pilot program be conducted before further steps are taken to improve access for the Deaf community to the proceedings of the Legislative Council.

Establishing a whole-of-Parliament approach to improving accessibility

- 3.40** Recognising that the obligations under the Convention on the Rights of Persons with Disabilities apply to the Parliament as-a-whole, the Committee suggests that, following the evaluation of the pilot program, the Legislative Council and the Legislative Assembly work together to provide Auslan interpretation for certain proceedings, as well as a number of other measures to improve accessibility for the Deaf community.
- 3.41** As such, the Committee recommends that, following the evaluation of the pilot program, the Legislative Council liaise with the Legislative Assembly on a whole-of-Parliament initiative to provide Auslan interpretation for certain proceedings, and to also consider:
- facilitating workshops with the Deaf community to develop new Auslan vocabulary for parliamentary terms and language;
 - delivering a monthly Auslan Parliamentary bulletin, produced in consultation with the Deaf community, covering the work of parliamentary committees, important legislation passed and other debates;
 - delivering Auslan-specific tours to individuals who communicate in sign language around the Parliament;
 - engaging members of the Deaf community through means such as an internship program with the purpose of improving the accessibility of parliamentary information; and
 - establishing Deaf awareness training for parliamentary staff.

Recommendation 5

That, following the evaluation of the pilot program, the Legislative Council liaise with the Legislative Assembly on a whole-of-Parliament initiative to provide Auslan interpretation for certain proceedings, and to also consider:

- facilitating workshops with the Deaf community to develop new Auslan vocabulary for parliamentary terms and language;
 - delivering a monthly Auslan Parliamentary bulletin, produced in consultation with the Deaf community, covering the work of parliamentary committees, important legislation passed and other debates;
 - delivering Auslan-specific tours to individuals who communicate in sign language around the Parliament;
 - engaging members of the Deaf community through means such as an internship program with the purpose of improving the accessibility of parliamentary information; and
 - establishing Deaf awareness training for parliamentary staff.
-

Producing an Auslan video summary of the report

- 3.42** As part of the Legislative Council's efforts to improve access for the Deaf community, the Committee recommends that an Auslan video summary of the contents of this report be prepared and placed on the Legislative Council website.
-

Recommendation 6

That an Auslan video summary of the contents of this report be prepared and placed on the website of the Legislative Council.

Appendix 1 Parliamentary Library Issues Paper Table

Jurisdiction	Routine sign language interpretation for proceedings/committee hearings	Sign language interpretation – other applications	Captioning and other initiatives
Australia			
Australia	No	Auslan provided for special occasions including some tours and lectures	Live captioning provided for streaming of chamber and committee proceedings, press conferences and other events Hearing loops available
NSW	No	Auslan provided for special occasions or events	Captioning available for live broadcasting of chamber and committee proceedings Induction loops fitted in various locations
Vic	No	Produces Auslan Parliament Bulletins Community webinars provided in Auslan	Closed captioning used for website/social media videos
Qld	No	Auslan provided for special occasions	Closed captioning is not available for broadcasts of proceedings
SA	No	Auslan tours for schools and public	Select closed captioning on website and social media
WA	No	Auslan provided for special occasions including some tours	Closed captioning used on educational/information videos on website/social media
Tas	No	No further information identified	Closed captioning is currently not available
ACT	No	Standing Orders amended to allow an Auslan interpreter on to the floor of the House without special permission of the Speaker	Currently investigating closed captioning
NT	No	No further information identified	Hearing accessibility devices available in Chamber and Committee room
International			
UK	Yes BSL provided for Prime Minister's questions and major statements BSL provided to committees on request	State Opening of Parliament – BSL interpretation and audio description feed provided	Subtitling service provided for main chamber proceedings Some live subtitling in committees
Scotland	Yes BSL provided for First Minister's Questions, major ministerial statements and debates on significant issues	BSL provided for events and community engagement activities BSL resources, including videos and eBulletins	Captioned videos of business available retrospectively Hearing loops and portable loops available in Parliament and for tours and talks

Jurisdiction	Routine sign language interpretation for proceedings/committee hearings	Sign language interpretation – other applications	Captioning and other initiatives
	BSL provided to committees on request	Parliament is party to a government video relay interpreting service for BSL users to contact MPs	Audio-enhancement headsets for use in chamber and committee rooms Easy read, Braille, audio transcriptions, large print on request or selected events
Wales	Yes BSL provided for First Minister's Questions and selected other broadcasts	BSL interpretation available on request by visitors for committee meetings, events and tours	Subtitling for videos shared on social media Information toolkit for written material accessible for disabled people Publications in accessible formats such as Braille, large print and audio
Ireland	Yes ISL translation provided for Leader's Questions, Prime Minister's Questions and Questions on Promised Legislation ISL translation provided for every sitting of the Joint Committee on Disability Matters ISL provided for important events	Publishes material in ISL, including parliamentary glossary, tours, videos, selected Oireachtas TV productions, special events and education programs	Subtitling provided on various programs
New Zealand	Not currently Previously used regularly for Oral Questions	NZSL videos created for Parliament NSZL tours of Parliament	Closed captioning on live parliament TV and on demand TV
Canada	No	Parliamentarians may request sign language interpretation services through the Government of Canada Translation Bureau	Closed captioning for Chamber and televised committee proceedings – available live and on demand
Ontario	No ASL provided only by special order and unanimous consent ASL provided 'on demand' for Committee hearings	ASL allowed for press conferences in the media studio	Closed captioning in English for live proceedings Closed captioning in English and French for informational/documentary videos Open captioning for proceedings on monitors in visitor galleries and Speaker's Gallery
Alberta	Yes ASL used for broadcasts of Daily Routine, including Oral Questions	ASL interpreter services for visitors to follow proceedings can be booked in advance	Closed captioning available for part of broadcasts Assisted listening devices and tablets available for visitors to follow proceedings

Jurisdiction	Routine sign language interpretation for proceedings/committee hearings	Sign language interpretation – other applications	Captioning and other initiatives
Belgium	Yes Interpretation provided in two languages during question time	No information available	No information available
Finland	No – not directly National broadcaster does provide sign language for some parliamentary sessions	No information available	Closed captioning used on some ‘on demand’ webcasting
South Africa	Yes Provided during House plenaries Used during public hearings	No information available	Subtitles/closed captioning provided for broadcasts

Appendix 2 Audio-visual arrangements for Auslan interpretation at public hearing

The public hearing held on 14 October 2022 for this inquiry was the first time the Legislative Council used Auslan interpreters in a committee hearing. The interpreters were used to communicate the evidence given by Deaf witnesses to committee members, and also interpret proceedings in Auslan for the live broadcast. Witnesses appeared before the committee either in-person or via Webex videoconference. This appendix documents the logistical and procedural measures taken for the hearing, as well as noting other issues that arose during the day.

Preparations taken to accommodate the particular needs of witnesses and the Deaf public in organising the hearing

Auslan interpreters

The committee held one hybrid public hearing in the Macquarie Room, Parliament House. Three witnesses appeared in person and nine witnesses appeared remotely via Webex. Four witnesses communicated their evidence through an Auslan interpreter. Three interpreters were booked for the hearing through Deaf Connect (three interpreters were required due to the labour-intensive nature of Auslan translation). In addition, two witnesses brought their own interpreter.

All interpreters were required to swear either an oath or affirmation stating that they would to the best of their ability accurately translate the evidence given by the witnesses. The below provides a summary for how the interpretation occurred for each panel.

- First panel – two witnesses communicated to members through an Auslan interpreter. One interpreter interpreted Auslan and English for one witness, while the second interpreter interpreted Auslan and English for the other witness. The third interpreted proceedings into Auslan for the broadcast.
- Second panel – two witnesses appeared together via remote participation, while their personally selected interpreter appeared separately via remote participation. The three interpreters in the hearing room rotated in interpreting Auslan solely for the broadcast. The interpretation of the evidence of the two witnesses was done by their interpreter who did so remotely.
- Third panel – all witnesses communicated in English, so the three interpreters in the hearing room only interpreted proceedings into Auslan for the broadcast and for a member of the Deaf community in the public gallery.

Broadcast

The hearing was broadcast live on the Parliament's website, incorporating an Auslan interpreter and live captioning. The interpreters in the hearing room stood adjacent to Hansard with two cameras fixed on them:

- one camera streamed directly to the Webex meeting as a participant to assist the witnesses appearing remotely to see the interpreter in a larger view, and
- the second camera streamed directly to the broadcast to appear as a picture-in-picture (PIP) in the top-right hand corner allowing the proceedings to be interpreted in Auslan.

As the broadcasting stream is a participant in the Webex meeting the witnesses appearing remotely were able to see both camera streams as two separate participants.

The broadcast had live captioning at the bottom of the stream. As the live captioning is a coded function it was unable to be moved to another place on the stream causing in some instances the witnesses' signing to be covered.

Issues that arose from the broadcast operations included:

- the inconsistent framing of Webex participants, this resulted in the PIP partially covering some witnesses' faces,
- the need for an additional broadcast operator for the duration of the hearing to help manage the broadcast and troubleshoot, and
- broadcasting camera three, which usually streams footage of the Chair and Opposition members, was sacrificed for the interpreter stream to be seen on the broadcast.

Recording of proceedings

The recorded footage of the hearing uploaded to the Parliament's YouTube channel includes interpreter PIP footage but no live captioning. The audio-visual team are currently working through how live-captioning can be added to recordings of hearings uploaded to YouTube.

Webex participants

Webex is an audio-based application moving a participant to the main stage when audio is detected from the participant. The broadcast reflects this movement streaming the participant that has made sound to the Parliament's website. This was an issue for the hearing, as two Deaf witnesses were communicating in Auslan, resulting in no sound being detected. As the interpreter communicating from Auslan to English, created sound, the application moved the interpreter to the main stage instead of the witnesses. As a result, the signing of the witnesses was precluded from view. The audio-visual team were contacted to assist with this issue and were able to manually alter the broadcast view; allowing the Deaf witnesses to be moved to the main stage while another participant was creating sound.

There was no live captioning function in the Webex meeting only on the broadcast to the Parliament's website.

Preparations taken for the room in which the inquiry was held to accommodate for the translators and the live broadcast

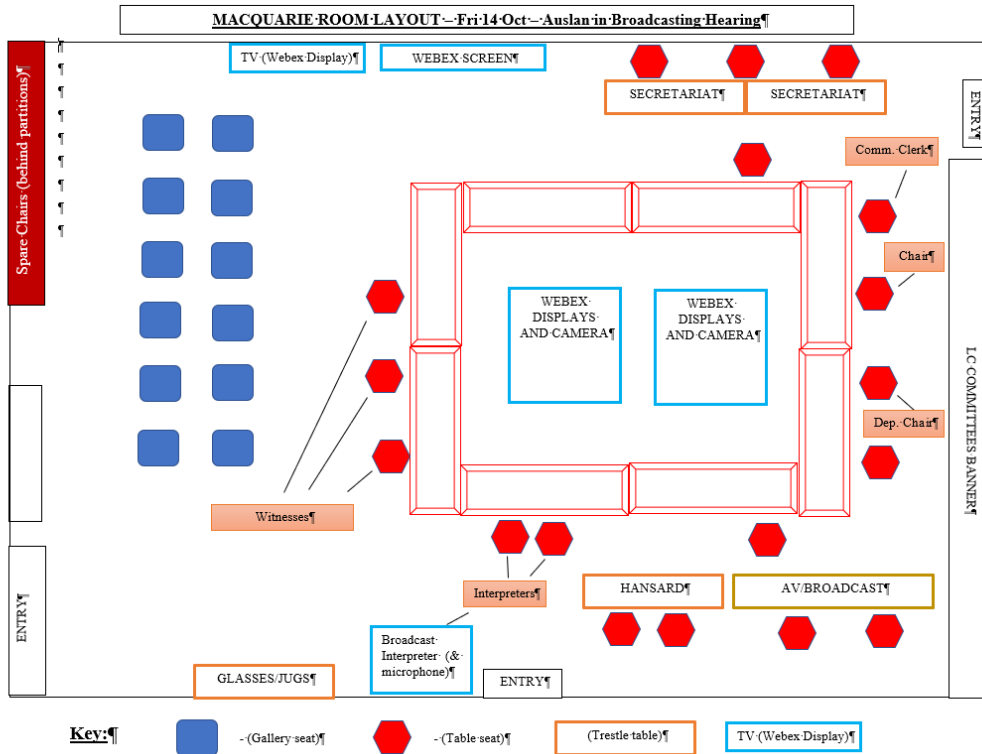
Room layout

As shown in the room layout diagram below, the interpreters were placed adjacent to Hansard and to the side of the hearing room as the broadcasting camera was fixed on this area. While this was the most practical scenario for audio-visual arrangements, it is not the preferred layout for the Deaf community. The preferred arrangement is for the interpreter to be next to the person speaking, allowing eye contact and a sense of inclusion. It was shared to the secretariat that the room layout created a disconnect between the Deaf witnesses and the members of the committee.

The Macquarie Room, being a Legislative Council hearing room, has red walls. It became apparent that red walls are not ideal for Auslan interpretation, as the red wall and skin colour contrast were not distinct. Feedback from witnesses indicated that the lack of contrast negatively impacted the audience in person as well as the audience on the broadcast.

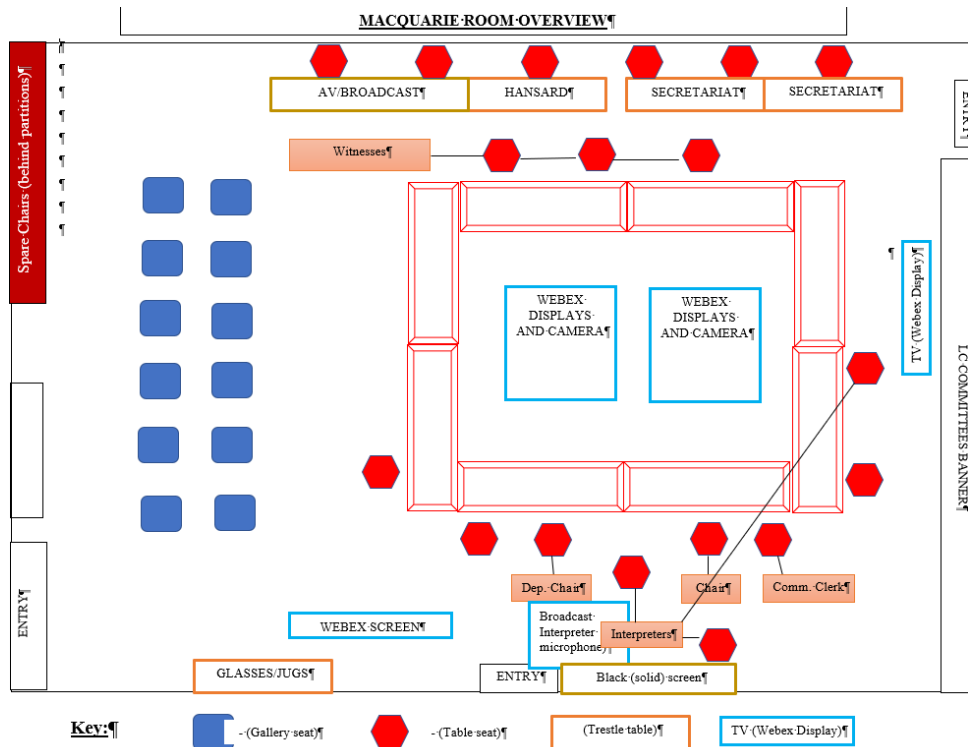
Room layout diagram

The below is a diagram of how the Macquarie Room was set out for the public hearing.



Suggested room layout diagram

The below is a diagram received from a Deaf witness who participated in the hearing, advising of the preferred room layout for Deaf participants.



Appendix 3 Submissions

No.	Author
1	Mr Benjamin Cronshaw
2	Legislative Assembly for the Australian Capital Territory
3	Australian Deaf Elders Group
4	Deaf Connect
5	Deaf Australia
6	Ms Darlene Thornton
7	Ms Shirley Liu
8	Confidential
9	Clerk of the House of Representatives, New Zealand
10	Dr Jessica Kirkness
11	Centre for Culture and Technology, Curtin University

Appendix 4 Witnesses at hearing

Date	Name	Title and Organisation
Friday 14 October 2022 Macquarie Room, Parliament House, Sydney	Dr Jessica Kirkness	Private citizen
	Lorraine Mulley	Australian Deaf Elders Group
	Darlene Thornton	Private citizen
	Jen Blyth	CEO, Deaf Australia
	Prof Mike Kent	Head of Department, iSchool, Curtin University
	Prof Katie Ellis	Director, Centre for Culture and Technology, Curtin University
	Brent Phillips	Chief Impact Officer, Deaf Connect
	Nicole Lawder	Member for Brindabella, ACT Legislative Assembly
	Tom Duncan	Clerk, ACT Legislative Assembly
	Dr David Monk	Director, ACT Legislative Assembly
David Wilson	Clerk, New Zealand House of Representatives	
Andres Lomp	Community Engagement Manager, Victorian Parliament	

Appendix 5 Minutes

Minutes No. 7

Monday 28 March 2022

President's Dining Room, 10.00 am

1. Members

Mr Mason-Cox (Chair)

Mr Borsak

Mr Buttigieg

Mr Frang

Mr Farlow

Mr Graham

Ms Hurst

Mr Mallard (via webex)

Mrs Mitchell

Revd Mr Nile

Mr Roberts

Ms Sharpe

Mr Tudehope

2. Apologies

Ms Faehrmann

Ms Hurst

3. Participating

Mr Searle

4. Minutes of meeting no. 6 of the Procedure Committee meeting of 23 June 2021

Resolved on the motion of Revd Nile: That the minutes of meeting no. 6 be adopted.

5. New inquiry – Auslan interpretation for broadcasting

The Chair tabled the terms of reference for the inquiry referred by the House on Wednesday 23 February 2022:

(1) That the Procedure Committee inquire into and report on:

- (a) the merits of varying the standing orders to introduce live Auslan interpretation in the broadcasting of all or part of the Legislative Council's proceedings,
- (b) alternative mechanisms for ensuring the Legislative Council acts in accordance with the United Nations Convention on the Rights of Persons with Disabilities requiring equal access to information and communications (including through live sign language interpretation) signed by Australia in 2007, and
- (c) any other related matter.

The committee discussed whether the inquiry should be incorporated into the existing inquiry into the broadcasting resolution.

Mr Graham noted the Senate approach to photography in the chamber and requested it be considered during the inquiry into the broadcasting resolution.

Mrs Mitchell noted the issue she had raised in the past concerning the live stream of House and committee proceedings on social media and requested it be considered during the inquiry into the broadcasting resolution.

Resolved on the motion of Ms Sharpe: That the committee secretariat prepare a draft time line for the inquiry into AUSLAN Interpretation of Council proceedings to be considered at the next meeting.

Resolved on the motion of Mr Borsak: That the draft report on the committee's inquiry into the broadcasting resolution be updated to include video on demand, live captioning and issues raised by Mr Graham and Mrs Mitchell.

6. Review of standing and sessional orders

The Chair submitted his draft report which contained the sub-committee's report and a draft set of new standing orders. The Chair's draft report, having been circulated, was taken as being read.

The committee considered items in the sub-committee report which were not resolved by the sub-committee. The committee agreed that if consensus was not reached on these items, that the sessional order, or the standing order as varied by a sessional order, would remain unchanged and any outstanding issues able to be resolved by the House.

6.1 Standing order 25 – Parliamentary Secretaries

The committee noted the sub-committee's proposal that the provision in the sessional order preventing a parliamentary secretary from chairing a committee be limited to those committees with a remit that relates to the parliamentary secretary's portfolio responsibilities. However, the matter was referred to the Procedure Committee for a decision as to whether the provision should be adopted in the standing orders.

Resolved, on the motion of Revd Nile: That standing order 25 be amended to include the provision in the current sessional order that prohibits a parliamentary secretary from chairing any select, standing or portfolio committee.

6.2 Standing order 52 – Orders for the production of papers

The committee noted that the sub-committee considered whether to include in standing order 52 the standard provision in orders for the production of any legal or other advice created as a result of the order of the House.

As there was no consensus the proposed provision is not included in the draft new rules proposed to the House.

6.3 Varying the scope of an order for papers

The committee noted that the sub-committee had agreed that the provision in a current sessional order for the variation of a scope of an order for papers should be adopted as a standing order but a proposal to extend the timeframe within which a request to vary the scope of an order for papers must be resolved from seven days to 14 days was left to the Procedure Committee to determine.

Resolved on the motion of Mr Fang: That the timeframe within which a request to vary the scope of an order for papers must be resolved, be extended from seven days to 14 days.

6.4 Role of the Privileges Committee in disputed claims of privilege

The committee noted that the sub-committee had agreed that the role of Privileges Committee in disputed claims of privilege should be adopted as a standing order. However, the sub-committee did not resolve whether there should be a delay between the tabling of the Arbiter's report and the consideration of whether documents considered not privileged by the Arbiter should be made public, are referred to the Procedure Committee.

The committee discussed whether there should be an automatic delay for, say, seven days, between the publication of the arbiter's report and the consideration by the Privileges Committee as to whether any documents considered not to be privileged by the independent legal arbiter should be published.

As there was no consensus, no amendments are proposed to the sessional order providing for the role of the Privileges Committee in disputed claims of privilege.

6.5 Returns to orders containing personal information

The committee noted that the sub-committee had considered a number of options for a new provision for dealing with claims that documents should not be made public because they contain personal or private

information but had not reached agreement. The sub-committee presented two options in its report for consideration of the Procedure Committee.

The Clerk noted the decision to be made will have an impact on the e-returns project.

As there was no consensus, a provision for claiming that documents should not be made public because they contain personal or private information is not included in the draft new rules proposed to the House.

6.6 Definition of privilege

The committee noted that the sub-committee had discussed whether there was value in defining the meaning of "privilege" under standing order 52. While agreement was not reached, the subcommittee provided a definition in its report for consideration by the Procedure Committee.

As there was no consensus a definition of privilege is not included in the draft new rules proposed to the House.

6.7 Outstanding matters relating to orders for the production of document under standing order 52

The committee notes that there are outstanding matters raised during this inquiry and during the 2021 Roundtable which have not been resolved.

Resolved on the motion of Mrs Mitchell:

- (1) That the Procedure Committee recommend in its report to the House that a further inquiry be established to consider outstanding issues relating to orders for papers, including those outstanding issues identified in the 2021 Roundtable.
- (2) That the procedures be considered in the context of the development of a system for electronic returns to orders.
- (3) That consideration be given to whether a practice note issued by the President could put in place procedures for managing outstanding issues relating to orders for papers.

6.8 Standing order 64 – Questions to ministers and other members

The committee noted that the sub-committee had not decided whether the provision in sessional orders for questions without notice to be put to parliamentary secretaries should be adopted as a sessional order.

The committee also noted that a proposal that a second supplementary question, as provided for in sessional order, may only be asked by a member of a different party.

Resolved on the motion of Mr Borsak:

- (1) That the provision for questions without notice to be put to parliamentary secretaries be adopted in the standing order.
- (2) That the second supplementary question, as provided for in current sessional order, be adopted in the standing order with the variation that it may only be asked by a member of a different party.

6.9 Standing order 117 - Points of order in division

The committee noted that the sub-committee considered whether to modernise the practice by removing the need to be covered but did not reach agreement but did resolve the matter.

As there was no consensus the requirement in the standing order for a member to "be covered" when taking a point of order in a division will not be amended in the draft new rules proposed to the House.

6.10 Selection of bills committee

The committee notes that the sub-committee recommended that the provisions for a Selection of Bills Committee be adopted as a standing order.

An outstanding issue which the sub-committee did not resolve, was a proposal that the Selection of Bills Committee report to the House any bill, other than an appropriation bill for the ordinary annual services of the government, that is not accompanied by a completed Statement of Public Interest (a proposal promoted by the Evidence-Based Policy Research Project).

The committee considered that the proposal might be better aligned with the functions of the joint Legislative Review Committee.

The committee considered the merits of the proposal but as there was no consensus, the proposal will not be included in the draft new rules proposed by the House.

6.11 Standing order 138 – Urgent bills

The committee noted that the sub-committee had considered whether the provision in standing order 138 for a Minister to declare a Council bill urgent should apply only to Government bills or also apply to private members' bills, and whether the motion should be restricted to a Minister.

Resolved on the motion of Mr Tudehope: That standing order 138 be amended to clarify that a motion to declare a bill urgent under the standing order can only be moved by a minister in relation to a government bill introduced in the Council.

6.12 Standing order 205 – Procedure Committee

The committee noted that the sub-committee had agreed that standing order 205 should be amended to include as ex-officio membership of the committee to include the Assistant President, the Deputy Leader of the Government and Deputy Leader of the Opposition and the Government and Opposition Whips but referred the question as to whether the membership of the committee should be further amended to ensure representation of all parties and independent members to the Procedure Committee for determination.

Resolved on the motion of Revd Nile: That standing order 205 be further amended to ensure representation of all parties and independent members on the Procedure Committee.

6.13 Standing order 233 – Government response

The committee noted that the sub-committee had considered whether to reduce the time frame within which the government must respond to a committee report from six months to three months but had not resolved the matter.

The committee considered that as there was no consensus the standing order should remain unchanged.

Resolved, on the motion of Revd Nile:

- (1) That the draft report, as amended, be the report of the committee and that the committee present the report to the House.
- (2) That the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling.
- (3) That the committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee.

Mr Tudehope noted the committee's thanks to the Secretariat.

The President also thanked members and the Secretariat for their work on the inquiry.

7. Next meeting

The President to circulate possible dates for the next meeting

8. Meeting closed at 11.25 am.

The Hon Matthew Mason-Cox MLC
President (Chair)

Minutes No. 9

Thursday 21 September 2022

Jubilee Room, 1.34 pm

1. Members

Mr Mason-Cox (Chair)
 Mr Buttigieg
 Mr Fang
 Ms Boyd (substitute member for Auslan inquiry)
 Mr Farlow
 Mr Graham (left at 2.05 pm)
 Ms Hurst
 Mrs Mitchell
 Revd Mr Nile
 Mr Roberts
 Mr Tudehope (left at 2.05 pm)

2. Apologies

Ms Faehrmann
 Mr Borsak

3. Draft minutes

Resolved, on the motion of Mr Farlow: That draft minutes no. 8 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- (1) 14 October 2021 – Correspondence from Mr Dave Layzell, Chair of the Legislation Review Committee, to the President and Chair of the Legislative Council Procedure Committee in relation to the Report No. 1/56 of the Legislation Review Committee - Inquiry into the operation of the Legislation Review Act 1987 and its recommendation that the Houses give consideration to amending their respective standing orders to require a member with carriage of a bill to address any matters identified by the Legislation Review Committee during debate on a bill.
- (2) 15 June 2022 – Correspondence from Mr George Roins, General Counsel and Company Secretary, Transport Asset Holding Entity of New South Wales in relation to concerns regarding production of documents subject to privilege without consultation.
- (3) 4 August 2022 – Correspondence from Mr David Blunt, Clerk of the Parliaments, concerning the committee's inquiry into standing order 52 and in relation to electronic returns to orders.

Resolved, on the motion of Revd Nile:

- (a) That the Committee note correspondence item no. 1.
- (b) That the Committee consider correspondence item nos 2 and 3 in the context of the Inquiry into standing order 52.

5. Inquiry into the broadcast resolution

Chair's draft report was circulated with the meeting papers.

6. Consideration of Chair's draft report on the Inquiry into the broadcast resolution

The Chair submitted his draft report which, having been circulated, was taken as being read.

The committee considered the report as a whole.

Resolved, on the motion of Mr Graham: That the third dot point of amendment no. 1 be amended to read:

- allow accredited press gallery photographers to photograph all proceedings in the Legislative Council while in session, subject to notifying the President beforehand who will in turn advise the House.

Resolved, on the motion of Mr Graham: That the third dot point of recommendation 3 be omitted:

- individuals other than accredited media may not make video or audio recording of proceedings, except by express permission of the committee

Resolved, on the motion of Mr Graham: That paragraph 3.31 be omitted: "These relaxed rules should be trialled for the remainder of the 57th Parliament and in 2023 with a review on the operation of the rules undertaken at the start of 2024" and the following new paragraph and recommendation be inserted instead:

The committee notes the increasingly common practice of Legislative Council committees to authorise the filming, broadcasting and still photography of its public proceedings by accredited members of the parliamentary press gallery and by persons or organisations not accredited as members of the parliamentary press gallery (subject to the terms and conditions of the Broadcast of Proceedings Resolution, and other terms and conditions determined by the committee). It is therefore recommended that the Broadcast of Proceedings Resolution be amended, as set out in Appendix 1, to make it this the default for committees, unless resolved otherwise.

'Recommendation X: That the Broadcast of Proceedings Resolution be amended, as set out in paragraph 4 of Appendix 1, for committees to automatically authorise the filming, broadcasting and still photography of its public proceedings by accredited members of the parliamentary press gallery and by persons or organisations not accredited as members of the parliamentary press gallery, unless resolved otherwise.

Resolved, on the motion of Revd. Nile: That the:

- (a) draft report, as amended, be the report of the committee and that the committee present the report to the House.
- (b) committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- (c) committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee, and
- (d) submissions, minutes of proceedings, discussion paper and correspondence relating to the inquiry be tabled in the House with the report.

7. Inquiry into Auslan interpretation for broadcasting

The committee noted the submissions received:

- 1 - Mr Benjamin Cronshaw
- 2 - Legislative Assembly for the Australian Capital Territory
- 3 - Australian Deaf Elders Group
- 4 - Deaf Connect
- 5 - Deaf Australia
- 6 - Ms Darlene Thornton
- 7 - Ms Shirley Liu
- 9 - Clerk of the House of Representatives, New Zealand
- 10 - Dr Jessica Kirkness
- 11 - Centre for Culture and Technology, Curtin University

Resolved on the motion of Ms Boyd: That the committee keep submission no. 8, confidential, as per the request of the author.

The committee noted the research paper prepared by the NSW Parliamentary Research Service as requested by the committee.

Resolved on the motion of Ms Boyd: That

- (1) That:
 - (a) a sub-committee be appointed for the inquiry into AUSLAN,
 - (b) the sub-committee be authorised to schedule hearings, contact witnesses and take evidence including in AUSLAN where necessary,
 - (c) the President be appointed as the Chair of the sub-committee,
 - (d) the sub-committee consist of one Government member, one Opposition member and one crossbench member, and
 - (e) a half-day hearing be held on Friday 14 October.
- (2) That the Procedure Committee table its report on its inquiry into AUSLAN by 10 November.

The Chairs advising that the following members had nominated for the sub-committee: Mr Mason-Cox, Ms Boyd, Mr Buttigieg and Mr Fang.

8. Inquiry into the operation of standing order 52

The committee noted the submission received:

- *1 - Department of Premier and Cabinet*

The Committee noted correspondence from the Clerk concerning the committee's inquiry into standing order 52.

Resolved, on the motion of Revd Nile: That the Leader of the Government give a notice of motion to extend the reporting date of the inquiry to 10 November 2022.

9. Inquiry into the trial of the new standing orders

Resolved on the motion of Revd Nile:

- (1) That the committee consult with members concerning the operation of the proposed new standing orders and report to the House, in accordance with the timeline proposed and circulated by the President, any corrections or changes required.
- (2) That the reference from the House for the Committee to inquire into and report on the impact of the variations to the scheduling of business and sitting days be incorporated into the review of the standing and sessional orders.
- (3) That, as part of the review of changes to the standing orders, the committee review the operation of ePetitions, as recommended by Procedure Committee in its report on ePetitions, and recommend whether the provision should be adopted as standing orders.

10. Timeline for completion of current inquiries.

Resolved on the motion of Ms Sharpe: That the timeline circulated by the Chair and attached to the agenda for the completion of outstanding inquiries be adopted.

11. Next meeting

Sine die.

The Hon Matthew Mason-Cox MLC
President (Chair)

Minutes no.1

Friday 14 October 2022

Sub-Committee Auslan Procedure

Macquarie Room, Parliament House, Sydney at 9.15 am

1. Members present

Mr Mason-Cox *Chair*

Ms Boyd (from 9.27am)

Mr Buttigieg

Mr Fang

2. Apologies

3. Inquiry into the Auslan interpretation for broadcasting

3.1 Correspondence

The committee to note the following items of correspondence:

Received:

- (1) 4 October 2022 – Correspondence from Shirley Liu, private citizen, to the committee secretariat, declining the witness invitation to attend the public hearing on Friday 14 October 2022 for the inquiry into Auslan interpretation for broadcasting.
- (2) 4 October 2022 – Correspondence from Benjamin Cronshaw, private citizen, to the committee secretariat, declining the witness invitation to attend the public hearing on Friday 14 October 2022 for the inquiry into Auslan interpretation for broadcasting.

3.2 Allocation of questioning

Resolved, on the motion of Mr Fang that the Chair rotate the sequence of questions between members.

3.3 Conduct of committee proceedings

Resolved, on the motion of Mr Buttigieg: That for the conduct of committee proceedings:

- (a) transcripts of evidence taken at the public hearings are to be published,
- (b) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (c) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

3.4 Live streaming and recording of hearing

Resolved, on the motion of Mr Fang: That the committee authorise publication of the video recording for this hearing of the inquiry into the Auslan interpretation for broadcasting on the Parliament's YouTube channel.

3.5 Public hearing

Witnesses, the public and media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following interpreters were admitted and sworn:

- Bettina Girdler
- Kirri Dangerfield
- Kate Hinton.

The following witnesses were admitted, sworn and examined:

- Dr Jessica Kirkness, private citizen
- Lorraine Mulley, Australian Deaf Elders Group
- Darlene Thornton, private citizen.

The evidence concluded and the witnesses withdrew.

The following interpreter was admitted and sworn:

- Kahli Bennett (*via videoconference*).

The following witnesses were admitted, sworn and examined:

- Jen Blyth, CEO, Deaf Australia (*via videoconference*)
- Professor Mike Kent, Head of Department, iSchool, Curtin University (*via videoconference*)
- Professor Katie Ellis, Director, Centre for Culture and Technology, Curtin University (*via videoconference*)
- Brent Phillips, Chief Impact Officer, Deaf Connect (*via videoconference*).

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted, sworn and examined:

- Andres Lomp, Manager, Community Engagement, Victorian Parliament
- Nicole Lawder, Member for Brindabella, ACT Legislative Assembly (*via videoconference*)
- Tom Duncan, Clerk, ACT Legislative Assembly (*via videoconference*)
- Dr David Monk, Director, ACT Legislative Assembly (*via videoconference*)
- David Wilson, Clerk, New Zealand House of Representatives (*via videoconference*).

The public hearing concluded at 12:37 pm.

4. **Tendered documents**

Resolved, on the motion of Mr Fang: That the committee accept the following document tendered during the public hearing on 14 October 2022:

- Australian Deaf Elders Group Messenger, 1 July 2022, Expression Australia.

5. **Adjournment**

Sine die

Jock Gardiner
Committee Clerk

Minutes No. 10

7 November 2022

President's Dining Room, 10am-11.08 am

1. Members

Mr Mason-Cox (Chair)

Mr Borsak

Ms Boyd (for the purposes of the Auslan report, until 10.12 am)

Mr Fang

Mr Farlow

Mr Graham

Ms Hurst

Mrs Maclaren-Jones

Revd Mr Nile (*via Webex*, from 10.07am)

Mr Roberts

Mr Searle (substituting for Mr Buttigieg)

Ms Sharpe (from 10.05 am)

Mr Tudehope

2. Apologies

None.

3. Draft minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 9 be confirmed.

Resolved, on the motion of Mr Fang: That draft minutes no.1 of the subcommittee be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- (1) 19 October 2021 – Correspondence from Ms Darlene Thornton, witness at the Auslan hearing, commenting on the conduct of the Auslan hearing and enclosing some information for the Committee on suggested Macquarie Room hearing layout and 'English-into-Auslan Video Production guidelines' produced by Deaf Connect, Macquarie University, Melbourne Polytechnic and Accan.
- (2) 26 October 2022 – Correspondence from Percy Allan, Evidence Based Policy Research Project.

5. Consideration of Chair's draft report on the Inquiry into Auslan interpretation for broadcasting

The Chair submitted his draft report which, having been circulated, was taken as being read.

The committee considered the report as a whole.

Resolved, on the motion of Ms Boyd: That the secretariat insert after paragraph 2.29:

- "This was echoed by other inquiry participants, who noted that a lack of accessibility and inclusion creates barriers for Deaf people to engage with politics."

Resolved, on the motion of Ms Boyd: That the secretariat insert after paragraph 2.55:

- "The Committee offers in-principle support for Government action to address these workforce shortage shortages and increase availability of Auslan interpreters."

Resolved, on the motion of Ms Boyd: That the:

- (a) draft report, with amendments, be the report of the committee and that the committee present the report to the House.
- (b) committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- (c) committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee, and
- (d) submissions, minutes of proceedings, discussion paper and correspondence relating to the inquiry be tabled in the House with the report.

6. Inquiry into the operation of standing order 52

The Chair submitted the briefing paper, having been circulated, was taken as being read.

The Committee discussed the briefing paper.

7. Inquiry into the trial of the new standing orders

The Chair submitted the draft report, having been circulated, was taken as being read.

The Committee discussed the draft report.

8. Next meeting

President's Dining Room, 2:15pm, Thursday, 10 November 2022.

The Hon Matthew Mason-Cox MLC

President (Chair)

