

INQUIRY INTO AUSLAN INTERPRETATION FOR BROADCASTING

Organisation: Centre for Culture and Technology, Curtin University

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Curtin University

NSW Legislative Council

Centre for Culture and Technology's response to inquiry into Auslan interpretation for broadcasting.
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Dear Director,

The Centre for Culture and Technology and the School of Media Creative Arts and Social Inquiry at Curtin University welcomes the opportunity to comment on the NSW Legislative Council's Procedure Committee inquiry into Auslan interpretation for broadcasting.

This inquiry adds to The Broadcasting Resolution for the Legislative Assembly resolved in October 2021 which led to the adoption of the Broadcast of Proceedings Resolution.¹ This resolution consolidated several prior arrangements in relation to video conferencing, existing relationships with media outlets and the introduction of live streaming via the Parliament on Demand Portal and other digital platforms.²

While The Broadcasting Resolution for the Legislative Assembly asserts the importance of making parliamentary proceedings more accessible to the public, access for people with disability is not considered. In fact, none of the submissions to this inquiry mention the importance of access for people with disability. The NSW legislative Assembly has an opportunity to show leadership on this important issue.

In this submission we outline three arguments in support of the proposal to vary the standing orders to introduce live Auslan interpretation in the broadcasting of all of the Legislative Council's proceedings.

About Auslan

Auslan is the portmanteau of Australian sign language and is the main sign language of Australians who are deaf. It has been recognised as a community language preferred by the deaf community, as noted decades ago in 1987 and 1991 Australian policy statements.³

While Auslan is used to translate spoken English, it is not based on English as DeafVictoria explains:

[Auslan] has a different set of rules for grammar and syntax. Its vocabulary is also different to English. Auslan is a natural language which was developed organically over time. It is also a visual-spatial language where hands, eye gaze, facial expressions and arm, head and body postures are used to convey messages. Precise

¹ [Broadcasting Resolution for the Legislative Assembly \(nsw.gov.au\)](https://www.nsw.gov.au/legislation/other-legislation/resolutions-and-resolutions/broadcasting-resolution-for-the-legislative-assembly)

² [Report 4-57- Broadcasting Resolution for the Legislative Assembly - October 2021.pdf \(nsw.gov.au\)](https://www.nsw.gov.au/legislation/other-legislation/resolutions-and-resolutions/report-4-57-broadcasting-resolution-for-the-legislative-assembly-october-2021.pdf)

³ [National Policy on Languages - Joseph Lo Bianco - Google Books](https://books.google.com.au/books?id=9K8pDwAAQAAJ)

[Australia's Language: The Australian Language and Literacy Policy - Australia. Department of Employment, Education, and Training, John Dawkins - Google Books](https://www.dew.edu.au/australias-language-the-australian-language-and-literacy-policy)

handshapes, facial expressions and body movements are needed to convey both concrete and abstract information.⁴

Throughout the pandemic Australia's political leaders promoted the use of Auslan sign language in their daily coronavirus daily updates for Australians. But there is more work to be done in the country to promote the use of Auslan in settings such as the broadcast of parliamentary proceedings.

The Submission

In this submission we draw the Committee's attention to three key points for consideration.

1. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is clear about the need to ensure people with disability can access information and communicate with governments including via Auslan

The terms of reference refer to Article 21 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) as it emphasises the importance of both access to information and introducing Auslan. Article 21 requires that ratifying countries:

shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2⁵

Communication is defined in Article 2 as:

languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology⁶

However, returning to Article 21, the importance of Auslan is clearly articulated because 'recognizing and promoting the use of sign languages'⁷ is recommended as a step towards achieving both articles 2 and 21.

We recommend these articles be considered in relation to articles 4 (general obligations) and 9 (Accessibility) of the CRPD which respectively encourage state parties to develop new

⁴ [Auslan - Deaf Victoria](#)

⁵ [Article 21 – Freedom of expression and opinion, and access to information | United Nations Enable](#)

⁶ [Article 2 – Definitions | United Nations Enable](#)

⁷ [Article 21 – Freedom of expression and opinion, and access to information | United Nations Enable](#)

information and communication technologies (article 4) and ensure people with disability can access information and communication technologies (article 9).

In response to Australia's periodic reporting to the United Nations against its progress towards article 21 in 2019, the United Nations encouraged Australia to 'promote and support the use of sign language (Auslan) and take steps to ensure the availability of qualified sign language interpreters'.⁸

Throughout the pandemic, the presence of an Auslan interpreter at daily press conferences became a normalised and supported feature. Indeed, Dominic Perrottet was criticised for failing to provide Auslan interpretation when he took over from Gladys Berejiklian.⁹ Although Perrottet explained the absence was reflective of "NSW return[ing] to normal settings"¹⁰, the right to accessible communications and information should not be limited to emergency settings.

On the following International Day of Sign Languages Ms Abigail Boyd outlined the impacts of this press conference omission on the community:

For Auslan users the 11.00 a.m. press conference on COVID restrictions was suddenly and without notice incomprehensible, with the previously reliable live Auslan interpretation absent without any explanation. The Premier's office has since confirmed that it will make no commitments to have Auslan interpreters present at its press conferences, except at pressers hosted by NSW Health. During an unprecedented global pandemic, when it is reasonable to assume that questions asked by the press may relate to public health and safety whether the original press conference is directly related to it or not, that is just not good enough. In refusing to provide Auslan interpretation, the Government is effectively locking deaf and hard-of-hearing people out of our democracy and putting public health at risk by limiting the reach of information about COVID.¹¹

2. **Auslan should be normalised and not limited to emergency settings. The inclusion of an Auslan interpreter on broadcasts of the NSW Legislative Assembly have the potential to be influential in normalising Auslan and the presence of the Auslan interpreter.**

Auslan interpreters are frequently included at emergency briefings. This translated to some parliamentary proceedings during the pandemic. For example, the Victorian Department of the Legislative Assembly noted improvements to access for people with disability including 'the extended use of Australian sign language (Auslan) in broadcast proceedings.'¹²

⁸ docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsnzSGolKOaUX8SsM2PfxU7sdcbNJQCwIRF9xTca9TaCwjm5OIhspovV2oxnsujKTREtaVWFXhEZM%2F0OdVJz1UEyF5leK6Ycmqrn8yzTHQ Cn

⁹ [Lack of Auslan interpreters at NSW press conferences slammed \(sbs.com.au\)](https://www.sbs.com.au/news/lack-of-auslan-interpreters-at-nsw-press-conferences-slammed)

¹⁰ [Lack of Auslan interpreters at NSW press conferences slammed \(sbs.com.au\)](https://www.sbs.com.au/news/lack-of-auslan-interpreters-at-nsw-press-conferences-slammed)

¹¹ [Legislative Council Hansard - 20 October 2021 \(nsw.gov.au\)](https://www.parliament.nsw.gov.au/hansard/2021/2021-10-20)

¹² [LA Annual Report 2020-21 Ly2G2wfv.pdf \(parliament.vic.gov.au\)](https://www.parliament.vic.gov.au/annual-report/2020-21)

Prior to the current pandemic sign language interpreters although present did not always make it onto our screens. The Australian Communications and Media Authority stipulates that broadcasters are only required to present the Auslan interpreter “in the frame of the broadcast where it is practicable to do so.”¹³ During the 2019 bushfire crisis in NSW, the Auslan interpreter was on many occasions not included in vital broadcasts across the television landscape even on the ABC.¹⁴ Interpreters were deliberately and systematically cut-out of shot.

While this continued during the early stages of the pandemic in part due to social distancing, as the pandemic progressed the sign language interpreter became a normalised feature of daily press conferences internationally. In fact, sign language interpreters began to permeate other broadcasts as well including for example mass at home.



The above image shows Auslan interpreters cut out of shot at media briefings during the 2019 bushfire emergency. Sourced from Harriet Tatham, “Auslan interpreters save lives in bushfires, but only if they make the TV screen,” *ABC News*, posted Friday 10th January 2020.¹⁵

Mass for you at home was established to allow viewers to participate in a Sunday Mass from their homes. It is believed to be the longest-running program on Australian commercial television first broadcast in 1971.

¹³ <https://www.acma.gov.au/captions-tv-broadcasters-must-provide>

¹⁴ <https://www.abc.net.au/news/2020-01-10/auslan-interpreter-sean-sweeney-australian-bushfires/11848818>

¹⁵ <https://www.abc.net.au/news/2020-01-10/auslan-interpreter-sean-sweeney-australian-bushfires/11848818>

During the pandemic, there was a suspension of all public masses in Australia, especially during the lockdown periods. Auslan interpretation took front and center in the way communication took place in Australia including interpreting mass for all Catholics. Mass for you at home is broadcasted every Sunday morning. It has been an important opportunity to be able to participate through television, 10 Play, and online via YouTube and their website's home page.¹⁶ Following the pandemic, we anticipate that sign language interpreters will become a more expected accessibility feature on on demand platforms such as these.

Even prior to the pandemic, public interest in Auslan was increasing. In recent years in Australia there has been an increased interest in teaching sign language to babies and toddlers for example. Baby sign language, based on Auslan, is advertised to parents and guardians for increasing confidence and communication, as well as stimulating speech and cognitive development with pre-verbal children.¹⁷

The recent popularity of sign language programs is partly due to an increase in advertising on mainstream broadcast media with the aim of normalising sign language and increasing sign awareness to a broad cross section of Australian¹⁸. Sign language programs are also encouraged by community public services such as libraries and mothers' groups facilitated by community child health nurses with an emphasis that there are benefits for child and guardian around communication, speech and language development, fine motor skills, and cognitive development.

Public awareness of accessibility features is essential to increasing their availability. This has been demonstrated by CCAT research into the accessibility of video on demand. In 2015 when no audio description was available on Australian television and video on demand was in its infancy in this country only 11% of survey respondents nominated this as an important accessibility feature.¹⁹ By 2022 when the study was repeated and audio description had been made available on television and on demand this figure had increased to 45%.²⁰ In the intervening years audio description had become more widely available on video on demand, on broadcast television and at cultural events.

The example of the developing accessibility of video on demand also offers important insight for the NSW Legislative Assembly as it makes decisions about whether to include accessibility features on Parliament on demand. While now considered one of the most accessible video on demand platforms, Netflix initially considered people with disability to be a small audience of little consequence and did not include features such as captions and audio description until they were sued by disability advocates. Retrofitting these features came at a greater expense than if they had been included from the beginning. As Auslan has become an expected feature in government communications, including Auslan will become an expectation of large sections of the population.

¹⁶ [Mass for You at Home – The official website of Mass For You At Home, Australia](https://www.youtube.com/watch?v=rFBxRP0Pe1A&t=278s)
<https://www.youtube.com/watch?v=rFBxRP0Pe1A&t=278s>

¹⁷ <https://www.australianbabyhands.com/>

¹⁸ <https://www.australianbabyhands.com/>

¹⁹ [Accessing subscription VOD cover - Web \(accan.org.au\)](https://accan.org.au)

²⁰ [Access On Demand: An Analysis of the Accessibility Options on Streaming Television \(accan.org.au\)](https://accan.org.au)

3. Parliamentary hearings should be made more accessible with each new technology. Including Auslan in on demand settings is the next logical step.

As noted throughout the submissions tabled in the inquiry into the broadcasting resolution, there is a long history of ensuring the community is aware of the debates in Parliament via broadcast across several mediums from radio, to written text to broadcast television.²¹

Prior to 1771, the British Parliament was secretive with no public record of debates and printers were jailed for attempting to make these debates accessible to the public. However, parliamentary Hansards – named for Thomas Curson Hansard, the first official printer to the parliament at Westminster – were established to make Parliament accessible to the public and have been adopted in various ways by British colonies including Australia. Printed copies of every Hansard are available in every state library to ensure the public can access these records of debates.

As media technology has evolved and the news cycle accelerated to become 24 hours, records of these proceedings have been made available to television broadcasters and now parliament on demand platforms.

With each new form of technology, parliamentary debates have the potential to become more accessible to the general public. Digital technologies facilitating the on demand broadcast of these proceedings have the potential to include a significant portion of the population that have been previously excluded.

There is significant potential to be more inclusive of people with disability via these on demand digital platforms. While a more inclusive community could be created with digital technologies, it is important to remember that these technologies and platforms are created in the same social world that routinely excludes people with disability. The same world that does not make Auslan widely accessible outside of emergency setting and as we have argued often even within these emergency contexts.

Including Auslan on the on demand broadcast of the NSW legislative Assembly will better fulfill the original purpose of the Hansard and is in line with international efforts to recognise the linguistic and cultural rights of deaf communities within certain jurisdictions. Some governments have incorporated a legal framework that recognises the country's national sign language as part of the country's linguistic makeup.²² Doing so acknowledges that all citizens have the right to access these accounts. Of particular note is Britain's British Sign Language Act 2022, which requires all governmental departments to report on the measures that they have made to promote or facilitate British Sign Language in its communications with the public, particularly announcements on policy or changes to law, strategic communication and

²¹ [Broadcasting Resolution for the Legislative Assembly \(nsw.gov.au\)](https://www.nsw.gov.au/broadcasting-resolution-for-the-legislative-assembly)

²² World Federation of the Deaf: <https://wfdeaf.org/news/the-legal-recognition-of-national-sign-languages/>

consultation, press conferences, and official online communications.²³ In 2018 New Zealand announced that oral questions will permanently be accessible with New Zealand Sign Language interpretation, which is in addition to the already available closed captions on Parliament TV live or on demand.²⁴ Sign language was introduced in Malaysia in 2020²⁵ and Fiji in 2014.²⁶

In summary, we assert that in order to meet its obligations to its citizens and against the United Nations Convention on the Rights of persons with disability, the NSW Legislative Council introduce Auslan For a more in depth analysis of the issues raised in this submission, we respectfully request the inquiry refer to the following papers

- [Centre for Culture and Technology response to Senate Select Committee on COVID-19](#)
- [Submission in response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Emergency planning and response issues paper](#)
- [Access On Demand: An Analysis of the Accessibility Options on Streaming Television](#)

Finally, in addition to recommending that Auslan is included in the Legislative Assembly on demand broadcasts, we encourage the committee to go further in its commitment to the United Nations Convention on the Rights of Persons with disability, learning from the experience of video on demand providers and also include captions for the same reasons outlined in this submission.

We appreciate the opportunity to provide this contribution to the Inquiry, and we trust that the Committee will find our contribution useful in its ongoing work.

With kind regards

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²³ <https://bills.parliament.uk/bills/2915/publications>

²⁴ Media release: New Zealand Sign Language gains a permanent place at Parliament: <https://www.parliament.nz/mi/footer/about-us/office-of-the-clerk/office-of-the-clerk-media-releases/media-release-new-zealand-sign-language-gains-a-permanent-place-at-parliament/>

²⁵ [Live telecast of parliamentary sessions now have sign language interpreters, says senator | Malay Mail](#)

²⁶ [Keep Hearing-impaired Connected To Parliament Through Sign Language \(fijisun.com.fj\)](#)

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