

PROVIDING AN AUSLAN INTERPRETER - YOUR RESPONSIBILITIES

Auslan (Australian Sign Language) is a community language and one that is recognised by the Australian Government's National Language Policy. It is a visual and spatial language that has its own grammar, syntax and idioms which are different from that of English.

Deaf people have the right to appropriate communication access; this is in line with the Victorian Government's aim to build inclusive communities and by improving accessibility.

*"Building inclusive communities means strengthening communities so that people with a disability have the same opportunities as all other citizens of Victoria to participate in the life of the community – socially, economically, culturally, politically and spiritually. The Government will lead by example, building more inclusive communities by improving the accessibility and responsiveness of public services and making them more inclusive of people with a disability."*¹

This means not only providing the first available Auslan interpreter for a Deaf person, but also to ensure that the correct interpreter is provided to match both the hearing and the Deaf client's individual requirements to ensure smooth and effective communication between parties.

The full and equal participation of Deaf people in society relies heavily on their ability to access appropriate interpreters in different settings. Every Deaf person has many and varied needs and that means interpreters need to be carefully selected to match each assignment. One interpreter who may work for a Deaf client on a regular basis in a classroom may not be the right interpreter in a different situation requiring different skills, for example, interpreting at a staff meeting, or a medical appointment.

The Deaf person is dependent on the interpreter to ensure complete communication access. The National Accreditation Authority for Translators and Interpreters (NAATI) accredits interpreters, who are bound by a specific code of ethics. In 2007, NAATI introduced a revalidation program

which will be used to ensure that accredited interpreters are maintaining a required level of skill by way of attending professional development and working on improving their skills, much the same as any other accredited professional. This process ensures that a standard of interpreting is maintained across the profession and that a service user (Deaf or hearing) can expect a certain level of quality.

Australians have a legislative responsibility and a requirement to ensure Deaf people can access goods and services, and participate in employment and education in a manner that is not less equitable than anyone else in society. The cost of providing such a service cannot be raised as an issue or an excuse for denying the service, or for providing a service of lesser quality unless "unjustifiable hardship"² can be demonstrated as a legitimate argument.

This means most businesses, agencies and organisations must ensure that at all times, an appropriate, good quality interpreting service is provided to Deaf people. This is further clarified by the Disability Discrimination Act which states that providing an actual physical interpreting service to a Deaf person is not the only consideration, but also that such a service cannot be provided in an unfair manner, or on unfavourable terms and conditions.³

A Deaf person should at no time be expected to pay for their own interpreter when accessing goods or services. Many agencies, such as Commonwealth, State and Local Government services, have a clear legal and moral mandate to provide interpreters to Deaf people and to incur the costs of such a transaction.

A Deaf person's entitlement to an interpreter is more complex than it initially appears. An inappropriate interpreter can ultimately inhibit the communication process, and therefore decrease the level of participation for the Deaf person.

¹ Victorian State Disability Plan 2002-2012, pg 11.

² Disability Discrimination Act 1992, Section 11,

³ *ibid*, Section 24-1 (a,b,c)

The ability of a Deaf person to choose a specific or preferred interpreter is all about their capacity to access a service. It could be seen as discriminatory for a Deaf person to engage a service that refuses to comply with their requests.⁴ These basic choices should be afforded to all Deaf people in order to facilitate the process of social inclusion and participation.

HUMAN RIGHTS AND DEAF PEOPLE

Deaf people have the same entitlement to enact their rights as anyone else participating in society.

- People with disabilities are members of society. They should receive the support they need within the ordinary structures of education, health, employment, and social services.
- As people with disabilities achieve equal rights they should also have equal obligations. As part of the process, provision should be made to assist people with disabilities to assume full responsibility as members of society.

In Australia there are still challenges faced by Deaf people on a daily basis. Deaf people have the same rights as hearing people to make appointments with service professionals and understand what is being said in their own language, and to attend interviews, meetings and forums with an interpreter of their choice.

Human Rights are applicable to all persons living in Victoria, these include people within the Deaf community. The Victorian Charter of Human Rights⁵ covers the following rights for all Victorians:

- the right to freedom
- the right to equality
- the right to respect
- the right to dignity

There are many communication barriers in society that make it challenging for Deaf people to fully participate and have equality due to their different communication mode.

The community, organisations, and individuals alike need to work together to remove those barriers. These include, but are not limited to:

- captioning and/or interpretation of broadcast information and entertainment;

- technical and human assistance in order to access telecommunication services and systems;
- education provided in the most enabling environment and in the language best suited to the Deaf person's needs, skills, and preferences;
- the provision of devices required for the safety and comfort of Deaf people (including visual devices);
- acceptance, respect, and understanding of the different needs, language, behaviour and values of Deaf people;
- equal opportunity for employment

These and other rights are protected in Victoria by the Victorian Charter of Human Rights and by human rights charters internationally.

Vicdeaf understands that in Australia, many people are unaware of their responsibilities to provide interpreters, nor are they aware of how they can effectively work with the Deaf community. However, Vicdeaf's Mission Statement "leading the way in social justice and equity" clearly states that our intention is to work with the community to reduce discrimination at all levels, be it largely unintentional, to provide a more positive communication outcome for everyone.

Related documentation:

- United Nations Universal Declaration of Human Rights (1948)
- Disability Discrimination Act (1992)
- State of Victoria Equal Opportunity Act (1995)
State of Victoria Charter of Human Rights and Responsibilities (2006)
- State of Victoria Equal Opportunity Act Amendment (2007)
- United Nations Convention on the Rights of Persons with Disabilities (2007)
- ASLIA Interpreter Code of Ethics

Related Vicdeaf Fact Sheets:

- Access
- Communicating with people who are Deaf or hard of hearing
- Deaf Culture and Communication
- Working with an Auslan (Sign Language) Interpreter

⁴ Equal Opportunity Act 1995, Section 42-1(b)

⁵ The Charter for Human Rights and Responsibilities, Victoria

Vicdeaf regularly updates our fact sheets. To ensure that your information is current, or for further information about Vicdeaf and the services offered, please visit our website or contact us:

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