

Victims Rights and Support Act

Submission to review of the Victims Rights and Support Act 2013

Deaf Society of New South Wales
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THE DEAF SOCIETY OF NSW

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ABOUT US

The Deaf Society of NSW (trading as the Deaf Society) was established in 1913 and is a company limited by guarantee. We are a not-for-profit, bi-lingual, bi-cultural, community-centred organisation which exists to achieve equity for deaf people. Our services include employment services, Auslan interpreting, education and training, independent living skills, advocacy, community development and community services. We work in partnership with the Deaf Community to enhance the quality of life of deaf people, strengthen the community and advocate for changes that will ensure fundamental rights and freedoms.

POSITION

We believe that the policy objectives of the Act remain valid, and that the terms of the Act are appropriate for securing those objectives. However, in the case of deaf, deafblind and hard of hearing victims, we consider that provisions for access to victims support could be strengthened.

Access provisions are important because deaf people in contact with the justice system, whether as victims of crime or otherwise, are at a considerable disadvantage arising from:

- Poor language skills. Most deaf people (around 95%) are born to hearing parents, and many do not acquire Auslan early in life. This can have life-long effects on language skills, making it difficult for them to understand information, even when it is signed to them by an Auslan interpreter.
- Poor understanding of institutional processes. Many deaf people have experienced inaccessible education because of policies of enforced use of speech rather than sign in school settings. This leaves many deaf people with little understanding of the world, including of legal institutions and processes.
- Poor literacy skills. Poor education has given rise to very low levels of English literacy within the Deaf Community.
- Poor awareness of human rights. Poor education also leaves most deaf people quite unaware of their rights in relation to access. They are unlikely to request support because they may not know it is available.
- Feelings of shame. It is usual for a deaf person who does not understand something to pretend that they do. This is a natural human response when one is in a position of embarrassment.
- Economic disadvantage. Deaf people are more likely than average to be unemployed or underemployed, and consequently have (on average) fewer financial resources.
- Alienation from family. Due to poor communication with family members, it is often the case that deaf people experience poor relationships with immediate and extended family. This means that they are less likely to have good family support available in times of crisis.
- Prevalence of “myths” in the wider community about deaf people and their communication needs, e.g. “lip-reading is accurate and reliable”, “all deaf people can all lip-read”, “deaf people can all understand real-time captioning”, “all deaf people are fluent in sign language”.

All of these factors make it unlikely that a victim of crime who is deaf, deafblind or hard of hearing will be able to access the Victims Support Scheme on an equal basis with others, unless the system itself is proactive in supporting good access. For this reason, we would like to see the Act contain a mention of access provisions for people with diverse communication needs / disability / CALD. We would recommend the inclusion of an additional subsection under Section 6 (Charter of rights of victims of crime), as follows:

Access

A victim will have the right to appropriate disability and/or language supports to access information and the application process. Supports will be appropriate to the victim’s disability and language background.

This provision would make more explicit the needs and rights of deaf, deafblind and hard of hearing people, as well as other disability groups and people from CALD backgrounds. It would serve to bring these access needs to the attention of people administering the scheme and prompt them to make improvements to access, e.g. by booking interpreters or seeking other specialist supports.

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