

DISABILITY DISCRIMINATION COMPLAINT

ACCESS TO CINEMA MOVIE SCREENING SOUNDTRACKS AND CAPTIONING BY PEOPLE WHO ARE HEARING IMPAIRED

**To: President
Human Rights and Equal Opportunity Commission
GPO Box 5218 Sydney 1042**

Attention: Director, Complaint Handling

I wish to make a complaint under the Disability Discrimination Act about the lack of provision, by the XYZ cinema complex (insert address of cinema), of hearing augmentation and captioning systems for hearing impaired patrons.

As a person with a hearing impairment, I cannot hear the sound track of films adequately without access to hearing augmentation. With access to such a system and switching to the 'T' position on my hearing aid I am able to hear and enjoy movie soundtracks as well as viewing the image. If movies are screened with captions to provide the dialogue and describe the other sounds, I can enjoy them without hearing the soundtrack. I am aggrieved that, unlike members of the community who do not have a hearing disability, I am denied access to the services and facilities provided at this cinema complex.

Discrimination

Lack of provision of facilities for hearing impaired patrons involves discrimination as defined under section 6 of the Disability Discrimination Act:

A requirement or condition is imposed: By not providing hearing augmentation and/or captioning systems, the management of the XYZ cinema complex is requiring people with hearing impairment to comply with a requirement or condition of being able to hear in order to have the full benefit of their services and facilities.

I cannot comply with it: I cannot comply with this requirement of being able to hear because of my disability.

It has a discriminatory impact: People who do not have a hearing impairment are substantially more able to comply with this requirement than people who do have a hearing impairment.

The requirement is not reasonable: The requirement of being able to hear to benefit from the services and facilities of the XYZ cinema complex is not reasonable for the purposes of the Disability Discrimination Act because

- Substantial numbers of Australians have significant hearing impairment affecting their ability to hear film soundtracks unless hearing augmentation and/or captioning assistance is provided.
- 'Reasonableness' must be interpreted consistently with the objects of the Act.

- Technologies of various kinds exist that very successfully enable people with hearing impairment to hear recorded sound in cinemas and auditoriums, and/or to view captions in place of the recorded sound.

I believe that providing hearing augmentation and/or captioning systems in the cinemas at the XYZ would not impose unjustifiable hardship on the management of the XYZ.

Remedy

I would be prepared to withdraw this complaint against the XYZ cinema complex if the management provided evidence that:

- Fully functioning hearing augmentation systems covering all seating areas were installed in all cinemas in the complex, and
- Appropriate signs incorporating the International Symbol for Deafness were installed indicating the presence of hearing augmentation systems, and
- A system of regular checking of the systems was demonstrated to ensure the systems were maintained in working order, and
- A program of staff training was instigated to ensure that all staff members were familiar with the systems and able to assist patrons to access them.

or if the management agreed to arrange that all movies that are available with open captions were screened displaying the captions on a reasonable number of occasions and at reasonable times of various days throughout the period when each movie was offered by the complex.

Confidentiality

I wish the commission to treat my name and personal details as confidential, although I understand that the operators of the XYZ cinema complex are entitled to know who is complaining against them.

Signed:

Date:

Name:

Address:

Telephone:

Fax:

E-mail: