



Communication accessibility: 2016 and beyond

CONSULTATION PAPER: A SUBMISSION FROM DEAF AUSTRALIA

This submission is to be published on World Wide Web

Introduction

Deaf Australia and members of the deaf community appreciate the opportunity to respond to the Department of Communications and the Arts Consultation Paper: Communications accessibility: 2016 and beyond. Deaf Australia received an extension of time to complete this submission as information was not available in Auslan for several weeks after release of the paper.

Deaf Australia is the deaf-led national peak organisation representing deaf people in Australia. We promote the advancement of human rights and equality for deaf people by collaborating with our members and stakeholders to influence government with the implementation of the United Nations' Conventions and the National Disability Strategy. **Our Vision:** Strengthening deaf diversity. **Our Mission:** Making an inclusive Australia for deaf people.

Communication is essentially a right for every Australian. This includes deaf, deafblind and hard of hearing people. For the purpose of this submission, we will focus on communication needs rather than focusing on deaf person's hearing capabilities, and throughout the submission, we refer to 'deaf people' irrespective of their hearing level.

Deaf Australia (formerly known as Australian Association of the Deaf, AAD) was established in 1986 and the telephone relay service was one of its first national campaigns. This saw the establishment of the Australian Government's initiative, the National Relay Service, which was launched on 30 May 1995.

Over the years, Deaf Australia has monitored and provided submissions on the National Relay Service. Our most recent success was advocating for the inclusion of the Video Relay Service and the world's first SMS relay service which became part of the 'New' National Relay Service in 2013.

It is essential to acknowledge that technologies are always developing and changing the way many people communicate Australia-wide and globally. Deaf Australia must stress that these technologies must take into consideration deaf people's needs in order for them to be fully beneficial. For example, in the late 1990s when telecommunication companies launched the SMS service, SMS could not be sent between different carriers. Deaf Australia lodged a complaint through the Australian Human Rights Commission and today, telecommunication companies gain hundreds of millions of dollars annually from cross-carrier SMS services. It is not just deaf individuals who benefit from this service, everyone does.

Many integrated/mainstream services are not entirely 'user friendly' for deaf people and the lack of accessible service is a barrier for deaf people to effectively interact and participate on an equal basis, alongside those in the wider community.

The National Relay Service provides deaf community a bridge they need to communicate with other people. This is also achieved through the services of Auslan/English interpreters. Over the years, the service of bridging communication needs to be maintained and upgraded to ensure that it is providing services that are current and functional now as well as into the future to meet the growing demand of the community. Each of the foundations of the service plays an important role in sustaining this communication bridge. Should one foundation be corrupted, damaged, removed or stressed, there will be serious consequences, impacting deaf people, their families, governments, and businesses.

The need for the National Relay Service is underpinned by the United Nations' Convention on the Rights of Persons with Disabilities (2007)ⁱ and the Australian Government's National Disability Strategy 2010-2020 (2011)ⁱⁱ, both of which are integral to Deaf Australia's Vision and Mission.

Overview

The National Relay Service is an essential service for deaf people in allowing them to communicate with non-deaf people through use of the telephone, internet or text messaging services to engage in business, employment, social, health and community activities. The National Relay Service, in many ways, is a cultural and social bridge that enables inclusion for deaf people to actively participate in the wider community.

The Australian Bureau of Statistics Census 2011 found that over 9,700 Australians use sign language. This is an increase of 40% on the 2006 Census (6,900) and 30% on the 2001 Census (5,300). It is Deaf Australia's view that the 2016 Census will see over 13,500 Australians that use sign language and in 2021, there will be over 18,000. Deaf Australia believes the numbers are under-represented in recent censuses.

With the introduction and rolling out of the National Disability Insurance Scheme (NDIS), more hearing (or non-deaf) families with deaf children will have greater access to and awareness about Auslan. In addition, the Australian Curriculum and Reporting Authority (ACARA) is currently developing an Auslan national curriculum for K-Y10 which will be released later this year.

Deaf Australia envisions that the number of Australians who can use Auslan may triple or quadruple over the next 10 -15 years.

Deaf people's English literacy levels, in general, are not equivalent to that of non-deaf people. It is essential that deaf people are able to express, convey and acquire information in the language that is best suited to their needs. The National Relay Service is generally an English text-based service and many deaf people find it hard to comprehend complex dialogues over text-based relay. The introduction of Video Relay Service, a much needed service, was widely welcomed by Auslan users, but currently is a limited service. Deaf Australia believes this limitation is counter-productive for Auslan users.

Technologies and communication networks (such as the NBN) need to accommodate the growing use of Auslan and deaf people's need to communicate, either through third parties (i.e. interpreters) or in person through the use of mainstream/integrated technologies. These accommodations lead to deaf people having productive and meaningful employment, health, wellbeing and lifestyles with the ability to contribute to the Australian community as a whole.

Mainstream technologies or services that limit the capacity for deaf persons to communicate will continue to see a reliance on the National Relay Service. Mainstream services need to consult with the deaf community to ensure that their services and communication mediums can accommodate the needs of deaf people effectively. Such accommodations may see a reduced reliance on the National Relay Service and how it is currently perceived as a 'disability' service.

With the upcoming roll out of the National Disability Insurance Scheme, it is imperative that the provisioning of the National Relay Service remains separate to the NDIS.

Community Consultation

As the National Relay Service is an important bridge for the deaf community, Deaf Australia believes that this consultation process needs to be more comprehensive and accessible to every National Relay Service user.

Deaf Australia does not have the finances or resources to undertake extensive community consultations nationally in order to receive feedback and input from the deaf community whose first language is Auslan. Deaf Australia is owned and managed by deaf people and has breadth and depth of knowledge about deaf people's communication needs. Deaf Australia voluntarily provide information and advice and consult with external organisations. Deaf Australia are concerned that the reports and submissions to date, are not as extensive as they should be to reflect the deaf community's communication needs. Due to limited resources within our organisation we are unable to consult with individuals as extensively as is needed. This issue is outlined in Article 4.3 of the United Nations Convention on the Rights of Persons with Disabilities (The Convention):

- 4.3 *In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, State Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organization.*

Because the National Relay Service is an essential service providing a bridge to communication for the deaf community, Deaf Australia have *voluntarily* undertaken some consultation and discussion with consumers and stakeholders in the preparation of this submission. We have conducted only one consultation in Melbourne Victoria on 12 May 2016.

The current submissions process requires that this submission be prepared in written English. Deaf Australia would like to outline the following which refers to Article 21 (b) of The Convention:

- 21 *State parties 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 2 of the present convention.*
- (b) *Accepting and facilitating the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.*

Deaf Australia has consulted with the community by using social media and sending direct emails to members of Deaf Australia. We have received feedback and responses from members in their preferred language – Auslan.

Deaf Australia believes that the Department of Communications and the Arts needs adhere to Article 21.b of The Convention by allowing Auslan users to put forward their submissions in Auslan.

Deaf Australia needs to be appropriately resourced to enable extensive consultations to take place with the deaf community.

Emergency Services

Access to emergency services and access to information and communications in emergencies remains a critical issue for the deaf community. Since the closure of the National Relay Service's Box Hill office in Melbourne in 2006/7, there has been only one relay service office, in Brisbane. The Queensland floods on 11 January 2011 disrupted the National Relay Service for almost 24 hoursⁱⁱⁱ and severely impacted deaf people's access to emergency services.

The current consultation paper prepared by the Department did not include this issue and Deaf Australia believes it must be addressed.

Deaf Australia's Response to Options

1. Increase the funding allocation available for the National Relay Service to sustain its delivery over the life of the current contracts.
 - Should a specific funding allocation from the Telecommunication Industry Levy (TIL) currently available for the delivery of the NRS be removed – i.e., funding from TIL to be used on a fully cost recovery basis, reflecting the actual level of use of the NRS in each financial year?
 - Should a specific allocation from the TIL be available for the delivery of the NRS and increased by a set amount? If so, by how much?
 - Should changes to the current \$20 million allocation (excluding GST) available for the delivery of the NRS from the TIL be allocated for specific purposes? i.e., for delivery of specific options.

Comment

Deaf Australia appreciates the challenge faced by the Department of Communications and the Arts and telecommunication carriers to ensure that National Relay Service is appropriately sustained. With the introduction of the 'New' National Relay Service (using caption relay, video relay and SMS relay) in 2013, there has been increased usage of the National Relay Service. This demonstrates that the National Relay Service is now providing the range of services that accommodates the range of individual communication needs.

It is Deaf Australia's view that any service that is required within the community needs to be sustained by appropriate funding allocation. Communication accessible services are not '*unreasonable accommodations*' as outlined in the Disability Discrimination Act.

Deaf people consider the National Relay Service as the equivalent to voice telephony. By not providing funding to sustain and enhance the National Relay Service, would ultimately limit the user's capability to use the telephone service and this therefore would amount to discrimination.

Response

Deaf Australia believes that the funding allocation from the TIL must be on a fully costed recovery basis to meet the growing demands of the National Relay Service.

2. Introduce measures to manage demand for National Relay Services.

- Should a capping arrangement be put in place for one or more service access options delivered through the NRS?
- Which service access options could be capped (while maintaining access to calls to emergency services on a 24/7/365 basis) for users of the NRS?
- Should limited hours of operation be put in place for other services or access options delivered through the NRS, separate to the current arrangements that are in place for video relay services?
- Which service access option/s could have limited hours of operation (while maintaining access to calls to the emergency services on a 24/7/365 basis) for users of the NRS?
- Should caps be considered on a per-user basis as part of 'fair-use' control?

Comment

Generally speaking, non-deaf, non-National Relay Service users, do not have any limit to the services they wish to access. We question why there should be a limitation to options for people who need to use the National Relay Service?

Discussions with our members about this option have not been positive. Placing a limit on selected services or capping the use of the National Relay Service amounts to discrimination and contravenes The Convention, which calls for every person to be treated equally and with dignity.

Deaf people are employed in various occupations in various types of workplaces and various hours, many work hours that prevent them from accessing the Video Relay Service – i.e., they work in the evenings when the Video Relay Service is closed. Alternatively, they work during the day and cannot make calls due to limitations at work (often because employers may not be accommodating) and can only make calls in the evenings but are unable to use Video Relay Service, due to restricted operating hours.

Deaf people's English literacy, in general, is not equivalent to non-deaf people. It is essential that deaf people are able to express, convey and acquire information that is best suited to their needs. The National Relay Service is generally an English text-based service and many deaf people find it hard to comprehend complex dialogues over text-based relay. This is due to the linguistic structure of signed languages being different to English. Auslan is usually the most accessible language deaf people have full access to.

There are instances where deaf people need to call domestic violence, pregnancy assistance or advice services, or mental health services (hotlines) and are unable to use the Video Relay Services to do this because it is closed. At these critical times they find it extremely difficult to express themselves articulately in English (as English is not their primary language). This can severely impact the general wellbeing of a deaf person, and their ability to receive support whether it be day or night.

Deaf Australia has been involved in earlier discussions with a representative from the Department of Communications and the Arts (formerly Department of Communications, Broadband and the Digital Economy) about how Video Relay Service would be implemented if introduced as part of the National Relay Service. We advised the representative that if and when a Video Relay Service was launched, it would be necessary to undertake incremental increases of the Video Relay Service from limited hours to 24/7/365 basis.

As many as 5 interpreters can be used at the same time. As there is a growing use of the Video Relay Service, deaf people are experiencing longer delay, sometimes as long as long as an hour

for a call back from interpreter operator to use the Video Relay Service. These delay forced the users to switch to other National Relay Service text-based options.

There are approximately 15-20 interpreting service agencies in Australia that provide Auslan interpreters and some of these agencies are equipped to provide video relay interpreting services. It would appear to be a logical step for the National Relay Service to expand its one location-based boundary and establish small satellite video relay service locations to meet the growing demand and provide a 24/7/365 service. Video Relay Services overseas have successfully adopted this model as it reduces impact on community interpreter demands where a Video Relay Service is based.

The Video Relay Service has not expanded since its launch in 2013, despite increasing demand and queuing problems. This has been interpreted by deaf people that right to use Auslan is not supported neither by government and the provider of the National Relay Service.

Deaf Australia believes that the current limitation on the use of Video Relay Service and the failure to increase the hours of service is counter-productive for Auslan users, the National Relay Service and the general community. This limitation furthermore, is discriminatory and is in contravention of The Convention.

Likewise, there are other Relay Service users who prefer to use text-based options and to place a measure (or limitation) on the service option is counter-productive and discriminatory.

Response:

Deaf Australia does not support the introduction of any limitations, measures (or caps) to manage (or control) the usage of the National Relay Services (and of particular options).

Deaf Australia calls for the removal of the current limitation on the Video Relay Service, which we insist become a 24/7/365 operation.

3. Introduce more specific requirements to support access to the National Relay Service, including greater enforcement of fair use policies.

- Should an account or compulsory registration system requirement be expanded to cover access for all service options available through the NRS?
- Should the establishment of any account or registration process require appropriate independent confirmation of the disability which requires the account holder to use the service?
- Should the establishment of any account or registration process require account holders to appropriately self-declare the disability which requires them to use the service?
- Should appropriate fair use policies be introduced for account holders with the NRS?
- Should the current follow-on call option be available for some types of inbound connections to the NRS or be removed.

Comment

From feedback received Deaf Australia was informed that some deaf people would not mind registering for an account for the purpose of tailoring services to the individual's circumstance, i.e., large font, type slowly, etc. So whenever the user calls with his/her account, the relay operator

would know his/her communication needs (i.e. deafblind or Braille user) and provide appropriate support when contacting the 3rd party to ensure smooth and efficient service.

Registrations may be more appropriate for frequent users of the National Relay Service than one-off users. Some members of the deaf community would prefer not to register at all and use the National Relay Service at their discretion.

Some members of the deaf community worry about their privacy as many have experienced unwanted solicitations at home (an unknown person who uses sign language soliciting business, religious visitors, etc.). It is imperative that the Privacy Act is adhered to.

Confirmation of deafness (usually by a GP or audiologist), deaf people experience as patronising and inappropriate. Telstra and Optus require deaf persons to provide a medical assessment of their hearing loss in order to receive a TTY as part of the Disability Equipment Program. The deaf person is required to cover the cost of obtaining the medical assessment and is not compensated for this additional cost.

It is possible to consider cross-checks with the National Disability Insurance Scheme for deaf persons registering with the National Relay Service. However, not every deaf person will be a participant in the National Disability Insurance Scheme.

As mentioned in option 1, the National Relay Service is a telephony service equivalent to voice for deaf people and verification of his/her disability, in our view, is discriminatory, as non-deaf consumers are not required to register their communication options with other services.

Response

Deaf Australia believes that registering with the National Relay Service should offer benefits for National Relay Service users in utilising the services of call back, international calls, additional follow on calls; registration should not be compulsory, it is a matter of individual's choice.

4. Refocus the existing National Relay Service outreach programme.

- How could the NRS Outreach programme be refocused to assist in broadening awareness of service options and aiding the sustainability of the NRS?

Comment

As a member of the National Relay Service's National Advisory Council, Deaf Australia believes that the Outreach Programme plays an important role in educating people about the National Relay Service and improves user's lives. Deaf Australia believes that the programme cannot be a 'one-size-fit-all' as there are potential users who are unaware about the National Relay Service and its function, who use different communication modes, such as signed English, cued speech or others.

Since the 'New' National Relay Service was introduced in 2013 (use of caption relay service, SMS, and Video Relay Service), many potential users have not been targeted sufficiently and the number of potential users who could use the service has not increased adequately.

Members of the deaf community complain that when they call businesses to conduct business transactions they face difficulties because businesses are unaware of the relay service function. This is especially so with calling back where businesses rarely or never call back due to the

complexity of using the Relay service (e.g. extra steps to make a call). The Outreach programme can only do so much given the National Relay Service's current functions and capacities, of which enhancements could be made.

Deaf Australia receives enquiries from members (deaf and non-deaf) of the wider community who we refer to the Outreach service. These seemingly small actions on our part actually take up accumulatively significant amounts of our time as we continue to believe in and support the value of the National Relay Service.

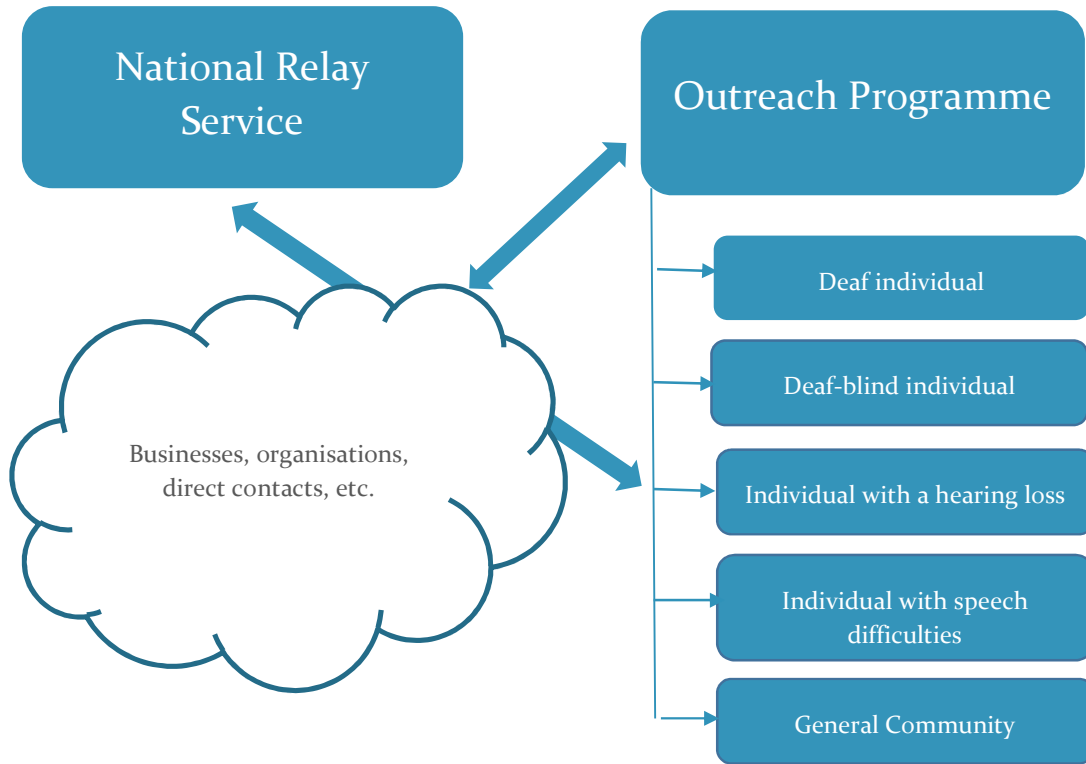
There is one significant gap that have not been addressed by the Outreach Programme since 2006. Deaf and hard of hearing school aged children do not receive any information or training about the National Relay Service. It is our understanding through contact with deaf educators, that these young people are not aware of the National Relay Service and therefore missing the opportunity to utilise this service as a means to communicate with others, source information and develop into well-adjusted and socially competent individuals.

The National Disability Insurance Scheme Information Linkage and Capacity (ILC) could provide a 'one-stop-shop' that provides information, referral and community capacity building for a specific disability rather than people having to search to find the services that will cater for their needs. However, as the National Relay Service does not cater for only one specific group (i.e. deaf people) but provides services to those who are deaf-blind or have speech difficulties, we are not sure how this could function independently from the NDIS structure.

The National Relay Service's Helpdesk does not include an Auslan supported helpdesk. As a national service providing for telephony services for deaf people, one would expect that the Helpdesk to have staff fluent in Auslan to deal with deaf consumer's enquiries about the National Relay Service.

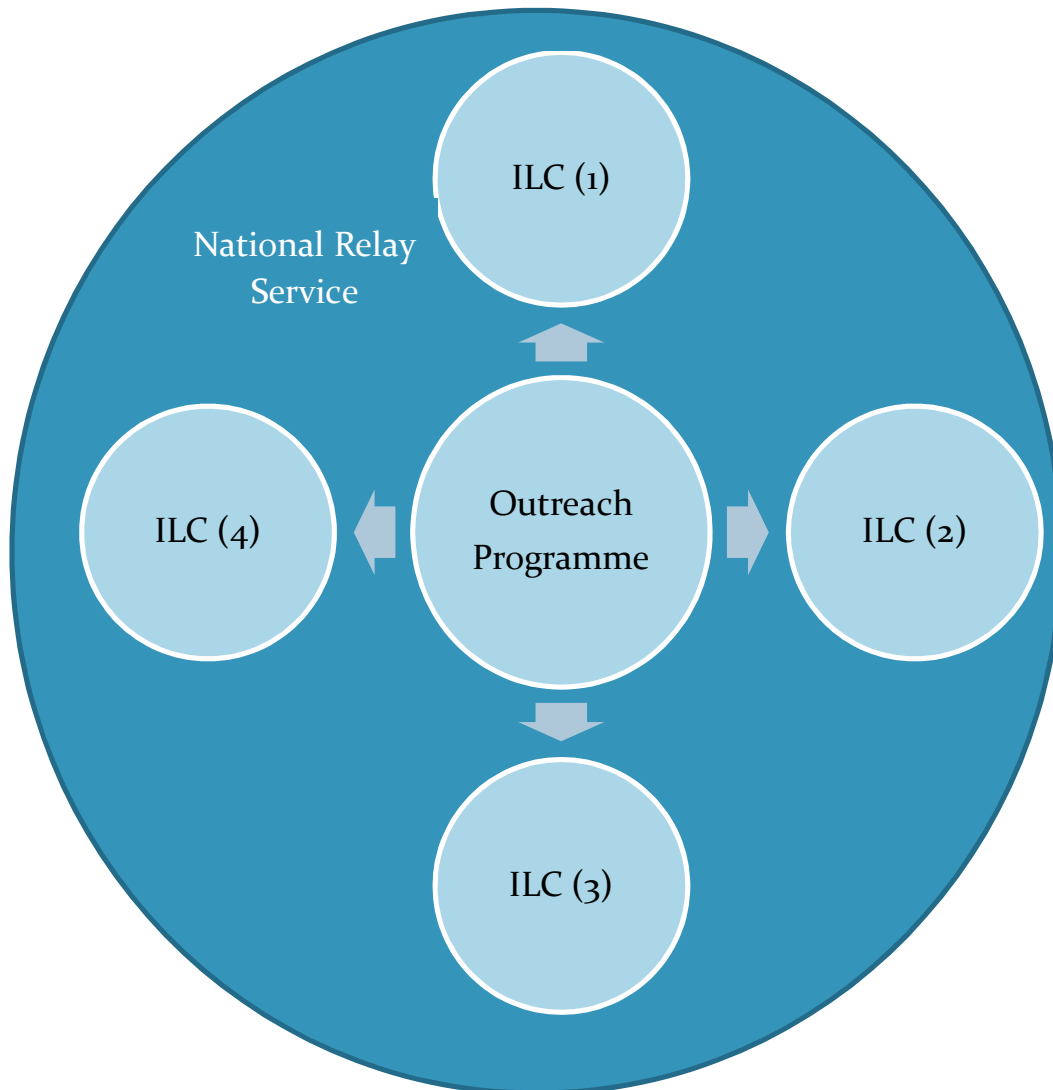
Currently, the Outreach Programme focuses on individual training, education and promotion and has no active relationship with organisations such as Deaf Australia who provide information, support or referrals for people who have specific communication needs. There are significant numbers of organisations and businesses in the wider community who still do not know about the National Relay Service (see diagram A on next page).

Diagram A (Existing Service) Outreach Programme targets individuals and the general community.



With ILC, the Outreach programme we suggest be restructured to provide resources and training tools for the ILC to provide direct information, training and promotion to its stakeholders and have increased linkage to businesses and organisations that provide support or opportunities for users – see Diagram B on next page.

Diagram B: Outreach programme supports ILCs to provide information, training and education to specific groups (including community, businesses and organisations).



Response

Deaf Australia believes there is an opportunity to review the overall structure of the Outreach Programme in line with the roll out of the National Disability Insurance Scheme's Information, Linkage and Capacity (ILC) program – formerly called 'Tier 2', expected to commence in 2017 and be fully implemented by 2019. It is imperative that the Outreach functions for ILCs be costed to enable ILCs to undertake training, education and promotion with designated stakeholders and to those around the person who will benefit from using the National Relay Service.

The National Relay Service Outreach Programme needs to expand and facilitate National Relay Service information and training for school aged deaf and hard of children across Australia.

5. Review the range of services options and technologies available to sustain delivery of National Relay Service in the future.
- What sort of transition process would be appropriate in phasing out legacy proprietary technologies such as the TTY access to the NRS?
 - Are there options such as limiting inbound connections generated by specific technologies that can be introduced?
 - What are the likely circumstances in which people may choose use of the NRS over other communication options?
 - How can reliance on the NRS as a communication option be reduced?
 - Which are the service access options to favour when providing primary access to the NRS through non-proprietary mainstream technology options?

Comment

The National Relay Service is currently the ONLY provider in Australia that caters for all relay options, simply because many organisations, government agencies, businesses, community organisations and other bodies currently do not provide an effective means of accessible services for deaf people (or any National Relay Service users) to directly contact them, other than non-real time communications such as email or text messaging.

Use of the National Relay Service is as usual for deaf people as it is for non-deaf person to pick up a phone and make a connection. Any suggestion to limit the functions or options for National Relay Service users should not be considered, just as limiting non-deaf people's ability to pick up a phone and make a call would.

Deaf Australia believes that the general community have become complacent about the Disability Discrimination Act and will respond only when there is a complaint against them. The 'reasonable accommodation' and 'unjustifiable hardship' provisions of the DDA often play against the rights of deaf people to use their preferred communication options.

Deaf Australia is projecting a significant increase in the use of the National Relay Service in the next 3 – 5 years due to increased awareness of the service when the National Disability Insurance Scheme is rolled out and ILC is established. An expanded information and training program for school aged deaf children will also facilitate an increase in usage.

Many deaf people rarely receive calls from businesses and often have to call back time and again. Many of these businesses have never had calls from deaf people using the National Relay Service and do not want to return the call simply because they are unfamiliar with the process.

About 10 – 15 years ago, the National Relay Service had in place a Personal Relay Service (PRS) for businesses to register with the National Relay Service. This function allowed the caller to call a tailored numbered call to contact the business without going through extra steps. The extra steps rolled into one were, dial the NRS number, quote the number you wish to call, and then contact the National Relay Service user on other end.

The PRS was limited to one per business and was not helpful when a business employed more than 2 National Relay Service users. Deaf Australia believes that there is technology that can assign a PRS number to an individual. Should PRS be re-established, it would make it easier for the National Relay Service user just to pass on their tailored number and for the opposite end user to just dial that number and connect to the person automatically via the National Relay Service.

Below is an example of how much more efficient it would be for a non-deaf person to make a call to a registered user using Personal Relay Service (PRS) (when re-introduced).

Without PRS (existing service)	With PRS (proposed re-introduction)
Step 1: Dial 13 36 77	Step 1: Dial tailored number
Step 2: quote end user's number	Step 2: commence conversation (via relay operator)
Step 3: Relay Service dials the number	
Step 4: commence conversation (via relay operator)	

Response

Deaf Australia believes that the Australian Government needs to develop incentives to encourage employers to undertake initiatives to ease the burden of the National Relay Service and to improve employment opportunities for deaf people.

Deaf Australia believes it is time to re-introduce Personal Relay Service option to make it easier for opposite end users to directly call registered National Relay Service users.

Deaf Australia believes that businesses must be cognizant of the Disability Discrimination Act when providing communication options so that every Australian is included, and to be proactive in addressing the gaps that will remove barriers currently experienced by deaf people.

6. Remove specific telecommunication regulations in place for disability equipment programs.

- Should the Telecommunications (Equipment for the Disabled) Regulations 1998 be repealed?
- If the regulations were repealed, would an additional safety net, beyond compliance with requirements of the Disability Discrimination Act, need to be implemented?

Comment

The limited and declining use of TTY technology is evidenced throughout the world. TTY uses the legacy PSTN and is often described as 'obsolete', 'antiquated', and 'anachronistic' as it has a limited place in the IP based communication networks^{iv}. Although it can still work with appropriate bridging devices such as analogue adaptors. As technology advances, the TTY remains because there is still no technology that directly replaces its function. This means that National Relay Service provider needs to undergo extensive work to ensure that TTY technology can continue to access the service.

The current experience of many TTY users is that when their TTY breaks or needs repair, it takes a long time to receive a replacement. This places significant risks for TTY users in Emergency situations.

Many businesses offer a TTY as part of their access service, but many of them do not know how to use it, or TTY users seldom call these businesses. These TTYs often sit idle.

Deaf Australia has received some enquiries from businesses and service providers to ascertain the value of having a TTY in their workplace and query the value of maintaining the line. We advise them that if they wish to receive direct calls, then the staff will need to be trained on an ongoing basis, offered by the National Relay Service's Outreach Programme; or simply use the National Relay Service. Most businesses and service providers, as we understand, have opted for the latter.

Rolling out of National Broadband Network (NBN) will see significant removal of the copper network and be replaced with a fibre-optic network. It would seem a logical step forward to review the existing equipment to ascertain whether or not NBN will continue to accommodate the function of the TTY and to review regulations related to the roll out the of the National Disability Insurance Scheme.

The National Disability Insurance Scheme (NDIS) may offer deaf participants the opportunity to purchase communication equipment, if the equipment is necessary and reasonable and is included as part of their disability package, in accordance with s34 of the NDIS Act 2013^v.

Citizens over 65 years of age, and others, will not be eligible for the NDIS, therefore a scheme equivalent to the Disability Equipment Program needs to be available for ineligible NDIS participants, perhaps through 'modified' Telecommunication (Equipment for the Disabled) Regulation 1998. *Please note, if the regulation is to be modified or amended, the correct title should read as 'Equipment for People with Disabilities'.*

There may be risk that some equipment may not be suitable for communication accessibility. It would seem a logical step to undertake a review of the existing equipment to ascertain whether or not equipment will be NBN/ National Relay Service compatible, in particularly where there may be an outage in the area that prevents the users to make an Emergency call through the National Relay Service.

If the TTY is to be removed under specific telecommunication regulations, there will be a need for a transition period to allow existing users to familiarise themselves with newer equipment to enable them uninterrupted access to the National Relay Service. Telephone carriers have undertaken a similar process this when the transition from CDMA network to 3G network took place, phasing out analogue mobile phones. A similar strategy may be appropriate for people transitioning from the TTY to newer technologies.

With any transitioning, there will be a need for safeguards to be put in place to ensure that National Relay Service users are assured of: 1. Appropriate equipment and functionality, 2., training and 3., connectivity.

- **Equipment and functionality:** hand held mobile device, tablet or laptop with NRS enabled functions (internet relay and video relay);
- **Training:** to train users how to work with the new system (the Outreach Programme could undertake this role). This will require close liaison between the Outreach Team and Telstra and Optus with existing TTY users together with the ILC; and
- **Connectivity:** such as internet/ data plans and modems. Internet connection must be independently powered sourced should there be shortage in the area (to allow the users to ring the National Relay Service should there be an emergency ('106')).

Response

Deaf Australia believes that legacy devices (TTY) should be phased out through a measured transitioning process and that safeguards must be in place to protect vulnerable groups (senior

citizens, deaf people with other disabilities, and others specific users) from falling through the net.

The telecommunications (Disability equipment Program) should be maintained but also revised to enable new/ emerging telecommunication devices such as CapTel phones being added to the program.

7. Encourage development of more affordable data-rich plans by retail service providers.

- Can more affordable data-rich plans be developed by restricting voice call allowance in such plans?
- Can such plans be provided on both a pre-paid and post-paid basis?
- Should plans of this nature be generally available to all consumers?
- What level of support is necessary to encourage the take up of devices and plans of this nature by people with disability?
- What are options to consider in how to provide necessary support?

Comment

Data-rich plans are a major consideration for deaf consumers' when deciding on plans for their mobile needs. This is due to their communications needs being reliant on a large amount of data usage. These telephone plans, we believe, should make available high levels of data usage for deaf consumers who differ from those using voice telephony. Deaf Australia does not support the exclusive or exclusion practices that favour one group over others.

Deaf people over the years have complained about why they need to pay for plans that include a high amount of voice call provision, something that they will not utilise. When deaf people require additional data, retail stores will offer packaged data plans at an additional cost but still include voice calls in the plan. There are also some deaf people who prefer to have voice calls as part of their plan 'in case of emergency' when they have no other option than to ask a non-deaf person to make a call for them using their phone.

When using video call using Auslan over mobile network, it consumes a large amount of data from its data plan. Deaf people often have to negotiate for higher data plans that often exceeds 10GB plan and or pay monthly data plan of more than \$200 per month.

Deaf people who use Auslan have also had to 'buy in' to higher broadband speed plans (at extra cost) to accommodate communicating in Auslan in making telephone calls (via National Relay Service). This is also unfair and discriminatory.

It seems to deaf consumers that plans that include voice calls as they are more attractive and cheaper to use than data plans as data in Australia is cost-prohibitive. Many plans offer unlimited phone calls (to same carriers) for voice calls but equivalent offers for unlimited use of data has not been considered, an unequal playing field.

Video calls are charged by carriers based on data usage *to both* the caller and the receiver. This not equivalent for a person making voice calls as the person who makes the call is charged, not the receiver. Deaf Australia believes this constitutes discrimination under the Disability Discrimination Act.

Most deaf people use telephone/mobile data for various functions, including keeping abreast of community activities and information generally not available to the deaf community, such as radio. They have been prepared to pay more to access information by purchasing additional data.

Deaf people's decision to purchase mobile plans are based on (in order):

- Reliability of connection
- Coverage and
- Affordability

Most mobile networks provide reasonable coverage, however, the reliability of the connection varies between carriers, and for deaf people, reliability of connection is the primary factor in determining the most appropriate plan. Larger carriers appear to ensure that connection is more reliable, this ensures deaf people can communicate via video calls rather than risking the unreliability of smaller carriers. This, however, comes with a cost.

In addition to a data plan, deaf people also look to mobile devices that will enable them to use the plan effectively and efficiently. More often than not, they will purchase a mobile device that can use internet and video calls. Other features such as vibrating and flashing features (to alert incoming message/ video calls) are also important factors in determining the purchase of devices. Voice, speakers, Siri and any sound related features are not important considerations.

Deaf Australia was for many years an active member of Telstra and Optus Disability Advisory Groups and we sought with both carriers to provide data -only SIM cards –to no avail. Both Telstra and Optus have since disbanded these Advisory Groups.

There are a very small number of carriers who will tailor mobile plans to suit the needs of deaf consumers. Deaf people often have to search to find carriers who will provide these tailored plans. They often rely on word of mouth and have to negotiate with providers to develop a tailored mobile plan, with mixed success.

Deaf Australia partnered with Jeenee Mobile in 2015 to offer deaf consumers data-only SIM cards at low cost (<https://www.jeenee.org.au/products/text-sim/>). Deaf Australia's challenge is the capacity to market widely to deaf consumers as Jeenee Mobile does not have the capacity to market to a niche group. There has been a very slow uptake of data-only SIM cards and as Deaf Australia reiterate, we do not have the financial capacity, means or resources to ensure these options are marketed widely.

Response

Deaf Australia believes more work is needed to encourage retail services to develop data-rich and broadband speed plans at reasonable cost for deaf people; to have benefits and costs are equal to standard plans (voice/ SMS / data); and these plans should be offered and available to anyone who prefers data only plans (not only to deaf people).

8. Encourage initiatives to improve digital literacy and the availability of mainstream text- and video- based communication options.

- What skills and support are needed to encourage people to use mainstream technologies?
- Is there existing industry, government or community programmes which could be utilised?

- How can the broadening of the availability and promotion of mainstreamed text- and video- based communications options by businesses and service providers be encouraged?
- How can Australians with disability be supported to increase their use of direct text and video communication options?

Comment

Businesses or providers could implement a 'Chat Online' facility, where customers chat directly to businesses or providers in a text based format such as Telstra's '24x7 Chat' support. Both deaf and non-deaf people use them.

Samsung Australia recently implemented an Auslan-supported enquiry service, where Auslan users can send an email to Samsung Australia to make an appointment with an Auslan-fluent staff member. The Auslan- fluent staff member then responds with a date and time agreeable to the customer and they connect to discuss Samsung's products using Auslan. This was a welcomed service until the Auslan-fluent staff member left Samsung Australia and to date, Samsung Australia have yet to fill the position.

Samsung Australia's initiative could be undertaken by many government agencies, large businesses and essential services such as electricity, gas, water and others, creating employment opportunities for deaf people in these organisations, thereby improving engagement with the deaf community.

Everyday events such as ordering food and drinks from a drive through restaurant could install order portals (which uses video) as has occurred in the United States with organisations like Starbucks in St Augustine, Florida.

Unfortunately, as we move into web-based services many enquiry services request us to fill out personal information in order to receive a call back from the business in question. The web forms normally do not include information about how the customer wishes to be contacted but they often require 1., phone contact and 2., email.

With phone contact, deaf people usually put down their mobile number as '0000 000 000' and not their actual number so the provider will send them an email. Most often, email is never sent, presumably because the provider believes the enquiry is spam due to the digits entered for the mobile number listed being as '0000 000 000'. These instances require deaf people having to ring the provider through the National Relay Service to receive the service.

If providers are informed about the inclusion of this specific information such as a tick box for 'phone' or 'text (or SMS)' it may enhance the likelihood of being contacted by text message.

These things are relatively simple modifications that would make mainstream services more inclusive of deaf people (and for everyone else).

All phone handsets are required to conform to Universal Standards Obligation where calls can be connected to any handset of any type, make, model or shape i.e., Samsung Galaxy (mobile handset) to Telstra's T1,000 (landline handset).

The same cannot be said about the functionality of video calls.

There are simply too many applications and platforms that use videos, whether it is the Virtual Private Network (VPN), Cable, ADSL, 3, 4, 4GX, 4.5 or 5 Generation mobile network. These video

platforms cannot easily interact with each other. Deaf people are often forced to download several video applications and negotiate with the person they wish to communicate with about which video application/platform to use e.g. FaceTime to FaceTime or Skype to Skype and so on.

According to the International Telecommunication Union, the only requirement for video protocol is a 30fps (30 frames per second) and nothing more. Deaf Australia believes this is one area that must be considered when developing the Universal Standards Obligation for video calls in order to remove the current restrictions/ barriers across various applications and platforms to enable video calls across various applications/ platforms in same way as voice calls.

Response

Deaf Australia is of the view that when mainstream technology and services take on board deaf people's communication needs, mainstream technology and services will become more inclusive and will benefit the wider community, not just deaf people.

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- ^v National Disability Insurance Scheme Act 2013 (No. 20, 2013) (http://www.austlii.edu.au/au/legis/cth/num_act/ndisa2013341/)