

Suggested Legislative changes



1 LIMITATIONS OF EXISTING LEGISLATION

- 1.1 Existing legislation is preventing the introduction of products and services that would provide people who are deaf or have a hearing or speech impairment with equal access to the telephone.
- 1.2 Since the closure of the analogue mobile phone network in 2000, and the introduction of digital and Internet Protocol (IP) networks, equal telecommunications access for people who are deaf or have a hearing or speech impairment has and is continuing to be eroded.
- 1.3 It is not acceptable for deaf people and people with a hearing or speech impairment to only have access to emergency services at home or at work. Other Australians can call 000 using a mobile phone or a voice over IP (VoIP) network.
- 1.4 IP networks provide new opportunities for communication in text, voice and video via the inherent data capability of those networks. A migration path from products on 'old' networks to products and services on 'new' networks is required.
- 1.5 The definition of the Standard Telephone Service (STS) legislation needs to be changed to become technology neutral ensuring people with disabilities can take advantage of new product and service offerings in a similar way to the wider community.

2 SURVEY RESULTS

- 2.1 The results of a survey in 2004 commissioned by the Department of Communications Information Technology and the Arts (DCITA) estimated that there are approximately 12,800 teletypewriter (TTY) users in Australia. 2,203 people were surveyed. Some survey results from 911 people who responded to a survey (the respondents) follow:
 - 94% of the respondents had a TTY at home. In contrast, the survey indicates a concerning lack of access to communication away from home as 78% of the respondents did not answer the question;
 - Half of the respondents had access to a mobile phone (SMS);
 - The respondents indicated that TTY, SMS and email are currently (late 2004) the most popular telecommunication options, with videophone technology seen as becoming more relevant and appealing in the future once issues regarding cost, picture quality

and availability are addressed. SMS was considered to be a useful communications channel in case of emergencies;

- Almost half of the respondents live in a household earning less than \$30,000 per annum.

3 SUGGESTED LEGISLATIVE CHANGES

3.1 *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the Act) - definition of the National Relay Service (NRS) in subsection 95 (1):

- Introduce the concept of people using their preferred communication mode (eg. text and/or video and/or speech) over their preferred network in real-time, near real-time, or store and forward to access the NRS eg. SMS, IP and video relay;
- Require an NRS inter-working function (eg. protocol conversion) to assist consumers to migrate from old products on 'old' networks to new products and services on 'new' networks;
- Require the funding and establishment of an industry-wide, carrier independent telecommunications disability equipment program to issue products for use on networks. Require the new program to examine needs, make recommendations and facilitate the necessary telecommunications access;
- Be pro-active to the changing telecommunications environment and the telecommunications needs of people with disabilities.

3.2 *Telecommunications (Consumer Protection and Service Standards) Act 1999* definition of the Standard Telephone Service (STS) section 6 (b) (ii) of a standard telephone service to:

- Include the example of visual communication using Auslan;
- Be 'enabling' rather than 'disabling' in relation to the possibilities available using text and video;
- Incorporate the concept that carrying data (eg. text and video) on some networks (eg IP) is more appropriate than translating text into audible tones and transmitting it as "voice" in packets.

3.3 *Telecommunications (Equipment for the Disabled) Regulations 1998*

- Remove the link to the Universal Service Obligation (USO).

3.4 *Telecommunications (Emergency Call Service) Determination 2002*

- Possibly modify the reference to the STS in chapter 3, part 1, section 10 (5) as it requires a carriage service provider to give the end-user access to the 106 emergency call service on a carriage service that is an STS under paragraph 6 (1) (b) (ii) of the Act (depends on the new wording outlined in 3.2 above).
- Require that the data (ie. any available CLI and location information) associated with an emergency call needs to be carried in association with the text or video emergency call.