



Response to Senate Inquiry into the performance of the Australian telecommunications regulatory regime

Australian Association of the Deaf Inc (AAD) would like to thank the Senate Inquiry Secretary for her consideration in allowing a late submission to the Inquiry.

Bearing in mind the short time frame for us to prepare a detailed statement, we would like to bring before the Senate Inquiry Committee the following three documents attached for reference in this submission.

1. Attachment A

Submission to Department of Communications Information Technology and Arts (DCITA) for public comment on draft Statement of Requirement for the National Relay Service (NRS)

2. Attachment B

'Recommendations for the National Relay Service 2006 Tender'

This document was written to DCITA at the end of November 2004, before they created the draft Statement of Requirement for the NRS. This document was also attached to the above submission.

3. Attachment C

'What is Deaf equivalent to Voice Telephony?'

This was a recent discussion paper released by AAD Deaf Telecommunications Access & Networking (DTAN) project.

4. Attachment D

'Disability Equipment Program Position Paper'

This is a position paper created after the response to feedback from AAD members and State Branches to a discussion paper on Disability Equipment Program that was released in March 2002. In June 2002, the AAD Board endorsed a recommendation that AAD should lobby for a centralised, independent Disability Equipment Program. This paper outlines in detail our position.

These documents go into extensive detail about the current issues pertaining to the National Relay Service and the discussion paper 'What is Deaf equivalent to Voice Telephony' was released at the beginning of May for feedback from our members. This discussion paper covers the basic disadvantages we face in the current telecommunications environment, largely related to the TTY technology which is outdated.

Another disadvantage is that the current telecommunications equipment we use are all text based which is therefore English language based. This is important for people who are hearing impaired or speech impaired and who are fluent in English. However, for large numbers of Deaf people, it continues to be a barrier because their first language is Auslan, not English; they are not fluent in English for various reasons as outlined in Attachment A. (Page 4, 'Auslan')

Discussion paper (Attachment C) illustrates the telecommunications equipment in use by the Deaf community today, which incidentally is the TTY (when considering definition

'standard telephone service'). It also explains why the TTY only copes with an average of 67 words per minute maximum. The hearing community communicate in **real time**. For a hearing person, it would be unacceptable to use a telecommunications device that only allows the speaker to speak an average of 67 words per minute.

As the scope of this Inquiry is wide and varied, we would like to comment basically on the following topics.

1. National Relay Service

As shown in three attachments, there are new relay services provided internationally which are Video Relay and Internet Relay. In these attachments you will notice that we have mentioned SMS Relay, which is another service which is not yet available internationally but was recommended in the Any to Any Text Connectivity Working Group's final report. Australian Communication Exchange (ACE) has done a trial pilot that proved to not only be successful but popular. The users involved in the trial project continued asking for SMS Relay 2 years after trial project was completed.

In our submission to DCITA (Attachment A) our recommendations were;

1. That the Statement of Requirement for the NRS include Video Relay Service, IP Relay and SMS Relay as standard requirements of the NRS.
2. That the Statement of Requirement ensure that peak disability organisations representing consumers directly affected by the NRS be able to:
 - a) Meet with the NRS Provider, DCITA and ACA on a regular basis to oversee the NRS quality of service in both NRS and community outreach programs; and
 - b) have the opportunity to work closely with the NRS provider, DCITA and ACA to ensure that the NRS is able to cope with the rapidly changing telecommunications arena.
3. With reference to the Statement of Requirement for the NRS document, our response to Section 3.1.4 (as shown on page 11 of Attachment A), AAD recommends that DCITA, ACIF, ACA and peak organisations for disability groups directly affected by the NRS be involved in having a direct input into the tender selection process.

It is also important to remember that ACIF Any to Any Text Connectivity Working Group's report to DCITA recommends that the Government look at implementing a Text Server within the NRS operating framework. This needs to be implemented without delay.

We hope that DCITA takes on board that the NRS Tender, expected to be released at the end of May must include video, internet and SMS Relay as part of standard relay services. VRS, IP Relay and SMS Relay are NOT premium services, they are standard telecommunication services that provide equality to Deaf, hearing and speech impaired people. It is totally unacceptable that the NRS only interface with a TTY and computer modem (as currently suggested in the draft) until 2011.

2. Centralised Disability Equipment Program

There have been recommendations that a centralised disability equipment program be developed which AAD strongly supports, as outlined in Attachment D. As we are submitting late to this Inquiry, we have had the opportunity of reading ACE's submission on the Inquiry website and would like to also support what they set out in Requirement 2 (page 3) of their submission.

We strongly advocate that this matter be resolved with utmost urgency before the T3 sale goes ahead, as Telstra is one of the two telecommunications carriers that provide their own disability equipment programs (DEP). Ironically, Telstra also is the main wholesale DEP provider to Optus.

It would be good if a forum was set up to look at how such a centralised program could be implemented, with clear and transparent transaction of ideas between consumers, regulators, industry and government agencies, possibly followed by a feasibility study. AAD believes that each disability group that has an interest in such a program should be represented at all stages of organising such a forum and involved in negotiations with the industry about how best to implement any such program.

A centralised disability equipment program could look at providing in accessible formats all the essential information that covers consumer's rights such as phone contracts, consumer rights, complaints procedure and could also lead the way in working closely with the industry on emerging technologies. There will be a need for regular updating of equipment and services in this program, in keeping with the current developments in the industry.

This could be funded by the Universal Service Obligation levy (USO) with greater industry participation. This way, the telephone carriers, service providers and the industry are compliant with the DDA and fulfilling their obligations to consumers.

3. Standard Telephone Service

The definition of **standard telephone service** at the time of inception only covered fixed line services but technology has made great advancements and the level of services have improved dramatically since that time. Now this definition is basically outdated.

The hearing community expects their telecommunications to be in **real time** and anything below that is deemed substandard service. The Deaf community however, have actually had to accept whatever telecommunications devices were available that provided nearest possible 'voice equivalent' services.

At the time the National Relay Service was established in 1995, the only nearest 'voice equivalent' telecommunications device available was the TTY. The amendment of the STS to include data services enabled Deaf, hearing and speech impaired to gain access to a TTY, modem and the NRS

Since then, telecommunications technologies have advanced considerably and there are new services provided internationally that allow far better 'voice

equivalent' solutions, as already explained in all attachments i.e. Broadband Videophone. Deaf people in Scandinavia, UK and the USA have quickly adopted video communication as the closest telecommunication tool to **real time** communication. Use of the Video Relay Services in the USA is skyrocketing while TTY usage is in real decline.

The STS must now include video as a normal standard (not premium service as suggested by the DCITA NRS Tender document), to enable Deaf people who use sign language to converse in the telecommunications network using Auslan and in real-time (see Attachment A for more detail).

Mobile telecommunication subscribers in Australia are larger in number than those subscribing to standard fixed line services. The mobile telecommunications industry remains to this day most inaccessible in terms of real time communication for most Deaf people. The SMS revolution has benefited the Deaf community in terms of 'bridging the communication gap' but does not itself provide real time communication. With 3G technology, video telephony via mobile handsets are available but are priced at premium rates and are not compatible with other video streaming technologies.

Should the mobile industry be included in the definition of standard telephone service? We think they should, with explanation regarding the difference between fixed and mobile telephone services.

It does not just stop there; there is a need for more codes and guidelines with stronger compliance by industry and regulators with close consumer participation.

4. Pricing Regimes

Since HREOC's Telecommunications Forum in Canberra in November 2003 there have been developments in cheaper SMS pricing plans for Deaf people, but the pricing issue has not been fully resolved. We have raised the issue with HREOC in relation to what exactly is discriminatory in the current SMS pricing. What should acceptable plans include? We have asked them if they could advise on the way forward.

As mentioned earlier in relation to 3G pricing plans (last paragraph, Page 3) this reflects the need of further direct consultation between disability consumer representatives and the industry. Once the industry starts consulting more with us, we things will start moving forward faster and more efficiently. There is however the question of AAD's resources! We receive some funding from DCITA annually. This is inadequate to enable us to fully participate in such discourse with the industry, regulators and government bodies. A USO levy as discussed earlier could cover further financial input to enable organisations like AAD to work more effectively with industry, regulators and government.

When considering the Broadband Videophone (as illustrated in all attachments) there are questions that need to be raised about broadband pricing plans. For instance, for a Deaf person to use the Broadband Videophone efficiently the minimum bandwidth speeds are 384/384 upload/download with unlimited download capacity. Also required is a fixed Internet Protocol (IP) address. Current

broadband pricing regimes that provide the required service are priced at premium rates thereby reducing Deaf consumer participation.

As Broadband Videophones are widely used in the US and UK, it would seem reasonable to look at this technology as the acceptable voice equivalent means of communication for Deaf people. It is only fair that IP providers make their services accessible to all and that these services are affordable.

The Way Forward

AAD would like to make the following recommendations:

1. That the **NRS tender specifications** include Video Relay Service, IP Relay and SMS Relay;
2. That DCITA include **consumer representatives** in the NRS Tender application and selection process;
3. We would like to encourage the Senate Inquiry Committee to consider looking at amending the **standard telephone service** definition by legislation (to include video) so it becomes more in keeping with the developing telecommunication technologies and covers the whole spectrum of telecommunications.
4. We advocate for a **centralised Disability Equipment Program** model that includes providing information on consumer rights in accessible formats, training to consumers on equipment and most importantly keep abreast of developing technologies and innovative solutions;
5. That the **pricing regimes** for example mobile phones and broadband services take into account the extra cost burden that Deaf people are confronted with to obtain some sense of equal access;
6. That the **'Text Server'** as devised by ACIF's "Any to Any Connectivity Working Group" and presented to DCITA in 2004, be given funding support for its phase-in development.

Deaf people want to participate in Australia's rich and diverse society in as close to real time as possible, in the same way that is enjoyed by the hearing community. For example, our hearing peers have commented on how slow the NRS is to use and if there are other technologies available that provide faster real time communication than TTYs, it is logistical that we adopt them.

If the Senate Inquiry Committee would like further information or evidence to support our submission, we would be pleased to assist.

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