



Coalition Position Paper on the National Relay Service (NRS)

26 June 2017

1. Executive Summary

The national relay service (NRS) is a crucial communication bridge enabling deaf, hard of hearing, deafblind and speech impaired people to make 'telephone' contact with others (and vice versa). The relay service concept grew out of grassroots community angst and advocacy some 30-odd years ago when there was no telephone service option available.

Since 1995 when the NRS was launched, NRS users and their supporting organisations have maintained a keen and devoted interest in working with government to ensure the service met the needs, provided the range of services required and is operated in a world best practice fashion.

When the Department of Communications and the Arts (DoCA), invited submissions to a consultation paper ('Communication Accessibility: 2016 and beyond') in March 2016, this was seen as an opportunity to continue the informal partnership between government and interested community to observe, review and provide suggestions (submissions) on how the NRS could continue to improve to meet the current needs and demands, challenges and new / emerging technologies in a thriving technological world.

In reviewing the Government's 23 June 2017 announcement about the future NRS and the associated implementation plan we have significant concern about the ongoing efficacy of the NRS as a critical communications channel for Australians who are deaf, hearing impaired, deafblind, or speech impaired.

We have formed this Coalition of NRS users and their supporting organisations to voice our concerns and work cooperatively with Government to safeguard the role that the NRS plays in our Australian society. We have collectively made recommendations of the consultation paper options which are highlighted in the table below and elaborated further in this paper.

Additionally, we have a real concern (not included in the consultation paper) about what is an appropriate NRS service monitoring and consultative model. We do not believe the current NRS monitoring, reporting and consultative model is inclusive, collaborative and working in the best interests of everyone. We offer a recommendation for an alternative model as a way forward to ensure any monitoring, reporting and consultative process is best practice and meets the needs of everyone (government, the department and user community).

We hope this paper will assist the government and the department to quickly move forward and work with our Coalition to strike the best balance for a world class NRS in Australia that we can all be proud of.

Recommendations

Options	Recommendations
<p>1. <i>Increase the funding allocation available for the National Relay Service to sustain its delivery over the life of the current contracts.</i></p>	<p>Recommendation 1: The ongoing funding of the NRS needs to be on a cost recovery basis to ensure the ongoing provision of essential communication services for Australians who are deaf, hard of hearing, deafblind or speech impaired.</p>
<p>2. <i>Introduce measures to manage demand for NRS services.</i></p>	<p>Recommendation 2: All relay services types need to be available on a 24/7 basis in the same way as communication services are available for the broader community.</p> <p>Recommendation 3: No cap on NRS service funding.</p>
<p>3. <i>Introduce more specific requirements to support access to the National Relay Service, including greater enforcement of fair use policies.</i></p>	<p>Recommendation 4: Research be undertaken to determine both NRS user willingness to voluntarily register to use the NRS services as well as to determine what service improvements and cost savings could be achieved through implementation of a seamless registration scheme.</p>
<p>4. <i>Refocus the existing National Relay Service outreach programme.</i></p>	<p>Recommendation 5: A NRS Outreach program is a mandatory and essential element to complement the support and success of the NRS.</p> <p>Recommendation 6: A review on the Outreach service include assessing a one NRS/Outreach program option as opposed to two separate services. The decision to separate the two services was made in 2006 without consultation and goes against universal standards and practice for relay services around the world.</p>
<p>5. <i>Review the range of services options and technologies available to sustain delivery of the NRS in the future.</i></p>	<p>Recommendation 7: That no current services be limited or curtailed to make way for new NRS service options such as RTT.</p> <p>Recommendation 8: That a Research and Development fund be reinstated to review, research and develop appropriate NRS components, including consideration for a return of the personal relay service option (PRS) and ascertain suitable global best practices (e.g.; National Deaf-Blind Equipment Distribution Program. USA), nextGen and emerging mainstream technologies.</p>
<p>6. <i>Remove specific telecommunication regulations in place for disability equipment programs.</i></p>	<p>Recommendation 9: The Commonwealth develops a Disability Equipment Program independent of industry to provide current and 'fit-for-purpose' communication equipment for consumers with disability.</p>

<p>7. <i>Encourage development of more affordable data-rich plans by retail service providers.</i></p>	<p>Recommendation 10: Providers offer mobile / broadband plans which enable consumers to choose only the services they need.</p>
<p>8. <i>Encourage initiatives to improve digital literacy and the availability of mainstream text- and video based communication options.</i></p>	<p>Recommendation 11: The Commonwealth and industry investigate opportunities to leverage the NDIS Information and Capacity Building program to develop an agency to provide one-stop information and resources on mainstream technologies with accessibility suitable for people with disability.</p>
<p>NRS Monitoring, reporting and consumer consultation</p>	<p>Recommendation 12. That DoCA work with our Coalition to develop a NRS monitoring, reporting and consultative framework that is inclusive, transparent, collaborative, informative and independent of influence in time for the next NRS contract plan.</p>

2. Background

This paper and its recommendations is a response to a strong and urgent concern on the status and direction of the National Relay Service (including the NRS Outreach program and the *affiliated* Telecommunications Equipment Program - DTEP) by a national coalition of deaf, disability and telecommunication organisations.

These organisations include Deaf Australia, Deafness Forum Australia, Communications Rights Australia, Deafblind Australia, Conexu Foundation, Australian Federation of Deaf Societies, National Seniors and Australian Communications Consumer Action Network.

The Coalition provides this paper as a united response with recommendations on the best way forward to ensure Australians who are deaf, hard of hearing, deafblind and speech impaired have a best practice and quality National Relay Service supported by a functional Outreach program and DTEP.

The Telecommunications Act (1997) was amended in 1998 to ensure that responsibility for the Standard Telephone Service and management of disability equipment became part of the Universal Service Obligation (USO). The universal service regime, established under the legislative obligations of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act), ensures that all people in Australia, wherever they reside or carry on business, should have reasonable access on an equitable basis to standard telephone services. Section 6 of the TCPSS Act defines the standard telephone service in Australia as being:

- A telephone service fit for the purpose of voice telephony; and
- If voice telephony is impractical for a person with disability, a form of communication that is equivalent to voice telephony.

The National Relay service (NRS) was established as a measure to achieve equivalence to voice telephony for people who are deaf or hearing-impaired, and later, people who are speech-impaired.

The NRS (including the Outreach program) and the DTEP are funded by an annual Telecommunications Industry Levy (TIL) which is collected from eligible telecommunications carriers. It is the only source of funding available for the provision of these services.

Communication is an absolute necessity and increasingly recognised as a public entitlement, like power and water. Information and communication technologies are changing the way people interact with the world and everyone's needs must be considered as society continues to transition to the digital world.

The National Relay Service is an essential part of ensuring non-discriminatory and equivalent access to the telephone. It allows people who are deaf, hard of hearing, deafblind or speech impaired to use a telephone to communicate in a way that most Australians take for granted, and the Federal Government is to be commended on the success of this policy direction.

3. Our response to the 'Communication Accessibility: 2016 and beyond' consultation paper.

The March 2016 Consultation paper presented a range of issues and options to explore and support the '*sustainability of the NRS and improve communication options for people with a disability*', DoCA consultation paper, 2016.

Most members of this coalition group submitted a response (available on the DoCA website) and in reviewing these responses we have found there is consistent synergy in our responses and vision of the NRS beyond 2016. Below is our united response and recommendations to each option raised in the paper.

Option 1 Increase the funding allocation available for the National Relay Service to sustain its delivery over the life of the current contracts

Historically, the NRS has been funded from the Telecommunications Industry Levy (TIL) which has been collected from eligible carriers, based on the previous years' operating cost rather than a pre-determined fixed amount as has been the case with the current contract. We do not support a fixed annual or contract levy fee as is in the case with current contract.

The implicit objective of this legislation is that consumers who are Deaf, hearing-impaired or speech-impaired will have anywhere, anytime access to a service which provides functionally equivalent availability to the standard telephone service available to general consumers.

Implementing an arrangement to fund the NRS through a cost recovery basis will ensure NRS services, which are critical to users, continue. This will provide these consumers with certainty that the services they rely on will be available into the future and cater for growth and call service mode changes as they occur.

Recommendation 1: The ongoing funding of the NRS needs to be on a cost recovery basis to ensure the ongoing provision of essential communication services for Australians who are deaf, hard of hearing, deafblind or speech impaired.

Option 2 Introduce measures to manage demand for NRS services

Mainstream communication services are available 24/7 across Australia. NRS users should have the same access to communications services as the rest of the community. Whilst the current NRS

contracts are not publicly available, historically in delivering the NRS, the provider has been required to:

- Operate the NRS 24 hours a day, seven days a week, every day of the year.
- Ensure privacy of the content of all calls and the identity of callers, except for calls through the text emergency call service, as required by law.
- Place no limits on the length or number of calls made through the NRS.

Currently, all but one of the relay services provides this equivalency of availability. The video relay service is currently only provided on a limited basis, thus excluding Auslan users from functionally equivalent access to a telecommunications service. This puts Auslan users who are employed and who work at night or on weekends at an unfair disadvantage which is potentially detrimental to their work performance and career path. They are also at risk (health and wellbeing) when they may need to make important or emergency calls (eg; natural disaster times such as Cyclone Debbie or domestic violence situations) and the video relay service is not available to them. Text alternatives such as emails and direct SMS are not real time, and additionally they must occur in English, which is the second language of most Deaf people and may actually be inaccessible to a significant proportion of the Deaf community.

In order to meet the policy objectives of the TCPSS Act and also comply with the *UN Convention on the Rights of people with Disabilities* (CRPD ratified by the Australian Government), the video relay service needs to be provided on a 24 hour, 7 day basis.

Over the last several years, since the commencement of the current NRS contracts, there have been a number of service improvements and additional relay services included in the suite of services that the NRS offers, including SMS relay, captioned telephony, two-way internet relay and the NRS mobile app. However, Deaf, hearing-impaired or speech-impaired consumers continue to have inadequate access to Triple Zero '000' emergency services when out and about in the community. The introduction of SMS relay was anticipated to ameliorate this public safety issue, however while it is possible to use SMS to contact 000 through the NRS it is strongly cautioned that this should only be used in conjunction with a voice call to 000. Not only is this a significant safety concern for consumers with disability but it is also a significant safety concern for the whole community.

The Commonwealth's commitment to the *Disability Discrimination Act*¹ (DDA), National Disability Strategy² (NDS) and the United Nations Convention on the Rights of Persons with Disabilities³ (CRPD) oblige the Commonwealth to ensure that people with disability have equity of access to communication services including anytime, anywhere access to emergency services by ensuring that private entities (e.g. NRS) that offer facilities and services are open or provided to the public take into account all aspects of accessibility for persons with disabilities (Article 9.2 (b)). As such, we oppose any reduction in service availability for any of the current NRS services, considering such reduction of accessibility to services as counter to the intent of the NRS legislation.

Recommendation 2: All relay services types need to be available on a 24/7 basis in the same way as communication services are available for the broader community.

¹http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/

²<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

³<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

Recommendation 3: No cap on NRS service funding.

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

We note that while general consumers are not required to register to use communications services, NRS users may be willing to voluntarily register their need to utilise NRS services if this will help to sustain ongoing reliability of the service. However, protections need to be put in place to ensure that any registration system is voluntary and do not provide an unreasonable and significant barrier that locks out the most marginalised NRS users within the community such as deafblind people and speech impaired people.

We do not support the introduction of a 'fair use' policy which would limit legitimate use of a service. Typically, 'fair use' policies regarding communications services come into effect only in cases where the use of the service falls outside of general usage, that is, for nefarious activities which can damage the network or are well beyond what could be considered reasonable use.

Applying 'fair use' policies aimed at limiting general usage of the NRS would be discriminatory, undermining the principle and intent of the NRS service as a functionally equivalent communication service for people with disability.

Recommendation 4: Research be undertaken to determine both NRS user willingness to voluntarily register to use the NRS services as well as to determine what service improvements and cost savings could be achieved through implementation of a seamless registration scheme.

Option 4 Refocus the existing National Relay Service outreach program

We recommend an urgent review process to better understand the needs of current and potential NRS users in relation to information, training and outreach support. Consultation such as this has not occurred since 2006. It is understood from our constituents that there are gaps in the outreach program. For example, there is no direct training for school aged children who are Deaf, hard of hearing or speech impaired; Deafblind people, speech and communication impaired people, Deaf people who use Auslan. There is an assumption that some of these community sectors already know about the NRS and have had direct training and information services in the past, however, our understanding is that this was prior to 2006. Our experience is that there is very low awareness of the service within some of these groups.

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 would have staff fluent in Auslan to deal with deaf consumers' enquiries about the National Relay Service.

Current stakeholder engagement, particularly around issues of design, MUST include the deafblind community. There needs to be an acknowledgement that the service is aimed at "Deaf, deafblind, hard of hearing and or speech impaired". An awareness that some users are accessing the NRS using a braille display or requiring magnification or customised colours will improve the accessibility for everyone. The NRS would benefit from designing services and creating interfaces and products that are also accessible for the deafblind, as this group is profoundly isolated.

Acknowledging the aging population where hearing loss is becoming more prevalent, ongoing support, information and training is essential to ensure those who are losing their hearing can still make phone calls via the NRS.

An ongoing challenge is working with the government and business communities to embrace the NRS and help facilitate calls made by NRS users. While there have been significant in-roads, there are still many barriers such as automated call systems (inbound and outbound) and businesses not accepting NRS calls.

Community input via Outreach and the NRS for new service development is essential for meeting the changing needs of the community.

Recommendation 5: A NRS Outreach program is a mandatory and essential element to complement the support and success of the NRS.

Recommendation 6: A review on the Outreach service include assessing a one NRS/Outreach program option as opposed to two separate services. The decision to separate the two services was made in 2006 without consultation; goes against universal standards and practice for relay services around the world; and, may have contributed to current problems emerging.

Option 5 Review the range of services options and technologies available to sustain delivery of the NRS in the future

Growth in the use of the NRS reflects general phone use and the essential nature of the telephone, even with improvements in other types of communication technology.

The reasons why consumers choose the NRS are broadly the same as the reasons why anyone chooses the phone to communicate i.e.:

- They need information immediately
- For convenience
- The conversation is detailed or complex
- The phone is the only option provided
- In an emergency
- The hearing person doesn't use Auslan or can't understand the person who is speech impaired
- To communicate with a person who prefers using the telephone.

Every service under the NRS requires the consumer to purchase or access equipment (e.g. tablet, computer, smartphone, TTY, captioned telephone) and the choice of equipment they use will be based on what is most comfortable for them at that point in time. Mainstream technologies are often preferred however in some cases proprietary technology offers functionality and an experience that is easier, better, more reliable or more affordable for the individual. Consumers will choose the technology that best meets their needs.

If government agencies such as the Department of Communications and the Arts and the Digital Transformation Office implement a whole-of-government program to increase the adoption of alternative real-time communication channels (such as real-time text – RTT) for Government services, this would speed up accessibility for all and reduce reliance on the NRS in some cases.

Recommendation 7: That no current services be limited or curtailed to make way for new NRS service options such as RTT.

Recommendation 8: That a Research and Development fund be re-instated to review, research and develop appropriate NRS components, including consideration for a return of the personal relay service option (PRS) and ascertain suitable global best practices (eg; National Deaf-Blind Equipment Distribution Program. USA), nextGen and emerging mainstream technologies.

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

Telstra provides a disability equipment program to meet its obligations as the Universal Service Provider under the *Telecommunications (Equipment for the Disabled) Regulations 1998*. The regulations oblige the USO provider to provide customer equipment that allows people with a disability to have access to a standard telephone service, with a specific obligation for equipment that allows customers to use the NRS. This is funded under the TIL levy program.

Telstra's current USO disability equipment program is based on 1998 equipment allowing access limited to the standard telephone service. The inherent limitations of this program create barriers to functionally equivalent access to today's communications services. Any future disability equipment program needs to be flexible to reflect current communications technologies and consumer trends. The telco industry-managed program does not provide the appropriate equipment or consumer choice in today's communication environment. While it is clear that the ways in which people access communications services has dramatically changed since the introduction of the 1998 *Telecommunications (Equipment for the Disabled) Regulations*⁴, equipment available through these disability equipment programs has remained limited to a TTY or a large-button, volume controlled handset.

The current communications landscape requires a move away from the limitations of a one-size-fits-all equipment program towards the provision of equipment which best suits the individual needs of consumers with disability.

If a consumer's assessment indicates that a particular equipment solution is needed to provide them functionally equivalent access to communications networks, then that equipment should be considered for funding, regardless of the type of equipment - mainstream or specialised.

Therefore, we assert that any changes to the Disability Equipment Program legislation must ensure that the changes result in a fit-for-purpose equipment scheme providing consumers with disability the equipment which best enables them to participate equally in today's communications environment.

Recommendation 9: The Commonwealth develops a Disability Equipment Program independent of industry to provide current and 'fit-for-purpose' communication equipment for consumers with disability.

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

Data-rich plans are a major consideration for deaf consumers' when deciding on plans for their mobile and broadband needs. This is due to their communications needs being reliant on a large amount of data usage. These plans, we believe, should make available high levels of data usage for deaf consumers who differ from those using voice telephony.

⁴<https://www.legislation.gov.au/Details/F1998B00123>

Any discussion on affordability should note that many people who use the NRS are already paying for a fixed line and/or a data plan to access the service. Some people pay for a fixed line just so they can access their TTY if there's an emergency; others who rely on video relay must pay for data plans that allow heavy use of Skype. Video communication and Video Relay data usage is high due to the high resolution needed for signing and finger spelling, as well as, the need for a synchronous data communication.

Recommendation 10: Providers offer mobile / broadband plans which enable consumers to choose only the services they need.

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

Lack of access to relevant information about mainstream products and services which can provide greater accessibility and usability for people with disability is one of the foremost issues routinely raised. Under the rollout of the NBN, more work needs to be done in promoting applications that are accessible and mainstream, yet provide adequate security for businesses.

We support the ongoing development of mainstream communication technology: their widespread availability, mobility, the reduced stigma and the native accessibility features can only benefit the population of Australians who are Deaf, hard of hearing, deafblind or speech impaired. We believe that the NRS, while one part of an overall communication mix, is a critical one for many people right now. The uptake of, and preference for, mainstream technologies in these communities needs to be reflected in funding structures under the NRS and the National Disability Insurance Scheme (NDIS). It is important that technology needs are assessed along how the particular device or software facilitates the achievement of a goal or development of a particular capacity, not whether or not the technology itself was specifically designed for a person living with a disability.

We believe there is an excellent opportunity for Government and industry to work together with the NDIS Information, Linkages and Capacity Building (ILC) program to create a one-stop information and resource agency capable of providing valuable information about mainstream communication technologies and services to those people with disability who are not eligible for NDIS funding.

Mainstream technologies (current and emerging) should be more inclusive and accessible and where feasible provide another option to the NRS but not at the expense of the NRS

Recommendation 11: The Commonwealth and industry investigate opportunities to leverage the NDIS Information and Capacity Building program to develop an agency to provide one-stop information and resources on mainstream technologies with accessibility suitable for people with disability.

4. Conclusion

This paper focuses on strengthening a critical service that enables communication access for deaf, hard of hearing, deafblind and speech impaired and all other Australians. It is in our coalition's interest to protect the human and legislative rights to full access without limitations (financial or services) to the National Relay Service.

We believe the recommendations listed in this paper mirror our determination and belief that the NRS provides essential benefits, not only in the ability to make 'telephone' calls, but also in improving quality of life in the home, education, workplace, socially and services, etc.

The Coalition is aware that the tender process for the NRS was announced on 23 June 2017 and will soon commence. This document has been prepared over the previous weeks and in this new context we stress the need for the Coalition to meet with the department to discuss the concerns outlined.

We urgently seek a partnership with the government and department to work with us to guarantee that the Australian community has a NRS, that meets universal and human rights standards (eg; UNCRPD) and world's best practices.