**M-Enabling Australasia 2013 Conference**

**Day 2 – the role of Public policy in M-Enabling and inclusion: 9:30 – 10:45am**

If I could just ask the panellists and the moderator for the next session to come to the stage, that would be great.

I want to introduce Asher Moses who recently joined our team at ACCAN as the communications manager. Some of you may remember him with a different hat on as the editor... oh, dear, what was it, technical editor at the 'Sydney Morning Herald'. But anyway, now he's working at ACCAN, which is fantastic. And I don't know what app is his favourite app but I'm pretty suspicious he doesn't have one because he's pretty addicted to RSS and that takes up all your time!

ASHER MOSES: Good morning. We have a star‑studded panel this morning to discuss the role of public policy in M‑Enabling and Inclusion. Of course, there's Graeme Innes, who is Australia's Disability Discrimination Commissioner with over 30 years experience working in human rights and advocating for equal access for people with disability. Paul Buckrell, managing director of Telecommunications Consulting Firm. Paul administered the New Zealand Relay Service and is managing the implementation of the New Zealand Sign language video remote interpreting service. And US Federal Communications Commission who has told us about promoting accessibility with Karen Peltz Strauss. Unfortunately, Dougie Herd couldn't be here with us today. So the take away I got from yesterday is that there's a real dichotomy in talking about these issues. On the one hand, there's an array of apps and gadgets like those show cased outside today which are already doing so much to improve the lives of people with disability. And future possibilities are endless with innovations like Google Glass. But on the other hand, we lack basic things like captioning on commercial online catch‑up TV and video‑on‑demand services. So what role, then, could Government and public policy play here in promoting accessibility? We made our views clear yesterday when ACCAN called for new legislation to legislate minimum standards following the model pioneered. It was great to hear Senator Lundy follow us on this. But there are never any guarantees in politics. We would also like to see both sides of policy commit to the procurement policy which was in the recent IT pricing inquiry.

We'll start this morning by hearing from each panellist for about 12 minutes each and we're going to have to be pretty brutal about the timing. I'll be giving a bell at one minute left and there will be plenty of time to ask questions once all the speakers have finished and in fact, I would encourage you to ask questions. So perhaps we'll start with Graeme Innes.

GRAEME INNES: Thank you, good morning, everyone. There's nobody here! OK, can everyone please make sure that your mobile phones are turned on to silent. Because after what Karen had to say, if I hear a 3‑beep tone, I'm out of here! I'm every conference organiser ease nightmare. First of all, I turned up late because I misread the program and secondly, I told them I wanted to show a DVD that I hadn't told them about before. So my bad! Can I apologise straight‑up Teresa. And let's see how the AV guys have gone with that video first.

(VIDEO PLAYS)

VOICE‑OVER: It's my life and my call. In a suburban yard, a man does sign language.

VOICE‑OVER: A man's head produces from a case.

VOICE‑OVER: He opens the wooden box and pulls out a sculpture of a man's face and hands. He raises his hands like claws. He holds portraits.

A bearded man's portrait.

Jeff serves a drink to an elderly man. They exchange a thumbs‑up.

Jeff types on the phone's QWERTY key pad.

Words appear on the phone's screen. Graeme Innes stands in the foyer.

VOICE‑OVER: On a white canvass, Jeff paints the word "inclusion" on a canvass and underlines it.

VOICE‑OVER: Jeff shrugs and smiles. Credits produced by Attitude Pictures copyright 2013 Australian Human Rights Commission is a partnership between the Australian Human Rights Commission and the Sydney community foundation. We would like to acknowledge the financial support of the Australian Department of Families, Housing, Community Services and Indigenous Affairs, AI Media, Australian Communication Exchange.

GRAEME INNES: Now, I played Jeff Scott's story for a few reasons. Firstly because of the positive result both for Jeff and other people in Australia under the Disability Discrimination Act and that's one of the 20 stories, 20 store DVDs and are other great stories. Search them on the web. But also, it shows an organisation with a cult your that can learn. Telstra's involvement now in the TTY demonstrates that and it also shows that we have a disability discrimination act and what can be done with it. Luckily, unlike the US, the DDA always applied to the Internet and to technology and that was never an issue that was in doubt. And Scott and Telstra and then Maguire and Socog, were Bruce Maguire found the Olympics website in 2000 not accessible and lodged a complaint under the Disability Discrimination Act when the site wasn't fixed before the Olympics, he won $20,000 in damages. The DDA has always applied to technology and the Internet and that's been a great benefit for us. And I'm not suggesting it goes far enough, but that the US perhaps didn't have to the same extent.

And when that award of damages was made, surprise, surprise, access to the Internet was the topic that I got to speak about most for the next two or three years. There have been other areas of achievement on the DDV. Captions on TV, both pay and free‑to‑air. Partly resulting from a DDA process, use of the exemptions process under the DDA. Captions in cinemas flowed from John Byrne's complaint under the DDA and that's another one of our 20 years, 20 stories. Audio description in cinemas flowed from similar processes using the DDA and Blind Citizens Australia. And the current topic, I suppose, in our minds is accessible voting which started in 2007. It's not totally electronic yet so I do have to tell a human who I'm voting for, but I do get to vote independently as a result of the DDA and lobbying. And with the size of the Senate paper this year, I hear it's going to be bigger than most of your dining room tables! More of you might want to be applying for the blind and live vision voting in the election! I think applications start next Monday!

Accessible procurement is not something which we've achieved under the DDA. It's not a regulation but it is a way that governments can drive change, and I've been lobbying for a long time for accessible procurement in Australia. The US has law in this area and has had it for many years and I'm suggesting it's perfect, and Karen can talk about it in probably more detail than I can. But at least it does get governments, Federal and State, when they buy, to buy accessibly. And that, of course, drives the market towards accessibility.

Do we need more regulation? Do we need minimum standards? Well, I think a minimum standard could very well be useful, but I don't think it's the only answer. I think we have to take both Government and private business with us on this trek towards better access. We could, perhaps, enact WC3 as a code of practice under the Disability Discrimination Act. That would need an amendment to the Act, but only a small amendment to do that. And we could enact minimum standards in other areas. That would, of course, require people to lodge complaints, so perhaps we need to use things like the Broadcasting Act or relevant telecommunications legislation, but I think it's certainly a topic for discussion in the next term of Government. Perhaps, though, we also need some complaints about inaccessible apps, or, if we don't have complaints about inaccessible apps, perhaps we can complain about it. I'm currently on a Twitter holiday, sent on that by two blokes called Kevin and Tony! And I'm finding it difficult. I'm going through significant withdrawal. So anyone who wants to pseudo‑tweet on my behalf, feel free! But I can't wait until September 7, let me tell you, and it is not because I want to have a vote in the election!

So I think that's another powerful way – lobbying and using social networks to get change. Companies make accessible things inaccessible. Karen mentioned upgrading and people shouldn't lose access and that's critical too. I know the upgrade of the main ABC app 12 months ago made that app inaccessible, although that's been fixed now with a number of complaints. And has anyone tried using Qantas's Q‑Streaming? Qantas now on some of their planes are trialling iPads for all the inflight entertainment. But guess what – they've blocked the voiceover feature. And I've already lodged five complaints about that. So please join me.

Perhaps we need to use other options. More consumer affairs shows on the ABC. I'm a big fan of F YouTube and hey Asher, how about a YouTube clip of someone using audio capture and Julian Morrow using any capture! Do we need more regulation? Well, maybe social media is just as powerful. Why not ask Myer! Thank you for the chance to talk with you today.

(APPLAUSE)

ASHER MOSES: Thank you very much, Graeme. I would now like to welcome Paul Buckrell to the stage. To the lectern!

PAUL BUCKRELL: Good morning, ladies and gentlemen. You've had a wonderful address from Karen this morning representing a country of 350 million people and a very wealthy country. New Zealand has 4.5 million people and we do things on a somewhat smaller scale. I look after the New Zealand Relay Service. I can tell you that communications and IT policy in New Zealand is developed by a small group of 15 people and three contractors. And in terms of the relay service, I spend one week a month in total on average looking after that in terms of policy development and the administration of the existing contracts.

I wanted to talk to you about how we develop our policy in New Zealand and who we reach out to try to help us do that. We do it by public consultation from time to time. We've done it twice since 2004. But I think the most important group that we have is an advisory group to steer the development of our relay service. And on that, I'm very fortunate to have representatives from the deaf community. There are two deaf members, a deaf/blind gentleman, a hearing impaired and speech impaired people. The parent of a deaf child who has a communications disability and the chief executive officer of the Telecommunication Carrier's Forum.

Now, I think it would be fair to say that when regulation is in, the last thing the carriers want to do is pay for it. But we're in a fortunate position at the moment that the CEO of the TCF, when he came to the first meeting, he said to me, "Paul, I'll stay here for a couple of hours and then I have to shoot through." He stayed for the whole day and returned and reported to his board. It must have been fairly glowing because they said, "Look, David, we want you to remain as the representative on the advisory group for the foreseeable future." So I think we have a very strong ally from the communications industry who is supportive of us. We also reach out to counterpart authorities in Australia, Norway, Sweden, the United Kingdom and the United States of America. That's a little different from the countries that New Zealand normally goes to. Canada would be involved in that but we don't see their relay services as being particularly developed.

It would help if the changed the slide, wouldn't it!

Just running quickly through the relevant legislation we have. We don't have an over-arching law like the ADA in the United States. Our approach is more to include the interests of people with disabilities within all legislative responses, whether it is help, education, social assistance, transport or housing. And this approach underlines the responsibility of society to design systems and services that are accessible to all people, including people with disabilities. We have the Human Rights Act from 1993 that protects the rights of people with disabilities along with all New Zealanders and guards against discrimination on the grounds of disability. The New Zealand sign language of 2006 made New Zealand sign language an official language of New Zealand and gives profoundly deaf people certain rights, particularly that they shall have qualified interpreters in any court proceedings. The Telecommunications Act 2001 contains the regulatory framework for the Telecommunications Relay Service. That has had updates since then. The funding mechanism has changed slightly. At present and through to 2016/2017, the fund is $50 million. In that year 2016/2017, it drops to $10, which motivated me just a fortnight ago to figure out how much of that $10 million I want to get my mitts on in 2016/2017 on the premises of the first in will grab it. And it will be about 50% of the fund at that time.

We believe that we've had some advantage from having no specific regulation in some areas. Our relay provider is actually an American firm, so we became surprised at problems that were happening with Internet relay in the United States with fraudulent calls being made. Just to expand on that, a fraudulent call is where somebody uses Internet relay to content a merchant and attempt to procure goods against a fake credit card, for example. There's a lot of warning signs that goes with these sorts of calls. Accent is one. You know, if somebody is ringing up at 10:00 at night wanting to get through to a New Zealand sports good store to buy 20 sets of golf clubs – that's a pretty clear signal. So I think under the ADA and Karen, please correct me if I'm wrong, but my understanding is that American communication assistants are required to relay the contents of a call regardless. We empower our relay assistants to terminate calls that they identify as fraudulent. It's taken many years to entrust the user and business communities in relay. We still have some organisations that say we don't want to accept relay calls. We invite them to the relay centre and show them how it operates and it is clean desk policy and always supervised and we've never had a breach of confidentiality, and inevitably, they come onboard and use it.

I want to note that for a country of 4.5 million people, it doesn't matter what we do and the way of legislation. We can not influence manufacturers of mass market devices. So Karen, we're relying on you pretty heavily in this area!

So in this change from analogue to a digital and wireless world, our disabled consumers need functional telephone services and we've tried to do our best to meet their expectations. So for deaf, it's definitely video relay service. We started our service in 2004. We did a review already in 2005. The number one priority for deaf people for future service development was – please give us VRS. It took a little while, including building the workforce, I have to say. And that might seem a bit out of scope for what was an economic development policy group, but it's impossible to launch a service if you don't have the staff to do it. So we put a reasonable amount of money in to sign language interpreter scholarships so that when we did launch VRS, we had a sufficient pool of qualified interpreters and we didn't upset the deaf community by pulling people out of community interpreting. We're also launching a mobile service pretty soon – October 1. The hearing impaired community, when they found out about captioned telephone service, started lobbying for that. It is a fabulous service. We launched it on March 1. Within three months, the captioned telephone traffic was exceeding traditional Relay traffic. And it's only going to increase explosively. The typical person is a woman. They're using the phones for 80 minutes a month and I think that will increase to about 100 minutes a month when we extent the hours in the month from 9 pm to 10 pm. For hearing and speech impaired, we have speech‑to‑speech service and hearing carry over. I know they're called different things in Australia. I can't remember the names, I'm sorry! So, as we go through this transition, we found video relay services were exceptionally wireless or unusable over 3 G wireless services but we have three cellular providers in New Zealand. They're all moving to 4 G and that's going to clear that up. So you will be able to do VRS from an iPad or an iPhone or a Samsung equivalent. Mobile captioned telephone service will run on current 3 G technology, but we know from the American experience, the uptake is pretty low. I think that will change in a generation as more tech‑savvy people start to lose their hearing. I'm one of those people.

What's bothered me a little bit and I've actually been very happy to see some of the technology on the stands outside in this conference. I was really starting to worry that people who rely on very specialised devices, and I think deaf/blind people in particular have been empowered through the development of devices that are really specific to their needs from companies like Human Aware and others. And I saw the risk of them being completely marginalised again if the functionality of the devices wasn't somehow replicated in digital terminals. My deaf/blind rep keeps telling me tablets and glass aren't tactile, but there is a range of apps out there. And the one I saw outside yesterday with an iPhone and a dock and a keyboard and a WiFi Braille reader, I thought was a great solution and it's a heck of a lot cheaper than buying telly (inaudible)

We started it in 2004, that was voice‑to‑text relay, text‑to‑voice. Internet relay and we had a trial of speech‑to‑speech which quickly become a permanent service. Now, to pick up on one of the speaker's earlier points, the any‑to‑any connection. So a speech impaired person wants to talk to a deaf person, they can. If they want to talk to a deaf/blind person, they can. And so on. We tried the VRS for 18 months starting in June 2009. It became permanent. It is limited hours, 9am to 5pm week days and the policy behind that is that we want to support people retaining and getting in to and retaining employment. Captioned telephone service started March 21 2013. And that was a bit of a battle to get through as a policy, but the decision was able to be taken after we'd gone to RFP and saw that the long‑run cost per minute of that is less than half of what we pay for traditional relay minutes. We're also launching a video remote interpreting service to improve the accessibility of government agencies to deaf people. That will start up on September 30. It's government funded, as is VRS. And we're launching... with, the Americans call it mobile IP and I hate that because it is a technical name. But it is really a chat or instant messaging application, so that will come up on October 1 for blackberry, Android and Apple devices. There has been a question on government subsidy on devices. Last slide – don't panic. We've chose only to intervene to make low‑volume devices that require adaptation to the New Zealand net w and meet New Zealand standards, accessible. It really is ridiculously expensive to convert these things from North American standard to New Zealand standard. So text phones or TTYs, voice carry over phones for the hearing impaired community always had 100% subsidy. Captioned telephones, we're subsidising 50%. And that's because we're operating with an existing baseline funding and we've allocated a lot of the operational budget to support Video Relay Service and I have to just look after the waivers that roll through. But really, we're not getting any objection to that. We've never subsidised mobile or computing devices because they're readily available from a range of suppliers and I can also say, we've never had a request from somebody who wants to use Internet Relay for a subsidised computer or for any mobile devise.

That's New Zealand. Thank you.

ASHER MOSES: Thanks very much, Paul. Now we'll hear from Karen Peltz Strauss again.

KAREN PELTZ STRAUSS: Thank you. Hopefully you won't be sick of me after this. I want to first respond to a number of things that pa mentioned, just in terms of comparing how we do things in the United States. The first is I want to respond to your comment that, in the United States, our communications assistants, or relay operators, must handle all calls. We do have that requirement, and technically – well, when the ADA was first adopted, we were very concerned about relay operators or communications assistants making any kind of judgements about the content of calls, which has caused us some trouble, I have to admit, in the IP relay area, where there has been enormous fraud. So there is some theory that does say that, if it's not a true relay call, it doesn't have to be handled. We have let the companies determine that on their own. So there are some companies that actually, when they do see those indicia of fraud, such as unusual accents, unusual voice patterns, calls at certain times of the night, they have to note those calls. To be honest, we look the other way. The output has been so voluminous. We now require registration of individuals. In fact, we've just issued a brand new proceeding which I encourage you to look at. It's a fairly lengthy document. We completed a rule‑making proceeding and adopted new rules on VRS and IP relay which talk about the creation of a uniform database for everybody that uses relay of any kind to have to register into this database. We initially had not done this, but because we have a need to control fraud, our relay fund right now is around $700 million, and it is rising incrementally, and largely because of captioned telephone services. Initially the bump – for about 10 years, it was $70 million. It moved to about $700 million because of video relay. We've gotten video relay back down and we're reducing the rates for relay, for video relay. Now captioned telephone is taking off. We have a need to control our funding and to control the fraud. This new proceeding engages in a lot of different measures to do that. It also, however, does some wonderful things – it creates a national outreach coordinator for relay. A lot of the fraudulent calls in IP relay have resulted in businesses hanging up on relay calls. Banks and other institutions that require confidential communications also have always been reluctant to take relay calls. One of the things we're going to be doing is hiring or contracting with a national relay coordinator, much along the same lines as the national deaf/blind coordinator on outreach, to educate businesses and make them aware of the needs and the goals and the functions of relay services. Excuse me.

The other thing that the VRS proceeding does, that the new rules do, is it requires that there be a common standard for video communications. When video relay first started in the United States, it was largely controlled – the equipment created for video relay actually since that time has been created by video relay providers. That's because initially, there were no opportunities to use mainstream devices. But now that we're moving into video communications for the mainstream, we want this community to be able to not be kept in the silos of the VDL relay providers. This proceeding will hopefully make it easier for people to ultimately go out and purchase their own video equipment and be able to use it interactively with each other. I also want to mention that we have a brand new speech‑to‑speech proceeding that we just issued. We adopted a few minor rules, but opened up a set of proposed rules and asked for public comment on how to improve speech to speech. One of the things that's happening in America is there have been a few trials of video‑assisted speech to speech, which could be considered much more effective if the relay operator can actually see the person with the speech disability to better understand them and perhaps the person with the speech disability could hold up an address, a written address. There are a lot of benefits to being able to see the individual. It's actually not really any more expensive. All you need is an internet connection in one direction. So there's a movement – I don't know if you've heard in Dr Bob Segalman – he's the father of SDS, a remarkable individual, and he's been working with the states to get this done. The other thing is that we're asking about whether or not we need a national outreach coordinator for speech to speech. It is the most under‑utilised relay service, but I say one of the most needed services for people who have speech disabilities and can't communicate. We also have state equipment distribution programs. We do not have a national equipment distribution program generally for people with disabilities other than the deaf/blind program. So not every state has its own equipment distribution program – only around 30‑35 of our states have that. So we are not where you are, actually in terms of the distribution of TTYs and other assistive devices. We do not require it under our federal law. The good news is that, because we're moving to so many mainstream devices, and there's so much accessibility via mainstream devices, people can acquire those mainstream devices and still have access. In the United States, hardly anybody is using TTYs anymore. Most people have given up their TTYs for mobile devices, SMS, video relay and other types of communication. That actually answers some of the things that were just raised. Now I'll have a small PowerPoint – most of it was covered the first time around. So I'll go through it pretty quickly. Again, the name of this panel is "The role of public policy in M‑Enabling and inclusion." Again, I want to go back to – why do we regulate, when do we regulate, what are the motivating factors? The first thing we look at is whether the market is responsive. As I mentioned before, very often it isn't, with people with disabilities. But we also look at whether volunteering measures have been taken. For example, in the United States, generally the motion‑picture studios have done a pretty good job with captioning their home videos – videos for purchase or for residential use. There really hasn't been a need to step in in that area. Generally also we look at whether there's a public‑interest obligation. By the way, the ADA does require movie access, but we do not specifically require captioning yet in movie theatres. There's an open proceeding in the United States on that. It is a proceeding by the Department of Justice. They oversee most of the Americans with Disabilities Act. The FCC, where I work, only oversees title four – the relay section.

Again, what are the reasons for requiring public policy generally? What I mentioned before – ensuring access early on, levelling the playing field in the industry – otherwise you have some companies providing access and others not, and it's not equal. Encouraging innovation, and finally promoting off the shelf products. We want to move away from specialised products that are generally harder to find and more expensive. Fortunately, with software and apps, that's finally becoming a reality.

In addition, I mentioned before all the reasons – the ubiquity of communications, the fact that it guarantees independence, self‑sufficiency and privacy, achieving access for all and, most importantly in the United States, telecommunications access as a civil right. Here I go with my plug, and it's a shameless plug, but this is a book that I wrote a few years ago through Gallaudet Press. I don't really make any money on this book, but it's a very useful guide for how we got all of the laws that we were able to get passed in the United States. So it provides, from A to Z, what the arguments were used. If you notice the name of it is 'A New Civil Right', because we really do see this as a civil right, just the way we would see any other non‑discrimination effort as promoting the civil rights of individuals. If you don't have communications, you don't have a civil right. If anybody's interested in obtaining one of these, let me know. We're hoping that – the reason that I wrote it is to provide a road map for other countries and other people in states and other localities that want to try to get the same type of access that we've gotten through our laws.

I just want to give you, now, some examples of what happens when access is not incorporated from the start. I mentioned before that hearing incompatibility was exempted from the 1988 act requiring all phones to be accessible. In 1996, digital phones, digital wireless phones, came to the United States. There was no requirement for wireless phones to be accessible. The FCC, at that time, was very interested in the proliferation of these phones, and didn't want to do anything to thwart innovation or the distribution of these phones. So the chairman of the FCC at that time told consumers that wanted a requirement for accessibility to work with the industry and said that they were not going to issue regulations at this time. As a consequence, it took another 10 years for digital wireless phones to include hearing‑aid compatibility. That was a period during which you could get analogue phones, which were bulky and much more expensive, that were accessible for wireless services. But the whole community of people who used hearing aids and cochlear implants were left behind. Another example are graphical interfaces on computers. Those, originally, when computers first came out – text was accessible. Then all of a sudden there were all these graphics that came out, and the blind community couldn't access them. Loss of quality in closed captions during the transition from analogue to digital was huge in the United States. The captions, when digital TV first came about, captions sometimes were too large, they were placed over people's faces, sometimes they were too small – again, this was because the industry at that time really didn't incorporate access into their design features. Just generally, the introduction of new ways to get television programming, the shift from traditional television sets to iPads, and tablets and small phones – again, initially there has not been access. The CVAA will address that. I've already gone through what the CVAA covers. I won't do that. You can look at my PowerPoint, but basically the rest of my PowerPoint covers the fact that title one of the CVAA covers three concepts – accessibility, which is input/output control mechanisms, ways to identify – the companies must identify barriers and must address them. Usability – so it's not only access to the product, it's access to the product information – guides, bills and product support. You have to be able to learn about the features. You must be able to get help in using them. And the other concept that I wanted to mention is achievability. This is the defence. If you cannot provide access or usability, if it's not achievable, then you don't have to provide it. That basically balances the cost and nature of the accommodation or, rather, the access feature, with the benefits of the access feature. Generally, you're looking at the extent to which the company can afford to do this, and what effect the access features will have on the product. There's also a requirement for compatibility. If it's not achievable to provide access, then the product or service has to be made compatible with adaptive or specialised equipment.

The next slide is on manufacture obligations – what the manufacturers have to do. I'm going to skip ahead to record‑keeping obligations. I mentioned these before. These basically talk about what the companies have to do. They have to consult with people with disabilities. They have to provide descriptions of accessibility features in their products. And they have to provide information about the compatibility. They have to keep records for two years and produce these records to the FCC upon request, and keep annual certification at our commission that they have produced this. The rest of the slides you've already seen. Thank you again.

(APPLAUSE)

ASHER MOSES: Thanks very much, Karen. Before I throw open to the floor, I just wanted to kick off with one question. I'm happy for all three to answer, but please keep it brief so we can get some questions in from the floor. There seems to be a lot of momentum in Australia with DisabilityCare Australia and other initiatives. Is now the perfect time to push for legislation similar to the US's 21st Century Communications and Video Accessibility Act of 2010 in countries like Australia? Or do, as Paul said, do we need the clout of the US to have any influence in this area? Perhaps if Graeme could answer first?

GRAEME INNES: Thanks, Asher. Look, I'm not sure is, the answer to that question. For me, it's an open discussion. The US, because of its market size, certainly has a big influence on what happens in Australia, and there's no getting away from that. And legislation won't change that, really. Do we need more legislation? Perhaps I'm getting old and cynical. It's a worry. But I've been through two DVA standard processes in transport and in buildings. They're lengthy, consultative processes, and inevitably there are compromises. So what you might start off with is probably not what you'll get. And anyway, does a standard under the DDA help us that much more if people still have to lodge complaints? I think, if there could be some sort of amendment to the DBA so there could be coregulation and we could adopt an existing code or document like the W 3 C standards as a Code of Practice, I think there's more of an argument for that. Or do we go the other route and regulate in an area which is not, if you like, disability‑oriented, such as putting regulations in the broadcasting area and have them administered by ACMA? I think there pitfalls with that. I don't know that, whilst I know a number of people in ACMA have tried very hard in this area, I'm not sure that the disability would give an absolute thumbs up to the way that legislation in that area has been administered in terms of ensuring better access for people with disabilities. So I just think – I'm not ruling out more legislation. There is some momentum at the moment because of DisabilityCare Australia, but legislative processes are not quick processes in Australia. Before you had legislation, even if politicians really got behind it – you're probably looking at a year to a couple of years. Will what we get be worth it? I think it's an open discussion.

ASHER MOSES: Any other quick comments from any of the other panellists? OK. We'll take some questions, then. Where's the mike? OK, just down the front.

Sorry, the gentleman in the front row.

He's put his hand down! There he is. Sorry.

UNKNOWN SPEAKER: I didn't think it was necessary to keep it up. The question primarily for Karen, but I'd be very interested to hear any comments the other panellists have. Karen, one of the really hot issues, certainly in the blindness community at the moment, is around advocating for audio description in the provision of downloadable movies, but most particularly on television. We just had a recent trial on the government‑run network, and we're kind of holding our breaths waiting to see what happens. Given that situation, do you have any advice for us in light of the experiences in the US in looking to get these same sorts of services?

KAREN PELTZ STRAUSS: I think that the captioning effort in the United States was very successful early on because the community stepped forward and made a very strong case for how necessary captions were to understand television programming. The blind community in the United States was not as vocal for very long time. Maybe it's because you don't know what you're missing when you don't have it. What we're hoping is that, once video description – it's already being created, although there are problems with accessing it – the equipment part of our rules have not gone into effect yet. Some people are not getting it even though it's there. But we're hoping that, once people get used to it, they're going to want more of it and the community will become more actively involved in pushing for it. I'd say that that's probably the most important thing that you can do – to mobilise grassroots support and make the industry and the government understand how critical this is in terms of being able to access this medium. That message was not being conveyed for many years. It was frustrating for me, because I was trying to convey it. But as a sighted person, it was difficult for me to do. That would be my recommendation.

ASHER MOSES: OK, we'll take another question from the lady down the front.

UNKNOWN SPEAKER: Hi, my name is Anacin Jarver, with the Australian Communications and Media Authority. I've got a question for Karen. Karen, I think the history, globally, of legislation is that, for people with disability in general, the legislation is continually out of date as far as the technology it addresses. I'm sure you'll agree about the US experience. How do you see your new act as far as – how do you feel it will be future‑proof as far as new technologies and access to those? And how will it do that?

KAREN PELTZ STRAUSS: I was just talking to people about this the other day. We tried so hard to make this legislation future‑proof, so there are various places within the act that you'll see it will talk about the current technologies and any subsequent technologies. So language like that helps. However, we have already found that we miss things. I think that your DDA is probably a good example that does not pigeonhole – doesn't use specific words, it kind of opens it up to future interpretation. I think that that's really impressive. I took notes, and I wish that we didn't have this battle where we had to go back and say "address the internet". But you know, the use of terms like "successive technologies", "Subsequent technologies" "that achieve these and other purposes" – language like that can help, but it is really difficult to keep up with emerging technologies. I don't have any other solution other than language like that.

ASHER MOSES: Thank you. The gentleman down the front?

UNKNOWN SPEAKER: In 2011, it was suggested that video‑to‑video recognition would be greatly beneficial.

UNKNOWN SPEAKER: In New Zealand, have you considered video speech‑to‑speech relay? Research suggests that it could be very beneficial.

PAUL BUCKRELL: Yes, Daryl, I'm pleased to say that we have. It came about through advocacy from the chairperson of the assistive technology association of New Zealand, who ran a couple of video clips to one of the advisory group meetings and, it really brought home to people just how difficult it is for people with multiple disabilities to communicate. She advocated for video‑assisted speech to speech, and that has been included in our new contract. There is only one user of it today, but that gentleman is going to be giving a presentation at an assistive technology association conference in Hamilton in October, which we expect will be attended by about 800 people, so I'm hoping that the usage will increase after that. And it is no more expensive to provide than conventional relay service.

KAREN PELTZ STRAUSS: In fact, if I could add to that, I think that in the end, it could be cheaper. Because if you understand the person more clearly, you can complete the phone call more clearly. More faster, rather.

ASHER MOSES: Anyone else? Yep, the lady up the back?

UNKNOWN SPEAKER: Thank you. Deb Fullwood from Australia's National Relay Service. In the absence of Dougie Herd today, we haven't heard, perhaps, some of the ways that Australians address the issues that both New Zealand and the US have raised. The relay office in Australia can close a call on the basis of suspected fraud, on particular triggers. That's certainly added to the reputation of the relay service in Australia. However, there are still many businesses that are unsure about the call and the issues of receiving calls and comfort around privacy and confidentiality certainly remain. We've got a well‑developed outreach program in Australia and have taken the approach of national coordination, as the US is now looking to do. That includes a national approach to people with complex communication needs and their awareness and support, because of low take‑up. It also includes a national approach to look at business solutions where businesses are reluctant to take calls, often through misunderstanding, and we have a business process call, "Becoming relay service‑friendly" where the business has a large call centre and is likely to receive a lot of calls – for those staff to become relay service‑ready. We're very happy to talk to you or other situations you may come across in order to make sure that the value of the relay service is available throughout the community. The outreach services are free and we've got a booth outside, so you can leave your details there. But I think, in the absence of Dougie, it's important for those of us who are here to understand more about the hallmarks of the Australian service and its reputation. Thank you.

ASHER MOSES: Thank you. One more from the front?

UNKNOWN SPEAKER: Thank you. Brendan from Vision Australia. I'm trying to get my head around this question of to relay, not to relay. I think the question probably is how do we regulate? Just going back to yesterday's panel discussion where there was an analogy of the ecosystem or the mobile or technological ecosystem. When I think of ecosystems, I think of things that are unplanned, that move forward and move and some things thrive and sometimes they don't. Sometimes that can be good and sometimes that can be bad. I think of things, for example, with portable document format for people who are blind – that sort of came on. Nobody foresaw how ubiquitous that would come. My question is, is there a way of somehow, in Australia, beefing up and enshrining what I think is a bit of a social contract for the community, business, and everybody to ensure that whatever services and products are created, are done so in a way that's accessible to the community itself? And Paul, you mentioned the New Zealand Human Rights Act. We don't have a Human Rights Act, either constitutional or otherwise, in Australia. I'm wondering if, perhaps, that could be a way of trying to beef up that obligation around the social contract. This is a difficult topic in Australia because we've gone through a process of trying to get a Human Rights Act up, and it hasn't worked. But I'm wondering if that could be another way.

GRAEME INNES: That's probably me, Asher.

ASHER MOSES: Go for it.

GRAEME INNES: Look, I mean, a charter of human rights, or a Human Rights Act, would certainly be one way to do that, Brendan. But we had that discussion a few years ago. It was unsuccessful. It's the sort of thing that doesn't come back for, you know, a decade or so. So I'm not confident that there's the stomach for that debate again in Australia. Amending the DDA so that codes of practice can be adopted in particular areas would certainly, if you like, draw the line of where discrimination and access exists more clearly. You could pass an accessibility act, but I wonder whether the time spent in lobbying for an accessibility act might be just as well spent in lodging a dozen or so, and pursuing a dozen or so, strategic DDA complaints. In this area, in the access area, I gave, earlier this morning, a number of examples of very effective use of the DDA to get access results. Most of them – John Byrne launched the cinema caption complaint, but then the various organisations came in behind John – the peak organisations – and we were able to use the DDA to get that result. I actually think we really under‑utilise what we've got. I wonder whether embarking on an exercise of getting a new law – that's a big ask. I'm happy to sit down at the table and have this conversation with people but, for me, that wouldn't be the first place I'd be going.

ASHER MOSES: I'm conscious that you've all got to go out for morning tea, but I wanted to very quickly welcome ACCAN chair Johanna Plante up to the stage with Disability Discrimination Commissioner Graeme Innes, who are going to make a special announcement.

JOHANNA PLANTE: Good morning, everyone. I was about to say good afternoon, but it is still morning, isn't it? Just before everyone heads off to morning tea, I'd like to take this opportunity to make a special announcement. ACCAN is today launching a new accessible app challenge, apps for all, sponsored by the Human Rights Commission. The annual challenge will award the best mobile and tablet apps submitted in the following categories. 1 – the most accessible mainstream app. 2 – the most innovative app designed for people with disability. 3 – the most accessible children's app. 4 – the most accessible game app. As we've already heard from some of our amazing speakers at this conference, many Australians are currently missing out on most of the apps we tend to take for granted. So it's my hope that the apps for all challenge will not only highlight why accessibility is so important when developing an app from the ground up, but that it will trigger a flood of innovative and groundbreaking ideas around how apps and mobile technologies can truly benefit all consumers. Apps for All will be judged by a select panel of technology and accessibility experts which we'll announce at a later date. For now, I have great pleasure in passing over to Graeme Innes, who will say a few words on the Australian Human Rights Commission sponsoring the challenge. Graeme.

(APPLAUSE)

GRAEME INNES: Thanks, Johanna. I'm really pleased to be part of this announcement, and the Australian human right commission is very pleased to sponsor this competition. That's not only because of my role as Disability Discrimination Commissioner, but also because I'm an app junkie. There's just no doubt about it. I can't wait for more apps to be accessible. In some sections of the media over the last few months, the Human Rights Commission has been criticised as being critical of business, or picking on business. That couldn't be further from the truth. Because the reality is that, for many years, we've had a proud record in our human rights awards and across the field of human rights in what we do, of standing next to community organisations and businesses and congratulating them for making rights more universally available. That's why we're proud to sponsor this competition, because that will be us doing that again. So we're very pleased to be involved. I've offered myself up as a judge – very happy to be involved in that part of the process.

(LAUGHTER)

Looking forward to the first awards and to congratulating businesses that make their apps available for everyone at your next conference. Thanks for the chance to sponsor.

(APPLAUSE)

ASHER MOSES: OK. You're all free to leave now for morning tea.

(LAUGHTER)