



Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities

Submission by the Australian Communications Consumer Action Network to
the Senate Standing Committees on Community Affairs

28 April 2017

About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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1. Executive Summary

The Australian Communications Consumer Action Network (ACCAN) thanks the Senate Standing Committees on Community Affairs for the opportunity to comment on the Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities consultation.

The consultation seeks feedback on potential barriers to progress or innovation and how these might be addressed.

This submission outlines the continuing barriers people with disability face in access to information and communications technologies (ICT), illustrates their profound impact on people with disability and also provides recommendations which we believe will help ameliorate these barriers and, if implemented, will provide positive outcomes for the whole Australian community.

1.1. Recommendations

Recommendation 1: ACCAN recommends all National Relay Service (NRS) relay services are available on a 24/7 basis in the same way as communication services are available for the broader community.

Recommendation 2: ACCAN recommends the Commonwealth, as a matter of priority, develop a national Next Generation 000 service which allows reliable, real-time SMS communication with the 000 operator.

Recommendation 3: ACCAN recommends the NRS legislation be amended to specifically include the provision of services for Deafblind consumers, consumers with disability from CALD backgrounds and for consumers with intellectual disabilities.

Recommendation 4: ACCAN recommends that the Government requires free to air (FTA) television broadcasters to provide the same quota of captioning across all channels.

Recommendation 5: ACCAN recommends that the Government requires FTA television broadcasters to set a timetable for increasing the hours of captioning until they cover a full 24-hour viewing day.

Recommendation 6: ACCAN recommends that the Broadcasting Services Act be amended to mandate the inclusion of audio description across all free-to-air broadcasters, as is the case for the provision of closed captions for television viewers who are Deaf or hearing impaired. ACCAN recommends the Broadcasting Services Act be amended to require a minimum of 14 hours per week of audio description initially, with annual increases as has been implemented in the United Kingdom.

Recommendation 7: ACCAN recommends the Commonwealth adopt a whole-of-government procurement policy mandating the procurement of accessible ICT products and services.

Recommendation 8: ACCAN recommends the Government investigate, with an expectation of implementation, funding a National Disability Telecommunications Service through the National Disability Insurance Agency's Information, Linkages and Capacity Building framework.

Recommendation 9: ACCAN recommends the Government undertake a review of the Centrelink Telecommunications Allowance with a view to ensuring that the allowance enables all income-support recipients to connect to the telecommunications services which best suit their needs.

Introduction

Communications access has become an essential requirement for economic, social and community participation in Australia. As a nation of early adopters our enthusiastic take-up of communications products and services has increased our dependence on full communications access for everyday tasks - shopping, banking, accessing government services, education, employment and social connection. While the majority of Australians take this connectivity for granted, many people with disability face a number of barriers making it difficult and sometimes impossible to enjoy the benefits of connection. Barriers of access to appropriate equipment and devices, lack of awareness about mainstream options, lack of suitable connection, set-up and training and ongoing support, barriers created by inaccessible services and issues of affordability mean communications remain out of reach for many people with disability.

In 2010 ACCAN published a research paper, 'Connecting Us All: The Role of the National Disability Strategy'. This report included a number of recommendations highlighting the need to ensure that all Australians are able to benefit from our increasingly digitally connected economy¹.

ACCAN is pleased to acknowledge that there have been a number of improvements in the availability, affordability and accessibility of communications products and services for people with disability over the intervening years since the release of our report. Whilst these changes have provided a number of tangible benefits for some people with disability, ACCAN is concerned that there is still a long way to go before all Australians with disability have the essential connectivity to benefit from our digitally connected society.

In this submission ACCAN would like to highlight 5 key areas where Australians with disability continue to struggle to gain full and equitable access to information and communications products and services. This submission illustrates these barriers, their profound impact on people with disability and also provides recommendations which we believe will help ameliorate these barriers and, if implemented, will provide positive outcomes for the whole Australian community.

1. Functionally equivalent access to anytime, anywhere telecommunications services,
2. Inclusive access to broadcast television and video on demand services,
3. Full and equitable access to all government online information, services and employment opportunities for public sector employment,
4. Access to appropriate mainstream and assistive ICT equipment, with training and ongoing support in digital literacy, and
5. Financial solutions to assist with the costs associated with initial and ongoing connectivity.

1. Anytime, anywhere telecommunications services

National Relay Service (NRS)²

The NRS is a nationwide service legislated by the Commonwealth³ and managed under Commonwealth contracts⁴ funded from a levy on eligible telecommunications companies.

¹ <https://accan.org.au/about?catid=0&id=217>

² <http://relayservice.gov.au/>

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.

Currently, all but one of the relay services provides this equivalency of availability. The video relay service, since its introduction, is only provided on a limited basis, thus excluding Auslan users from functionally equivalent access to a 24-hour, 7-day telecommunications service.

Over the last several years, since the commencement of the current NRS contract in 2013, 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, but 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.

Furthermore, the current NRS protections are limited to consumers who are Deaf, hearing-impaired or speech-impaired. Consumers with additional or multiple disabilities are not specifically protected under the NRS legislation. In order to guarantee access to communications networks for all Australians with disability there needs to be an expansion of the NRS remit to include services for culturally and linguistically diverse consumers with disability, Deafblind consumers, and consumers with intellectual impairments.

Recommendation 1: ACCAN recommends all relay services be available on a 24/7 basis in the same way as communication services are available for the broader community.

Recommendation 2: ACCAN recommends the Commonwealth, as a matter of priority, develop a national Next Generation 000 service which allows reliable, real-time SMS communication with the 000 operator.

Recommendation 3: ACCAN recommends the NRS legislation be amended to specifically include the provision of services for Deafblind consumers, consumers with disability from culturally and linguistically diverse backgrounds, and for consumers with intellectual disabilities.

2. Television Broadcast and video on demand access features

ACCAN is keenly aware of the ongoing barriers people with disability encounter when viewing both FTA and subscription television (STV). Meaningful access to television provides all Australians with

³ See Section 13 of Division 3 of the TCPSS Act

<https://www.legislation.gov.au/Details/C2016C00474>³

⁴ <https://www.communications.gov.au/who-we-are/department/funding-reporting/telecommunications-contract-and-grant-registers>

greater social and cultural participation. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), Article 30 includes that States Parties "...ensure that persons with disabilities... Enjoy access to television programs, films, theatre and other cultural activities, in accessible formats."⁵

During the intervening years since the adoption of the National Disability Strategy there has been some progress in the provision of access features across the Australian television landscape. While ACCAN applauds any progress in access to television for people with disability there continues to be a number of issues in need of reform:

- More captioning across both free-to-air and subscription broadcast television,
- Implementation of Audio description services on both free-to-air and subscription broadcast television,
- Captioning and audio description requirements for online catch-up television and video-on-demand services.

Australia has signed on to a multitude of both domestic and international instruments designed to ameliorate disability discrimination yet those Australians who rely on access features to enjoy meaningful access to television are being routinely denied access to our foremost medium for information, news and entertainment. This continuing exclusion of Australians with disability contravenes the principles of access and inclusion enshrined in these anti-discrimination instruments, including the whole-of-government National Disability Strategy.

2.1 Captioning

The current state of captioning across all television services in Australia continues to exclude consumers who are Deaf, hearing impaired or who for reasons of disability rely on captions. The following outline of current captioning requirements highlights how significantly these consumers are excluded from full social and community participation as a result of not being able to enjoy television along with their non-disabled family, friends and colleagues.

The requirement for free-to-air television captioning has increased to the stage where FTA broadcasters are required to provide a captioning service for:

- 100 per cent of all non-exempt programs transmitted on their primary channel from 6am to midnight.
- News or current affairs programmes transmitted at any time on that channel,
- Programmes broadcast on a multichannel; these must be captioned if they have previously been transmitted with captions by the broadcaster on their primary channel.

The captioning targets set out in the BSA for subscription services will continue to progressively increase over time until they reach 100 per cent of programming between 1 July 2019 and 1 July 2033 for each category of service on all non-exempt services⁶.

⁵ <http://www.un.org/disabilities/default.asp?id=150>

⁶ <http://www.acma.gov.au/Citizen/TV-Radio/Television/Captioning/captioning-1>

To expect consumers who rely on captions to wait until 2033 to be able to benefit and enjoy all subscription television services is blatantly discriminatory.

Multichannels: ACCAN's view on the inadequacy of current captioning requirements for FTA multichannels has not changed over the numerous submissions we have made on captioning on Australian FTA television. FTA multichannels have been part of our television landscape for more than a decade, yet the captioning quotas for digital multichannels remain capped at the 2010 requirement to only caption programming previously broadcast on the network's primary channel with captions. It is unclear to ACCAN why these digital multichannels are treated differently with regard to captioning requirements. It is clear from the Department of Communications 2015 Digital Television Regulation review discussion paper that the Government no longer sees a distinction between digital channels.⁷

Furthermore, it is unclear to ACCAN why FTA broadcasters are only required to provide captions between the hours of 6am and midnight while STV broadcasters have a 24 hour captioning day. Deaf and hearing impaired consumers' television viewing preferences are the same as the rest of the community; they do not only want to watch television during arbitrarily determined hours. Non-discrimination means that people with disability are able to participate in activities to the same extent as their non-disabled families, friends and colleagues.

Recommendation 4: ACCAN recommends that the Government require FTA television broadcasters to provide the same quota of captioning across all channels.

Recommendation 5: ACCAN recommends that the Government require FTA television broadcasters to set a timetable for FTA television broadcasters to increase the hours of captioning until they cover a full 24-hour viewing day.

2.2 Audio Description

In 2010 the Government adopted the recommendations from the 'Investigation into access to electronic media for the hearing and vision-impaired' Report⁸, including:

Recommendation 5—that the Government commissions a technical trial of audio description on the Australian Broadcasting Corporation in the second half of 2011, subject to funding approval.

Recommendation 6—That the Government gives further consideration to the introduction of progressive audio description requirements after the completion of the audio description trial and the receipt of technical advice from the Australian Communications and Media Authority on the results of the trial.

The ABC ran a 13-week audio description trial on its primary channel, ABC1, between Sunday 5 August and Sunday 4 November 2012. From an end-users perspective this was a very well-received and valuable service, providing meaningful access to television for the first time for hundreds of

⁷ See Department of Communications 'Consultation Paper: Digital Television Regulation' (January 2015)

<https://www.communications.gov.au/have-your-say/digital-television-regulation>

⁸ <http://trove.nla.gov.au/work/38708435?selectedversion=NBD46611462>

thousands of Australians who are blind or vision impaired. While the ABC and the blindness sector both submitted reports on the trial the Government has to day made no public statement on how it intends to implement a permanent audio description service on Australian broadcast television. It is clear that the market has failed Australians who are blind or vision impaired and what is needed is a willingness by Parliament to ameliorate this ‘market failure’ and provide the consumer safety-net necessary to ensure that all Australians are able to benefit from the ubiquitous and essential service of free-to-air television. In April 2017, in response to the 2015-16 audio description trial on the ABC’s iView service, the Government announced the formation of an audio description working group to “identify options to sustainably increase access to audio description (AD) services...” and provide a report to government by end-of-year 2017⁹.

Recommendation 6: ACCAN recommends that the Broadcasting Services Act be amended to mandate the inclusion of audio description across all free-to-air broadcasters, as is the case for the provision of closed captions for television viewers who are Deaf or hearing impaired. ACCAN recommends the Broadcasting Services Act be amended to require a minimum of 14 hours per week of audio description initially, with annual increases as has been implemented in the United Kingdom.

2.3 Catch-up television and Video on Demand services

The increasing use of online platforms to deliver media content is creating a raft of new digital barriers for many people with disability. Over the past several years all FTA television broadcasters have begun providing catch-up television services. At the same time there has been a rapid increase in the number of video on demand services available in Australia. These new platforms provide consumers with the flexibility of consuming content when and where they want. People with disability need to be able to participate in this marketplace with the same choices and flexibility as their non-disabled families, friends and colleagues. However, there are no requirements outside Section 24 of the Disability Discrimination Act (1992), to ensure that these services are accessible to all Australians. While broadcast television providers are mandated to provide certain quotas of captioning on terrestrial broadcast, there is no requirement that these captions be provided on catch-up services.

In 2015-16 the Government funded a 15-month trial of audio description on the ABC’s catch-up iView service. The trial concluded in July of 2016. According to the blindness sector report on the trial, it was seen as being very successful in providing unprecedented access to catch-up television for those people with the appropriate technology to engage¹⁰. It is clear from the report that while this trial improved access for a number of blind or vision impaired consumers, it did nothing to improve access to television for the large majority of Australians who are blind or vision impaired and over the age of 65. This is because research indicates that blindness and vision impairment are predominantly age-related impairments, and as such disproportionately affect those members of the community less likely to be connected to the internet. Vision Australia estimates that around two-thirds of Australians who are blind or have low vision do not have access to the internet and therefore have no means of accessing audio description services such as iView that are streamed online¹¹. The government’s response to the ABC iView trial has been to announce the formation of an audio description working group to “identify options to sustainably increase access to audio description

⁹ <https://www.communications.gov.au/documents/audio-description-working-group-terms-reference>

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¹¹ <http://www.visionaustralia.org/about-us/advocacy/campaigns/tell-the-whole-story-audio-description-on-tv/audio-description-on-the-abc>

(AD) services..." and provide a report to government by end-of-year 2017¹². While this is a positive step, ACCAN is concerned that it may further delay access to television for Australians who are blind or vision impaired at a time when all comparable English speaking OECD countries are increasing the amount of audio description they already provided.

A recent ACCAN funded research study into the state of accessibility in the Australian VOD market highlighted the paucity of access features across the majority of service providers¹³. The research report made a number of recommendations, including that

- the government legislate to require a minimum level of AD accessibility on broadcast television, for example by extending the Broadcasting Services Act requirements around captions to include AD;
- the accessibility requirements applied to broadcast television should also be applied to VOD, and
- Governments work to ensure that people with disability are aware of the accessibility features that will benefit them.

3. Information and Communications Technology (ICT) procurement

Over many years ACCAN, in alliance with a number of Australian disability organisations, has been calling for increased awareness across all levels of government of the importance of publicly funded procurement of accessible ICT in providing greater access and inclusion for many Australians with disability¹⁴. When government includes accessibility as a fundamental cornerstone of ICT procurement there are a number of tangible benefits for the whole Australian economy and society. ICT products and services which are accessible and usable for people regardless of ability increase access to government information, services and applications as well as providing greater opportunity for public sector employment for people with disability. ACCAN's 2010 research paper 'Connecting Us All: The Role of The National Disability Strategy'¹⁵ made the following recommendation:

'Promote universal design of information and communication equipment by incorporating accessibility criteria in all government procurement policies and publicly funded service provider contracts.'

ACCAN sees the opportunity provided by the National Disability Strategy as a vehicle for Federal, State and Territory governments to lead the way in supporting the economic participation and social inclusion of Australians with disability by adopting the successful models of public procurement policies from the European Union and the United States marketplaces. Through the power of these

¹² <https://www.communications.gov.au/documents/audio-description-working-group-terms-reference>

¹³ <https://accan.org.au/grants/current-grants/1066-accessing-video-on-demand-a-study-of-disability-and-streaming-television>

¹⁴ ACCAN, <https://accan.org.au/files/Position%20Statements/Accessible%20ICT%20Position%20Statement.docx>

¹⁵ <https://accan.org.au/about?catid=0&id=217>

government economies, mainstream products and services are increasingly being developed incorporating the principles of Universal Design.

Since ACCAN's 2010 recommendation, rapid changes in the information and communications technology landscape have continued to impact the way we engage with government services and obtain government information. While ACCAN sees this as necessary for a robust and sustainable Australian economy in the twenty-first century, we are concerned that many Australians with disability continue to be excluded and disadvantaged through barriers created by inaccessible ICT products and services. Without requirements for accessibility in government ICT procurement, a 'disability' digital divide will further disadvantage many Australians with disability.

Government procurement of accessible ICT products and services will contribute to the National Disability Strategy's objective of inclusive and accessible communities through the planning, design, management, and regulation of 'Communication and information systems, including Australian electronic media and the emerging Internet of things'.

When accessibility and usability are requirements of procurement processes there is less likelihood of costly retro-fit upgrades, end-user exclusion, and potential disability discrimination litigation.

In December 2016 Standards Australia, with strong endorsement from the Department of Finance, industry, ACCAN and disabled peoples' organisations, adopted the Australian Standard AS EN 301 549: "Accessibility requirements suitable for public procurement of ICT products and services".

This Standard provides guidelines to assist government procurement officers when procuring accessible ICT products and services.

Recommendation 7: ACCAN recommends the Commonwealth adopt a whole-of-government procurement policy mandating the procurement of accessible ICT products and services,

4. National Disability Telecommunication service

ACCAN as the peak consumer representative organisation in the communications sector has a strong disability membership, both individual and organisational. One of the recurring messages from this member base is the lack of appropriate and accessible information about communications products and services suitable for people with disability and the paucity of training and support to enable people with disability to benefit from both mainstream and specialised communications products and services. Industry wide information about the products and services available for people with disability is fractured and often not readily available through traditional channels such as shop-fronts and call centre customer service. Additionally, there is no formal industry consultation with disabled peoples' organisations, so critical information sharing between service providers and consumers is limited. Industry peak body Communications Alliance, Optus and Telstra have all retired their respective consumer consultative forums over the last several years.

While there are a number of useful resources online including ACCAN's Disability Portal, these resources are online – creating somewhat of a Catch-22 situation for people with disability.

New and emerging mainstream technologies can provide increased access for some consumers with disability. However, there remain barriers which need to be addressed to ensure that consumers with disability can benefit from these new mainstream products. Issues of product awareness,

connection and set-up, training in the use of mainstream equipment and ongoing support need to be available to ensure that consumers with disability who are able to benefit from mainstream solutions can continue to use the equipment as updates and upgrades occur. Without these essential services for consumers with disability there will be an increased risk of equipment abandonment, resulting in further isolation and exclusion.

Recommendation 8: ACCAN recommends the Government investigate, with an expectation of implementation, funding a National Disability Telecommunications Service through the National Disability Insurance Agency's Information, Linkages and Capacity Building framework.

5. Affordability

Affordability of telecommunications is a barrier for many low-income Australians. In a 2016 research project undertaken by ACCAN, 66% of low income consumers rated telecommunication costs in the top five most important factors in their day to day household budget with 62% reporting experiencing either difficulty paying, having to cut back, or having to stop using one or more telecommunications services for financial reasons in the last 12 months¹⁶.

Additionally, research tells us that Australians with disability are more likely to live in poverty, and have low levels of employment. Recent ABS statistics indicate that more than 90 per cent of people receiving the disability support pension have no other source of income¹⁷. These factors, along with the acknowledged higher cost of living with disability, can create significant barriers of telecommunications affordability. ACCAN, with the support of a number of social service organisations has been calling for a review of the Centrelink Telecommunications Allowance (CTA) program to ensure income support recipients can maintain connection to telecommunications services.

Recommendation 9: ACCAN recommends the Government undertake a review of the Centrelink Telecommunications Allowance with a view to ensuring that the allowance enables all income-support recipients to connect to the telecommunications services which best suit their needs.

¹⁶ <http://accan.org.au/our-work/research/1257-connectivity-costs>

¹⁷ https://data.gov.au/dataset/dss-payment-demographic-data/resource/829fc910-e263-4a59-ad33-1cd1159ce0df?inner_span=True