**M-Enabling Australasia 2013 Conference**

**Day 2 – 21st century communications and video accessibility: 9:00 – 9:30am**

TERESA CORBIN: Good morning, everyone. We might get started so that we can take full advantage of Karen's wiz it. I want to welcome you back to day two of our exciting M‑Enabling Australasia conference.

I want to introduce one of our keynote guests – Karen Peltz Strauss is the deputy bureau chief of the US Federal Communications Commission's Consumer and Governmental Affairs Bureau. There, she oversees the disability policy on communications issues. Karen is considered an international expert on the area of telecommunications and television access for people with disabilities. We're really excited that she's here in Australia. There's already been many meetings and many discussions with her already, and we'll be pushing her till the very end tomorrow afternoon with more of those, but if you could just put your hands together and welcome Karen...

(APPLAUSE)

KAREN PELTZ STRAUSS: Thank you so much. It's a delight to be here today. I have fallen in love with your country. I've fallen in love with your cities. I've had the benefit of being able to travel around a little bit and, as was mentioned, I've had the benefit of meeting with many of you over the last couple of days – the consumer groups and Telstra. And I'll be having more meetings. It's a delight to be able to share what we've done in the United States and to give this keynote and give you the benefit of the information that we have been able to acquire about our laws. With that, why don't I move on? I know I have a lot to cover.

You've already heard, over the last few days, how access to communications means so many things to so many people. Without communications access, it's impossible to have access to employment and education, civic affairs, recreation, marketplace, health services, independence and privacy. It's basically the core of everything that we do at this point. It's interesting – when I first started in this area, which was actually over about 30 years ago, I used to make these points and people kind of looked at me kind of with questions in their eyes. Well, really, communications at that time was mostly the telephone. But now it truly has permeated everything that we do.

What I'd like to do is talk to you first about some of the laws that we have in the United States that we adopted over the course of approximately two decades – mostly in the 1980s and the 1990s, although it did start in the 1970s with the Rehabilitation Act. We have an act called the Rehabilitation Act of 1973 that requires communications access and all kinds of physical access by our federal agencies – all of our federal departments. One of the sections of that piece of legislation is section 508. Many of you probably have heard of this. It requires that electronic information and telecommunications technologies that are acquired, maintained and used by federal agencies be accessible to people with disabilities. This applies not only for employees within the agencies, but it applies, as well, to members of the public who want to access the information provided by those agencies. Although this was adopted initially in the 1970s, very little was done to enforce it. Supplements to it or amendments to it were readopted much later on, in the 1990s. There are efforts under way now to develop newer regulations to take into account emerging technologies, including the internet and digital and mobile technologies, to make sure that our federal agencies are the model for the country. Really, if we're not going to be providing accessibility, it's hard to demand it of private entities.

The next piece of legislation that was pivotal was a piece of legislation called the Telecommunications for the Disabled Act of 1982. That was really the first time that our Congress ever truly recognised the importance of telecommunications access for people with disabilities. It was an act that, for the first time, looked at hearing incompatibility, making sure that telephones were compatible with people, that used T‑switches in their hearing aids. What was interesting about this statute was that it only required that "essential telephones" be hearing and compatible. That's kind of funny, because it was a concept that only certain phones – payphones, emergency phones and phones at a person's workplace – would be essential. Basically, it shows the difference between now and then, because then, telephone wasn't really pervasive. Communication wasn't pervasive in everything we do. It was only seen as a kind of partial law. In 1988, Congress closed the gap and said, "You know what? We realise now that, more than just these phones are important. Now we're going to require all wire‑line telephones to be accessible to people with disabilities." However, even in the 1988 law, there was an exemption created for wireless phones, because wireless phones were not really ubiquitous at the time, and so Congress said, "You know what? Right now, we'll create this exemption, but we'll leave it to the Federal Communications Commission – the equivalent of your ACMA, as I understand – to decide later on whether they want to close this exemption." I'm going to come back to that a little bit later, because that exemption caused a lot of strife, which was eventually resolved, but it was something that resulted in a lack of access for many years by people who needed hearing and compatibility to digital phones.

In 1988, we also adopted something called the Telecommunications Accessibility Enhancement Act. That created a federal relay service. This was before we had any nationwide relay services. So that only said that there had to be relay services for communications within federal agencies and to and from federal agencies. It was not ubiquitous. It was not available for everybody all over the country. It was just tied to federal government. In 1990, we passed the landmark Americans with Disabilities Act. Many of you have heard of this. We know that this has been a piece of legislation that has served as a model for many countries around the world. It has many components to it. It covers non‑discrimination requirements for private employers over a certain size, for public accommodations such as restaurants, hotels, doctors, lawyers, hospitals, libraries, et cetera. It covers state and local governments. As you know, the United States is divided up into 50 states. All of those states and their local municipalities, their cities, their councils, all have to make sure that their programs and activities are accessible. All of these obligations for the private entities and the public entities must include communications access as well.

In addition, title four of the ADA requires, put into place, a requirement for all common carriers, or telephone companies, to provide relay services. Since 1990, we have had a law requiring nationwide relay services. Before that law, many of these relay services had sprung up in states. Originally, they were private and they were funded by things like dance marathons and bazaars and whatever funding mechanism people could create. Then the individual states started to develop their own relay services. But they were very limited in terms of the number of hours that services were provided. Some of the states limited the number of minutes you could make a phone call. A couple of states said something like "10 minutes for personal calls, 20 minutes for business calls." You know, 9‑to‑5. Some states limited the number of calls that you could make per day – five per day, et cetera. Because of all those state limitations and because there were such differences across the different states, the ADA was designed to eliminate that inconsistency and create uniformity across all relay services. It was very, very clear in the A DA – there's a list of functional requirements which include that relay services must be provided 24 hours, 7 days a week. I mention this because I know that some of your relay services are limited in time. Ours cannot be – they have to be available all the time. Now, we have all kinds of relay services. Initially, they were all over the regular telephone network, what we call the public‑switch telephone network, using TTYs, and those started in 1993. There was a 3‑year gap between the law and when the regulations went into effect. But over the years, we have added Video Relay Services, which began in around – they were authorised in 2000. They actually got rolling in 2002. We added IP relay, which is a text form of relay over the internet. That was added, I think, in 2003. We added captioned telephone relay services. That was added in two steps – first, in the early 2000s, and then later in 2007 for IP. The earlier part was for the public service, which network. We have speech‑to‑speech as well. That was added in 2000. We also have voice carryover and hearing carryover, which were part of the original relay services. We now have a full range of relay services that are available 24/‑7. We also have confidentiality requirements. The earlier relay services – what we call communication assistance – operators were sharing information left and right. In 1990, we also adopted the Television Decoder Circuitry Act, requiring all televisions that have screens of at least 13 inches to be capable of decoding and displaying captions. Again, limited to 13‑inch screens. That was because 97% of all televisions had at least 13‑inch screens. It was believed at that time that people would not be able to see captions on screens that were smaller. Hold that thought.

1996, we adopted two additional laws as part of amendments to our Communications Act. One was a law requiring full access to television programming via closed captioning. That was for new programming. Older programming – the directive was to maximise access. Later on, when the FCC adopted rules on closed captioning, it required, ultimately, what we have now – pretty much 100% of captioning on new programming. This covers all kinds of programming – what you call pay and non‑pay, broadcast, cable, satellite – does not matter. All new programming, with a few exemptions, have to be captioned. There are some exemptions for overnight, which is from 2:00am to 6:00am locally. There is an exemption for advertisements. But because – going back to the overnight. Because so much television overnight is repeats, anything that's repeated, if it had captions the first time around, it still has to have captions. In essence, virtually everything is captioned. For programming first shown before January 1998, only 75% has to be captioned. The older programs are not all captioned. Fortunately, however, Netflix – which is our major internet streaming service in the United States – has now agreed to caption 100% of their streaming programming. They're going to capture a lot of that older TV programming. They post a lot of that.

The other thing that the 1996 Act did was it adopted section 255. Section 255 requires access to all telecommunications products and services, including wire‑line, wireless phones, fax machines, virtually anything used under the legacy analogue telecommunications network.

How did we get all of these laws? What are the foundations of our policy in the United States? First, we have a universal service obligation. I believe you do as well. Our Communications Act basically says that everyone is entitled to affordable and available communications. We relied – I am now, at the FCC, and in my prior life I was an advocate. Many times when we went to Congress and asked for laws, we relied on this universal service obligation. We also explain that, if you don't have access to communications, if you're a person with a disability, there are lots of costs to society. I know I don't have to convince this crowd what those costs are, but basically when you're dependent or isolated, there are going to be heavier costs in terms of social services, in terms of lost income, in terms of lost productivity. Again, coming back to this theme of the pervasiveness – I wrote – it used to be telephone, now it's internet as well in commercial and personal contacts. Everywhere you go.

One of the other kind of mantras that we subscribe to is the fact that, when you incorporate accessibility, it encourages innovation. Very often we hear some individuals argue, "If I have to include access that's going to impede innovation..." we don't find that. We find that, when you include access, you develop all kinds of solutions that are going to benefit other individuals. All you have to do is look at captioning in restaurants and bars and exercise facilities as an example.

Accessibility basically goes to the next point, which is accessibility achieves access for all. Finally, when accessibility is built in during the design stages, it costs a lot less later on, because inevitably you're going to have to provide it anyway and it's very expensive to retrofit. Generally, retrofitting is far more expensive than building it in in the first place. The other reason that the US has been so willing to adopt regulation and legislation on disability access is because there is a recognition that market forces have not always guarded access. This is a very important point. The 1996 amendments to the Communications Act was basically a deregulation statute. Almost everything else was deregulated. Here we had these two sections on disability which increased regulation. Why? Because each disability market is too small to influence the market trends. That's what we have found. Even when – that may be changing, however, given the demographics that we were talking about yesterday. It wasn't the case when we first started, but there is now much more of a business case. That could be changing. But until now, it's been understood that the market cannot be influenced by people with disabilities.

Lower incomes – we talked about lower incomes yesterday. I know many people mentioned that people with disabilities are often at the lower end of the economic spectrum – that contributes to lack of an ability to purchase products, especially, as first adopters. And also very often people, especially with multiple disabilities, need adaptive equipment which can be very expensive, and that might discourage them from purchasing new equipment.

As a consequence, we have – it's funny, because when I used to give this presentation, things are changing so fast, but historically, new technologies have created gaps. It's maybe doing that a little bit less now, but historically, new technologies have created gaps for people with disabilities, and the government has stepped in where the market has not addressed these needs.

I talked just now about all of the laws that we adopted in the '80s and '90s. Having worked in this field since about 1984, as the turn of the century came about, I was all set to take a step back and maybe retire, maybe to Port Douglas or Hawaii. Then something called the internet came along. I and other advocates looked at each other and said, "We are not done. We're just beginning. We have to do this all over again." All of these laws that we got enacted don't apply to the internet. So we kind of looked at each other and said, "We need another law, and there's absolutely nothing we can do about this. We have to go back to Congress." We didn't have mandates for electronic messaging, such as emailing and texting. No mandates for accessible Web browsers. We never had mandates for video description. We tried to adopt rules on video description in the year 2000. They were overturned in the United States. The FCC actually adopted rules – they were struck down by a court who said that the FCC didn't have sufficient authority. There was very little access to emergency information on television for people who are blind. We did have access for people who are deaf, interestingly. We had a requirement in place that, for any information that was provided orally, it had to be provided visually. But conversely, the only requirement for blind people was that if emergency information – let me back up. For news programming, if there was emergency information provided orally or visually, it had to be redundant. That had to be provided for both populations. If an emergency message broke into a regularly scheduled program, it had to be accessible for deaf people, but for blind people, all that was required was an oral tone. So basically, the individual got three beeps, and then nothing. If you're blind, you got alerted to the fact that there could be a hurricane, a fire, some criminal activity, but have no idea of what it was. You had to go, then, through a different source. We wanted to close that gap. As I'll mention, we did. There were no requirements for accessible user interfaces on video devices. In the '80s and '90s, we didn't need that as much. Initially with television, you walked over to the television and turned the dial. Then you had some remotes, but there were no on‑screen menus. Of course, once on‑screen menus came about, that basically eliminated the ability for blind people to change the channel, turn up the volume, select a program from a menu. We needed to address that.

Remember, I also said that the requirements for closed captioning capability only applied to televisions with screens 13 inches and greater. That was no good, because – we started looking at this in around 2005‑2006. We saw even then what was coming down the pipe. This is actually before tablets, interestingly enough. But we thought the televisions were going to be – programming would be everywhere on everybody's cell phones. We kind of knew, even then, we were able to predict that there were going to be all these different sizes of television screens, and we knew that we needed to get those covered. There was nothing for the deaf/blind population at all written into any of the laws. We wanted to address that. So we developed a coalition – this is before I went to the FCC – the Coalition of Organisations for Accessible Technology. We started with 10 organisations and basically sent out an email and said, "We think we need another law. Are you interested?" Within about two weeks, we had 30 organisations. Within about four weeks, we had 60 organisations. In my files, I have a list of how this grew. It was truly extraordinary. We hit a nerve. Everybody was watching and everybody knew that all of the access that had been achieved was in danger of being lost. So within about 18 months, we had 300 organisations throughout the country and coalitions – it was wide‑ranging. A massive grassroots effort had begun to get a new law to bring all of the laws into the 21st century. This new law, the 21st Century Communications and Video Accessibility Act of 2010, the CVAA, ensures people with disabilities are not left behind as digital, internet and mobile innovations take place. It aligns all of these prior laws on telecommunications and legacy services with current communications and video technologies. And finally, it fills in those gaps that I mentioned that were not covered by other disability laws, like video description, deaf/blind services, and existing requirements for emergency access.

What does the CBAA do? Many of you have heard of it. Let me tell you a little bit about it. I'm only going to give you a very brief overview now, because I'm go to be in the next panel. I'll go into more detail then. It's divided into two titles the. First title is the communications title. Basically, what that does is it takes the section that I mentioned before – 255, which applied to telecommunications products and services – and it expands it to advanced communications services. That advanced communications services are then defined as all voice over internet protocol technologies that are designed for communication. We're talking about chat services, SMS, text, email. We're not talking about posting things on the internet. If you look at Facebook, for example, Facebook's email functions would be covered, but not its posting functions. It's when you're communicating between people. It also covers what's called interoperable video conferencing, which unfortunately has not had any impact yet, because there is no interoperable video conferencing. Once video conferencing from one provider to another becomes as interoperable as voice communications, those will also be covered.

This law, unlike section 255, offers a tremendous amount of flexibility. But for the industry, you can either build in access or you can use 3rd‑party apps. Very different than 255, which really was focussed more on making the individual product accessible. We heard yesterday about the need for personalisation. This is completely in line with that concept – that you can personalise the device. It takes effect October of this year. But it's already going into effect, because we have record‑keeping requirements and industry must, even during this period, be ramping up and incorporating access features to meet that October deadline. So we are already seeing huge changes, and hopefully you are as well, in terms of the accessibility of products. We talked yesterday about the iPhone, the ubiquitous – the ability of the iPhone to be accessible to everyone. Extraordinary, but we have seen Samsung catch up with its phones. We're seeing Sprint catch up – that's another carrier for us.

Title one also requires internet browsers on mobile phones to be accessible. Very important for the blind community – this is a separate section. But it's pretty much parallel to the other section on advanced communication services. Again, the industry has flexibility to build in the accessibility or to use third‑party apps. This does not apply to internet content. It applies only to getting that communication that I just mentioned, and this also goes into effect this coming October. Just to let you know, in talking about all of these laws, the Federal Communications Commission – so you know how we operate – we have about seven different bureaus. I work for the consumer bureau. But what has happened is that this law is so voluminous in its impact and its requirements that almost every bureau has been involved in implementing this law. Really, for the first time ever in history, we've had about 100 people at the FCC in all of the different bureaus either writing the rules, enforcing the rules, implementing the rules, providing guidance on the rules – it's truly been an extraordinary effort.

The next thing that title one requires is a deaf/blind equipment distribution program. We're particularly proud of this, because this is totally unprecedented. The FCC never had a program like this before. We have $10 million a year to distribute equipment, free of charge, to low‑income deaf/blind people around the country. Last year, in July of 2012, we launched the program. The way it works is that we allocate money to each of our 50 states, and they have each appointed or actually gotten certification for one entity per state to distribute this equipment. So we are now proud to say that hundreds of pieces of equipment have been distributed free of charge to deaf/blind people. It not only covers equipment – it covers the cost of assessments, training, warranties, maintenance repairs – we were told that assessments are particularly important because every person, as we heard yesterday, there's no one fit for deaf/blind. There's different levels of blindness, different levels of deafness. This is an extraordinarily flexible program. It also doesn't only cover adaptive equipment – it covers mainstream equipment. So it can cover iPads, for example. This program is near and dear to my heart. I'm just so thrilled that we have it. We also hired an outreach coordinator. We took $500,000 of the money – $10 million may sound like a lot to you, but it's not a lot to us, given the size of our country. In the first year, not everybody has used all their money. So it seems to be enough for now. We'll see what happens. Anyway, if you go to the website iCanConnect, you will be able to see all the wonderful outreach activities. We are so pleased with our outreach coordinator. They have billboards around – if you drive around America, you will see an iCanConnect sign. They have gotten ads in 'People' magazine – it's about all the celebrities, I don't know if you get it here. They are developing a public service announcement. It's just wonderful. Another change is change to our telecommunications relay service program. We have added interconnected – or non‑interconnected – VoIP providers. Interconnected VoIP providers always had to contribute. Now, non‑interconnected VoIP providers have to contribute to the fund. Our relay service is supported by mandatory contributions by telephone companies. Now this says that these companies providing IP services must also contributed. We also added people who are deaf/blind to the deaf initiative relay. Finally – this is a question I have for all of you – now that there are lots of different kind of relay services, in the past, the definition of a relay was between a person who is deaf, hard of hearing or speech‑disabled. And a hearing person – but if you have a speech‑disabled person, that person may want to talk to somebody who uses sign language, and then you're potentially using two different kinds of services at the same time. It doesn't have to be between a hearing person and a person with a speech or hearing disability. This law says you can have multiple relay services on the same call if you have people with different needs. Very important point. Title one also covers emergency access. Because of this section, we now have a commitment by the four major carriers in the United States to roll out direct SMS communications – not via relay. People are going to be able to text to emergency services, which we call 911 – I think you call 000 – you are going to be able to text directly an emergency operator. Very, very important. We don't require it yet – this is being done on a voluntary basis – but we do have a rule‑making that may ultimately result in requirements. We also had an advisory committee that was formed – let me go back. We had an advisory committee that met for two years and conducted a massive nationwide survey. We got 3,000 responses from people who have disabilities on their emergency access needs. A wonderful report that discusses those needs. I can definitely get you the link to the report, if you're interested in looking at that. That report has provided a lot of guidance for us on what needs to be done to make sure that people with disabilities have access to emergency services. I'm just going to skim the video programming section, because I know that's not the main focus of this conference. Very quickly – we got back those rules that the FCC originally adopted on video description. The CVAA restores them. It's about five hours of programming per week on certain networks, the major networks – our major broadcast networks and our major cable and satellite networks. We also have a requirement that any time a program has captioning on television, when it moves over to the internet – I think you call it catch‑up programming – it has to keep those captions. Essential. I mean, everything's moving to the internet, and Congress got it and they said, "Yes, you're right, it has to continue to have captions." We also closed that gap on the oral tones for emergency programming. Now, if an emergency broadcast breaks into regularly scheduled programming, there has to be – had has to be followed up. The oral tones still occur, but then the individual can turn to the secondary audio channel and get the information verbally, one person can get the information verbally, about the emergency. It hasn't gone into effect yet, but we've already adopted rules on that. Finally, we are developing extensive rules on equipment accessibility, including the ability it for video equipment of all kinds, all shapes, all sizes, to pass through captions or render captions to convey video description and to pass through this emergency information. Huge, huge changes – we recognise that our rules will have significant impact, hopefully around the world. There is an out if it's not achievable – it doesn't have to be done. But we're finding that it's being done. So you can see that we had all of these legacy rules before Telecom, now advanced communications services, decoder, 13 inches before. Now, all video devices – yes, I know I need to hurry up ‑

(LAUGHTER)

Hearing and compatibility – I didn't mention that before. It only applied to telecommunications. Now it applies to advanced communication devices as well. We didn't have video description. Now we have that. We didn't have – oh, before we had 911 access via TTY, now we have it via SMS. No deaf/blind service before, and now we do have one. This is just – these are some of the deadlines, as I mentioned. Advanced communications services – we already have the record‑keeping obligations, which have made a huge difference and have required the companies to keep documentation of what they do to provide accessibility. Both that obligation – the record‑keeping requirements have been in effect since January. But the ACS requirements and the accessible Web browsers is October 8. The National Deaf Blind Program – July 1. Contributions to relay services – since last year. Video description since July last year. Closed captioning programming delivered over the internet is already in effect for almost every kind of programming. Video equipment for captioning will go into effect 2014 – I mentioned all those different kinds of devices. We are still working on video description as well – that has to go in effect in a couple of years. We're still working on the user interface proceeding, accessing those menus, accessing the on/off button. That's the only proceeding that's actually left. We also have an accessibility clearinghouse. We were required to put this together as well CVAA. It's actually piggybacking on the Mobile Manufacturers Forum efforts, the GARI efforts. Largely, with a couple of additions, but basically it's a place that people can go to get information about accessible products and services.

Concluding – where is the future? We're trying to level the playing field. We're trying to make sure that industry, as well, benefits when it incorporates access to reach larger markets. We heard yesterday about the ageing population and how that is going to happen. We're trying to avoid expensive retrofits by incorporating access early on. The mantra, again, is inclusion, not exclusion. Upgrades – very important – should not take away access, and to avoid or repeat the talkies effect, which was when silent movies went to talkies and people lost access. And finally, we say over and over again that access benefits everyone. That actually concludes my presentation. I'm assuming that this PowerPoint will be made available, so we included links for our consumer guides, our fact sheets for all of these items, and additional helpful information. That's it. Now I think I can take questions?

(APPLAUSE)

TERESA CORBIN: OK, let's take a couple of questions from the floor. There's one up the back of the room there.

UNKNOWN SPEAKER: Thank you so much for the presentation, it was fantastic and really interesting to see what's going on. I would like to pick up on one of the points which is around accessible web browsers by October 2013. I've been doing a little bit of work in this area and I know that in Apple, they're doing pretty well in accessibility. Android have reasonable solutions out there. Microsoft are really behind because they don't actually have a speech‑to‑text, sorry, text‑to‑speech browser. They're not going to get there by October 2013. So what are the regulations? Unless there's something going on that I don't know about? What are the regulations going to do to support organisations like that to get there? Or give them the appropriate prod to get them there?

KAREN PELTZ STRAUSS: So the appropriate product are two things. One is a record‑keeping obligations. And like I said, every company should be keeping documentation of what they're doing to provide accessibility. But the bigger prod are the enforcement sections of the legislation and they require that if anybody does not comply, any entity, an individual may file a complaint against that entity and bring it to us and we must resolve that complaint within 180 days and we must issue an order indicating the extent to which that entity that is violated the law. So there is a very specific... this is a major change between before the CCVA and after, and it applies not only to advanced communications services, but it also applies to Section 255 for Telecom products. So any time somebody does not comply, they're at risk of incurring enforcement actions, forfeitures and penalties and they will be within six months. So it's a short turn around time. So if they don't have something in the works, then they have to work very quickly to get there.

TERESA CORBIN: I might take one more from the back.

UNKNOWN SPEAKER: Thank you for the presentation. Very informative. I was just wondering about Section 508. That's something that there was a process in place to update Section 508. You didn't make specific mention of it, so I'm just asking about it. If the process has come to a conclusion? Has it been overtaken by this particular process?

KAREN PELTZ STRAUSS: 508 is on a different pathway and its implemented by what's called the United States Access Board. They have a notice of proposed rule‑making that's pending and updating their guidelines. I believe they're going to try to finish those by the end of the year. We're keeping our fingers crossed. But at the same time, are significant efforts being made to achieve coordination across the agencies so we have a CIO council now which is working extensively to develop prototypes and models that all agencies can work from there doesn't have to be repetitive work from agency to agency. So 508 has been getting a lot more attention than it ever get more and we're hoping that within the year, those rules will be out and there will be even greater efforts to achieve consistency across agencies. And I will be on the next panel, by the way, so we'll be able to go in to more depth and answer more questions.

TERESA CORBIN: Exactly what I was going to suggest. So if we could put our hands together and thank Karen.

(APPLAUSE)