

Commissioner Michael Woods  
Review of Telecommunications Specific Competition Regulation  
Productivity Commission  
Email: Telco@pc.gov.au

29th May, 2001

Dear Commissioner,

TEDICORE welcomes the opportunity of presenting a submission to the Commission's Review of Telecommunications Specific Competition Regulation specifically relating to Section 17.4 of the Draft Report.

TEDICORE (Telecommunications and Disability Consumer Representation) represents the interests of disabled telecommunications consumers and promotes equity and accessibility.

TEDICORE is supported by the Commonwealth through the "Grants to Fund Telecommunications Consumer Representations" program of the Department of Communications, Information Technology and the Arts and is administered by Blind Citizens Australia. A Project Advisory Board represents organisations such as Physical Disability Council of Australia, Australian Association of the Deaf, Communication Aids Users Society, National Caucus of Disability Consumer Organisations, Women with Disabilities Australia, Deafness Forum and Blind Citizens Australia.

In relation to telecommunications competition regulation, TEDICORE is particularly concerned about the lack of freedom of choice of a carrier for people with a disability. The current competitive market offers this opportunity to other Australians. However, because many people with a disability require equipment other than the standard telephone handset to access telecommunications services, they find constraints in moving away from Telstra.

Telstra as the universal service provider offers a Disability Equipment Program comprising TTYs and a range of other equipment which is supplied instead of the standard rental telephone handset. As the Commission points out, this Program is not subsidised through the universal service levy. There are no other carriers or service providers which provide anything similar to Telstra. Thus, a person with a disability is constrained in exercising their right of choice of a carrier.

Attached to this letter is the TEDICORE Discussion Paper on the development of a new Telecommunications Disability Program which outlines key principles and a suggested process to move forwards. An investigation of the applicability of the Universal Service arrangements to accommodate a new Program model is recommended.

I will be pleased to offer any further input into the Commission's deliberations on this matter.

Yours sincerely,

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# **Draft TEDICORE Discussion Paper**

## **The development of a new Telecommunications Disability Program**

**(May 2001)**

### **Introduction**

TEDICORE wishes to further stimulate dialogue between the Federal Government, regulators, industry and the community on the development of a new Telecommunications Disability Program. TEDICORE acknowledges the comprehensive Discussion Paper written by the Australian Communication Exchange (ACE) and the questions raised by the Consumers' Telecommunications Network (CTN) on this matter.

This TEDICORE paper outlines the main issues and offers a way forward based on a list of key principles to be adhered to in the planning and implementation of a new Telecommunications Disability Program.

### **Discussion of Issues**

#### **1. Telstra's Program**

Telstra has been operating the Disability Equipment Program (DEP) for a number of years under various structures. In 2000, it instituted a Consumer Advisory Group to provide input to Telstra on consumers' requirements but this is purely an advisory body with no mechanism for enforcing change.

There are considerable barriers and delays in having new equipment listed on the DEP. Some of these delays are outside Telstra's jurisdiction due to problems in sourcing tenderers. However, consumers feel that there are many restrictions which need clarification and action.

#### **2. Other carriers**

Consumers are frustrated with the lack of supply of equipment from carriers other than Telstra. Consumers with disabilities believe that they have a right to choose a carrier just like any other Australian. The opportunity of choice of carrier for people with disabilities is severely limited due to the lack of supply of disability equipment. This issue has been recognised by the Productivity Commission as potentially being anti-competitive after a case was brought before it.

Telstra has been negotiating with other carriers regarding arrangements for supply of equipment. However, these negotiations are long and drawn-out.

The situation is further complicated with the regional contestability pilot trials for Universal Service Providers. The carriers which register as regional Universal

Service Providers are required to supply disability equipment. However, for a smaller carrier which is a regional Universal Service Provider, the process to set up and administer a disability equipment program may not be considered cost-effective. This is a barrier for carriers and consumers with disabilities.

### **3. Changes in the telecommunications market**

With the introduction of competition into the telecommunications market, the rationale for Telstra being the sole provider of disability equipment is now not as pertinent.

These market changes should also be reflected in a new method of provision of telecommunications equipment to people with disabilities. Regardless of how such a program is run, consumers need access to a range of products and services so that they can access the standard telephone service or its equivalent. This is an opportune time for a robust discussion between consumers, carriers, regulators and the Federal Government to achieve the best possible outcome. In particular, a dialogue should be established between disability organisations and ACIF, ACA, DCITA and carriers. The input of HREOC would also be most helpful.

This process needs to commence in the very near future and the first step is for consumers to clearly state what is needed. This Discussion Paper provides key principles which can form the basis for discussion.

### **4. Universal design**

There has been discussion about universal (or inclusive) design in the ACE Paper regarding specific items of equipment. However, the whole concept of universal design means that features which will benefit people with disabilities are built in to standard equipment and made available to the general public. If that were the case, there would be no need for these items to be included as specific disability equipment. While that goal may be still some distance away, it still requires constant vigilance to ensure that opportunities for inclusive design are available.

An interesting development in Australia is the work of the Disability - Industry Partnership through the Australian Telecommunications Industry Association. An online database is expected to be set up as an instrument of public compliance with the soon to be registered AS/ACIF S040: 1999 Requirements for General Use Customer Equipment for use with the Standard Telephone Service (more commonly known as the Disability Standard). The database, when completed, will list other products which meet phone features accessibility guidelines developed by a sub-committee of the Partnership. It is anticipated that this will be a valuable information tool for people with disabilities.

## **Developing a new Telecommunications Disability Program**

To achieve a best practice Telecommunications Disability Program, it is necessary to take a number of preliminary steps. These can include:

- To develop a dialogue amongst consumers about the need for a new-style Telecommunications Disability Program
- To establish a forum of key stakeholders to include consumers, ACIF, ACA, DCITA, HREOC and carriers. This forum will meet over a period of time to develop the new Program. The forum will continue its work by developing structures, reporting mechanisms, administration and funding arrangements once the key principles have been agreed upon
- To undertake a survey of telecommunications disability equipment programs overseas so that information gained can be used to build a suitable Australian model
- To assure that consumer representatives are involved in all stages of development and implementation

## **Disability Requirements - Key Principles**

- The new Program will be consumer-focussed
- The new Program will be consumer-managed
- Consumer experience will be used as the basis for telecommunications disability requirements. These requirements are based on what people with disabilities need to be able to function well when using telecommunications products and services
- Equitable access to the Internet is considered an integral part of access to telecommunications and will be incorporated into the new Program
- People with disabilities will be assured of equitable access to mobile telephony as this is now considered an essential component of telecommunications
- User needs with regard to new telecommunications technologies will be taken into account and incorporated as required into the new Program
- People with disabilities prefer that telecommunications products and services are based on the principles of inclusive design thus obviating the need for a large number of specialised products and services. However, when specialised products are needed, these should be compatible with and easily connected to mainstream products.
- The new Program will be based on principles of social justice from the Universal Declaration on Human Rights - 1948 and the United Nations Declaration on the Rights of Disabled Persons - 1975 (Appendix one).

- The new Program will adopt the Telecommunications Charter of COST 219bis, 1999 (Appendix two) as general principles for improving equity and access in telecommunications for people with disabilities.

Gunela Astbrink  
21st May, 2001

## Appendix One

### Universal Declaration on Human Rights - 1948

"the inherent dignity and ... the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".  
(Preamble)

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### United Nations Declaration on the Rights of Disabled Persons - 1975

"5. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible."

## Appendix Two

### THE TELECOMMUNICATIONS CHARTER (COST 219bis, 1999):

- 1. Telecommunication facilities and services should be accessible to all.*
- 2. The needs of older people and people with disabilities should be taken into account in the design of any new telecommunication equipment or service. Terminal equipment should be designed for the widest possible market. Network services should adequately support relevant special terminal functions so that all users experience equivalent end-to-end service.*
- 3. Where inclusive design is not possible, provision should be made for people with disabilities to access the service by means of additional equipment and services.*
- 4. People with disabilities should, as far as possible, be able to use telecommunication services at prices equivalent to those without disabilities. Most of the additional costs of providing access to all should be met by dedicated funds or absorbed within general operating costs.*
- 5. Providers of telecommunication equipment and services and regulatory authorities should consult regularly with disabled\* and older users about their access requirements and take appropriate action. Equally, organisations representing older people and people with disabilities should be prepared to contribute their knowledge and experience.*
- 6. Telecommunication products and services that improve and increase access for older and disabled people\* should be actively advertised and promoted, with information also available in accessible formats.*

\* Not the language normally used to refer to people with disabilities in Australia