Submission to the Inquiry into Telstra

Executive Summary

Australian Association of the Deaf (AAD) is pleased to have the opportunity to make this submission to the *Inquiry into Telstra.*

As the national peak organisation representing Deaf people who use Auslan (Australian Sign Language), AAD covers a very broad base of advocacy and information provision. Deafness and the use of Auslan affect all aspects of a Deaf person's life.

Telecommunications is a large and important area in a Deaf person's every day life and potentially impacts on how we are able to function in Australian society.

A South Australian Department of Human Services study - *'The epidemiology of hearing impairment in an Australian adult population'* was completed by the Centre of Population Studies in Epidemiology in 1998. The main finding from this study is that in Australia over 485,000 people have a hearing loss over 65dB (severe to profound loss), which would affect their ability to use the telephone satisfactorily. Many of these people use a teletypewriter (TTY) and possibly the National Relay Service (NRS) to access the telephone network.

AAD's Deaf Telecommunication Access and Networking project (DTAN), funded by the Department of Communications, Information Technology and the Arts (DCITA); has the obligation to represent the views of Deaf people in relation to all telecommunication matters. DTAN has consulted widely with the Deaf community and researched issues and needs in relation to improving access to products and services within the Australian telecommunication industry. This submission is based on research undertaken by DTAN in response to issues raised by the Inquiry.

History of access to basic telephone services by Deaf people in Australia.

Deaf people with a hearing loss greater than 65db are likely to have difficulty hearing on a standard telephone and are unable to access the "basic telephone service" enjoyed by other Australians. In the early 1980's, Deaf people were finally given a

chance to access the telephone network like everyone else. TTYs, imported from the United States, were introduced as a text-phone alternative to the voice telephone service. As had occurred in the United States, TTYs became a revolutionary tool allowing Deaf people to expand their communication network and participate more independently and more equally in the wider society.

Up until this time, Deaf people would communicate by letter writing, ask hearing family members or neighbours to make telephone calls, or travel to visit someone to make an appointment. The larger community had enjoyed basic telephone service access since 1870 and today it can be taken for granted that people can make telephone calls from anywhere and at any time. For Deaf people there are still major holes which prevent them from gaining basic access to an equivalent level of telephone service.

It was not until 1994 that TTYs, which cost approximately $1000 each, were subsidised by the federal government through its 'Telecommunications Equipment Program'. This ensured that Deaf people who were not in a financial position to purchase a TTY were then able to access a 'handset' in a similar way to their hearing peers without the financial burden being placed on them. Unfortunately this program was only for people who received a pension and did not extend to those Deaf people who were currently employed. It was not until 1994 when a deaf man brought litigation against Telstra under the Disability Discrimination Act that deaf people could lay claim to some type of equal access to telecommunications. The result of this litigation saw Telstra being obliged to fund TTYs to all Deaf and hearing impaired people to the value of $600. This was known as the Telstra voucher program. With the establishment of the Universal Service Obligation regime, the Federal Government program and Telstra voucher program have been replaced with the program we have today. This program is known as the Telstra's Disability Equipment Program (DEP).

In 1995 after an extensive lobbying campaign by AAD, the Federal Government established the National Relay Service (NRS). This service provides a vital communication link for Deaf people, allowing them to communicate with hearing people and businesses that do not have a TTY. This program is also now funded by the Universal Service Obligation regime and has further expanded the networking opportunities for Deaf people who use TTYs to communicate with anyone (and vice versa). Detailed information on the NRS can be found on the website of the Australian Communication Exchange which is the current contracted provider of the NRS (www.aceinfo.net.au). The NRS has positively impacted on Deaf people's ability to contribute in the social, employment, community and home environments more effectively on an equal basis with their hearing peers.

Our submission highlights issues that impact on Deaf people in relation to access to Telstra's core services and will refer to each of the Terms of Reference (TOR) points.

A) The efficient provision of services to end-users, including businesses and residential customers in regional, rural and remote Australia

Deaf people's access to Telstra telecommunications services, regardless of whether they live in metropolitan or rural Australia, has improved over the last 5 years. However, in comparison to some European countries, the United Kingdom and the United States of America, Deaf people's access to a telecommunication network and quality of service is still lagging behind considerably.

As telecommunication consumers who access Telstra's services, Deaf people should be able to enjoy the same quality of service as other Australians. Since the early 1990's, TTYs have been accessible to Deaf people, at the cost of a handset rental charge, to enable them to access the standard telephone service.

The provision of a standard telephone service is an important part of the communications infrastructure in our society. While the TTY offers an entry point into the telecommunication network, equitable access is still regarded as inadequate in both metropolitan and rural areas. This in part is because the TTY only offers a basic level of service. For direct TTY access to occur both parties using the telephony must have a TTY each. As a TTY is only provided to those that meet specific criteria of having a disability, then this effectively means that hearing family members, friends, work colleagues and so forth must purchase a TTY (approximate cost of $1000). This in turn does not increase access to the telecommunication network for Deaf people and reliance is placed on the NRS which utilises a system somewhat different to direct TTY calls.

Some further examples of inadequate service levels, from AAD's research, include:

1) Disability Equipment Program
2) Long distance call charges
3) TTY payphones
4) Wireless local loop
5) Mobile communications

1. Disability Equipment Program

Telstra's Disability Equipment Program (DEP) is responsible for ensuring that Deaf people receive a TTY in place of a standard telephone handset. Most Deaf people are aware that only Telstra and Optus provide such a program.

In 2001-2002, the Deaf Telecommunication Access and Networking Project (DTAN) conducted a national community consultation in all capital cities in Australia. Responses from participants indicated that the current delivery of the Disability Equipment Program is far from satisfactory. This was highlighted in AAD's submission to the Telecommunications Service Inquiry and again in the Regional Telecommunications Inquiry. This view was supported by submissions from TEDICORE (Telecommunications Disability Consumer Representation) and the Australian Communications Exchange (ACE). In addition, all three organisations have sent submissions on this issue to government and other regulatory organisations

(A copy of AAD's position paper is in Appendix One). To date, AAD is unaware of any action that has occurred to improve the situation.

In the Estens Inquiry it was acknowledged that there was "scope for further improvement and effective ongoing consultation with disability groups". Finding 2.2 states:

> *"There is policy and operational issues which the Government and/or Telstra need to examine. Meaningful consultation with people with disabilities is important to this process."*

Recommendation:

That the Federal Government investigate the feasibility of establishing an independent organisation to operate the Disability Equipment Program as recommended by the Australian Association of the Deaf, TEDICORE and the Australian Communication Exchange

2. TTY payphones

As the Universal Service Provider, Telstra is responsible for providing TTY payphones in public locations that can be accessed by Deaf people. AAD attempted to work closely with Telstra to identify appropriate locations. However, Telstra has not always placed TTY payphones in locations recommended by AAD. At the moment in New South Wales, there are 33 payphones, of these, 12 are in Homebush Bay at the Olympic venue and 7 are in Mascot. This means that over 57% of payphones are at locations that Deaf people do not frequent in their everyday lives. Only 4 TTY payphones are in NSW rural areas – a total of 12%.

Currently there are more than 170 TTY payphones around Australia. Of these, approximately 40 are in rural areas. This represents a total of 23% of the total number of TTY payphones. During our national community consultations, concerns from the community centred on the following areas:

- Lack of publicity about TTY payphone locations ie town centre information boards, hotel room information packs, booklet or website.
- No venues are accessible 24/7.
- In regional centres where the wireless local loop (WLL) will be deployed, TTY payphones may not communicate with this technology which means there will be no public TTY access in these towns.

Telstra has indicated in its third Disability Action Plan that one of the major tasks is to improve access to payphones for Deaf people and people with other disabilities. Telstra has been delaying the roll out of more payphones and not consulting consistently with AAD and other organisations which has in turn created a feeling of apathy and frustration that this issue has been dragged out for so long.

In our discussions with members of the community and with Telstra, we have found that there are now new payphone providers entering the market. These providers are

undercutting Telstra's prices and offering to provide payphone services in major shopping centres. As a result, Telstra has to remove all their payphones from the site, including the TTY payphones. This denies Deaf people access to payphone services at suitable locations and is a great concern to AAD.

Recommendation 2.14 of the Estens Inquiry states:

"...steps should be taken to ensure that competition in the supply of payphones does not impact adversely on access to teletypewriter payphones."

More recently, AAD has learnt that the first TTY payphone that was installed at Parramatta with much fanfare, in the early 1990's has been removed due to competition. Deaf people are asking local security personnel where the TTY is located and they are calling the AAD office.

Recommendation:

That Telstra make it a priority to roll out an adequate percentage of TTY payphones in rural and remote areas to ensure that Deaf people in these regions also have access to payphone services. Emphasis should be placed on ensuring 24 hour access to TTY payphones.

That the recommendation from the Estens Inquiry, quoted above, be actioned by government and Telstra, in consultation with AAD.

3. Long Distance call costs

Demographic studies undertaken by the Deaf Society of NSW *(Bonser, P. Hands up NSW – A profile of the Deaf Community of NSW. 1998)* and more recently by the Queensland Deaf Society have concluded that Deaf people in general earn below average incomes. The occupations of Deaf people do vary; however a high percentage of them are employed in the trades, as clerical workers or as packers, and are regarded as having incomes of less than $49,999. It is fair to say that most Deaf people in Australia have below average incomes and are not classified as pensioners. And yet they have to pay premium prices to receive basic access to telecommunication services.

It is internationally recognised that a TTY to TTY call takes 6-8 times longer than a standard voice call. As a result, what would be a short 5 minute voice call can take 30 minutes from TTY to TTY. This also depends on the typing speed of the Deaf TTY user and their knowledge of English to communicate with another person.

Unfortunately, the Federal Government has not recognised that there needs to be some form of subsidy for TTY users using local carrier networks to make long distance TTY to TTY calls.

AAD is aware that the United Kingdom (OFTEL regulations), some European countries and the United States of America provide telecommunication carrier based

or government subsidised discount programs to ensure a fairer pricing scheme for direct TTY to TTY calls and TTY relay service calls. (Appendix Two)

Submissions by AAD to relevant government inquiries and to the Minister's office have met with the same response: a statement that "the Government has provided a 30% discount for TTY and text based customers using the NRS (letter to AAD 10 July 2002)" The Federal Government has always argued that telecommunications companies are providing many cheap and affordable deals for long distance calls and Deaf people are benefiting from these discounts.

However, most of these discounts are for off peak rates and there are very few deals for day time long distance call charges; furthermore these are attached to higher priced plans. As an example, an unemployed Deaf person lives in a remote town in Western Australia and wants to contact a hearing family member in Sydney by direct TTY to TTY. The cost of a direct TTY call would be very expensive compared to a call via the NRS. A direct TTY call to family is more personal and private than a call via the NRS that involves a Relay Officer (third party).

This means that Deaf people are being encouraged to rely on that "third party" rather than being able contact family members directly, independently on the TTY to receive a 30% discount for the time lag as occurs in other Western countries.

If Deaf people do not want to pay higher STD charges or use the NRS, they will then use non-interactive forms of communication such as fax, email or SMS. These are seen as more affordable communication devices for long distance communication. This situation also raises the question of whether Deaf people are putting up with a lesser form of communication. The feedback from the community consultations illustrates that this is an unfortunate trend. AAD does not believe this trend to be fair and equitable for Deaf people.

Recommendation:

That Deaf people in metropolitan and regional, remote and rural Australia be provided with a subsidy scheme that enables equitable and affordable access to the cost of a basic long distance telephone call.

4. Wireless local loop

AAD is aware that Telstra is beginning to deploy a wireless local loop (WLL) using CDMA technology to rural and remote areas. The WLL is incompatible with current TTYs that are available in Australia and this has been acknowledged by Telstra. AAD's gravest concern here is that the deployment will impact on the ability of Deaf people in regional areas to access basic telephone services where these areas are serviced by a wireless local loop. If WLL does goes ahead, without finding an effective bridge for TTYs to communicate with WLL technology, then basic telephone service to a number of Australians who are Deaf or hard of hearing will be denied.

Advice from the Australian Communications Authority (ACA) has determined that current legislation, *Telecommunications (Consumer Protection and Service Standards) Act 1999* allows Telstra to install the WLL technology to regions it deems appropriate. The legislation requires that the basic telephone services must be provided to a person's residential and business premises. However, this is a short-sighted view and does not take into account the following situations:

- The home is sold or the person moves to a new residence that has the WLL installed, they will not be able to use their TTY in the new place of residence.
- A family member loses their hearing at some point in their lives and cannot access a TTY as the home has WLL access.
- Deaf business travellers visiting the town will not be able to use a TTY from a hotel room, hospital, or ring the TTY emergency service number 106.
- Deaf people who live in the area will not be able to make telephone calls from any other place other than home or work. They will not be able to make a call from the local hospital, shopping centre, railway station or from the house of a hearing friend.

A possible solution to this issue could be the introduction of the ITU (International Telecommunication Union) V.18 standard on mobile phones such as Nokia 9000 range or palm top computers (PDA's). This will allow them to communicate with TTYs and computers via the Internet and/or mobile networks. The ITU V.18 standard is a technical specification creating gateways for different text protocols such as baudot (TTY), ASCII (computers) and DTMF. Currently in Europe V.18 has been adopted and allows for greater cross networking between many different text telecommunication applications.

Recommendation:

That funding should be made available by Telstra to research TTY and text communication devices to overcome the problem of TTY and WLL incompatibility. AAD as the national advocacy organisation for Deaf people would be well placed to manage such a project.

5. Mobile communications

Deaf people have been attracted to the appeal and portability of mobile phones and have rapidly purchased mobiles to communicate with friends and family. There are three issues of concern for AAD in terms of mobile phone communications in rural and remote areas:

- SMS call costs
- Handset costs
- Mobile phone coverage

In some recent anecdotal information gathered by AAD, it was found that Deaf people send and receive 10 times more SMS messages per month than the average user. The main advantage of mobiles over other telecommunications devices is that they can be used almost anywhere and at any time. However, to access this technology they are

paying for services that are not accessible on many mobile phone plans, eg the free voice call component.

There are currently no mobile phones in Australia that are compatible with textphones.

In Europe the old Nokia Communicator 9000 range included a V.18 standard modem chip which allows 'handshakes' with various network protocols such as ASCII, DTMF and baudot (TTY). This means that the Nokia Communicator 9000 mobile phone range is able to 'talk' with TTYs. Deaf people in Europe have quickly and increasingly adopted the Nokia Communicator 9000 range as a model for portable mobile phone communication.

One initiative that is leading the way in accessible products for Deaf people is the European based WISDOM (Wireless Information Service to Deaf people On the Move) project. This is a collaboration of many organisations and funded by the European Commission. WISDOM is attempting to find an effective portable communication tool that will allow Deaf people to use their mobile phone anywhere and anytime. Its key feature is the ability to provide video communication, as well as SMS, voice, email and the Internet. More information can be found at www.mobilewisdom.org.

In its "Connecting Australia! Wireless Broadband" report, the House of Representatives Standing Committee on Communications, Information Technology and the Arts made the following recommendation:

"that the Commonwealth develop the means to provide hearing impaired people with mobile phones compatible with hearing aids, portable wireless devices that can communicate through the National Relay Service (NRS), and appropriately adapted video compression and transmission technology for video communication using sign language."

Recommendation

That as the Universal Service Provider, Telstra is well placed to fund a project to look at researching interactive text communication devices. This could be done in conjunction with the Standing Committee recommendation quoted above. Funding should be provided to an appropriate community organisation such as AAD that works closely with the community and Telstra to undertake this project.

B) Telstra's ability to continue to provide a full array of telecommunications and advanced data services

Telecommunication and data services that Deaf people will benefit from in future include:

- Videotelephony using Broadband technology
- Signing avatars
- Smart internet technology

Videotelephony services using Broadband technology

The evolution of the Internet and email, predominantly a text based information and communication source, has enabled Deaf people to access this on equal terms with everyone else, at least for those who have the required English fluency to comprehend and communicate information presented in English.

For Deaf people who use Auslan, videotelephony has the potential to allow them to communicate in their native or preferred language. It already has shown positive results in recent international and Australian developments providing improved information, communication, social, education and employment opportunities and results for Deaf people.

AAD is aware of a Deaf person in the Kimberley region in North Western Australia who currently communicates with Deaf people in Broome via video-conferencing facilities. We are not aware of the quality or costs involved in the provision of such a service but we will be conducting a national community consultation workshop in that region later this year to further identify issues that people experience in this region.

The following technical considerations needs to be given when considering video communication for Deaf people

- Generic design needs to include accessibility provisions
- Adoption and/or use of international standards
- 384kb Broadband data speed for clear reception of sign language

Videotelephony provides a viable solution not only for Deaf people communicating in sign language but also provides an excellent alternative for sign language interpreting in remote locations. Currently Deaf people who live in rural and regional areas are poorly serviced by specialist agencies because of distance difficulties and costs. Video communication technology has (as evidenced overseas and in Australian trials) illustrated cost savings (comparison of staff time/costs, travel, accommodation, etc.) and more regular and effective services.

AAD applied for funding from the Telstra Broadband fund to establish video communication technology within the organisation. It is hoped that this will encourage Deaf people to invest in video communication/broadband technology in the future when prices become more affordable.

Signing avatars

This is a new development occurring in the USA and Japan. An avatar is a virtual 3D human animated model created by computer software. It can move, talk and use the body like humans. They are often seen in recent computer games, movies or TV commercials (eg; Tomb Raider, Dancing Baby). Signing avatars are computer characters that can communicate in sign language as well as voice. (www.signingavatar.com)

With the advances in computer technology and multi-media special effects, signing avatars have become a useful tool in:

- teaching people about sign language and learning signs
- helping young deaf children learn language and literacy (reading / writing)
- translation of printed subtitles into sign language on digital TV
- helping parents learn about sign language to communicate with their deaf child
- providing information on sign language as an alternative to voice / text (internet).

Smart internet technology

Smart technology includes artificial intelligence, networking, security, software engineering and human behaviour to try and manage some home and work tasks in an easier way.

Imagine walking into your kitchen, looking at a medium-sized smart video screen that also includes touch buttons. You activate the screen. You communicate to the screen in sign language by signing 'phone', then signing a phone number. The same screen connects you to your friend at work who can watch you on their computer. After you have finished the conversation, you sign 'hang up' and the screen disconnects without you having to press a button. This is smart technology at work.

Some examples that may be developed include:

- Visual, voice or touch recognition interface devices (eg; Smart Kiosk)
- Smart Personal Assistants (eg; requesting home security check, seeking specific information over the internet, etc.)
- Smart housing (device control, comfort change [heat, lighting, safety], telephone or television options, etc.)

AAD is working with the Smart Internet Technology Co-operative research Centre to provide advice on how this technology can be adapted to benefit Deaf people who use Auslan.

Recommendation:

That Telstra must monitor emerging technology and how it can benefit Deaf people and people with disabilities. By working closely with community organisations such as the Australian Association of the Deaf to adapt or create products that will benefit the Deaf community, Telstra will continue to lead the way in providing services to Deaf people and people with other disabilities.

C) Ongoing investment in new network infrastructure

If Telstra and other telecommunications corporations are going to invest in 'new network infrastructure' then consideration needs to be given on the impact on Deaf people. To date, the creation of new infrastructure has failed to ensure that Deaf people gain access from these initiatives.

The most prominent example is as follows:

> *"Until the year 2000, Australia's phone network was based on the analogue system (AMPS). During this time, Deaf people were able to use some mobile phones ('brick' version) with their TTYs to make calls to other TTYs. It enabled Deaf people to have access to the phone as they went shopping, travelled or for emergency situations (using a portable compact TTY).*
>
> *However, in 1997 the Federal government decided to shut down the analogue network during 2000 and move to a digital network. This meant that Deaf people no longer had this access. AAD and others protested about this to the government but our pleas were ignored. (Clark and Harper: Mobile phones and Deaf people discussion paper: May 2002 pp1)*

As mentioned on page 6 of this submission under the point 4 "Wireless loca loop" this situation is arising again with the roll out of WLL to rural and remote areas.

Computer/Internet Access

Research undertaken by the DCITA funded Deaf Australia Online project (DAO) in 1999 showed that Deaf people were not accessing computers and the internet in the same way as most others were. Similarly the recent study by Women with Disabilities (2001) found that computer hardware, connection fees, usage costs and training expenses made it difficult for Deaf people and people with other disabilities to enjoy the multiple applications that a computer and internet can provide.

Deaf people also have the additional difficulty of accessing training opportunities because of communication difficulties - lack of sign language interpreters and / or specific requirements when teaching Deaf people.

The government is facilitating and encouraging ways for the Australian community to embrace computer technology and the Internet (eg. Networking the Nation funds), however, issues such as 'digital divide' need to be addressed as well as affordability concerns. A detailed study by the National Centre for Social and Economic Modelling, University of Canberra (NATSEM 2000), also illustrated the access differences between different community sectors in Australia.

Recommendation:

That the Federal Government and Telstra must take into account the needs to Deaf people when rolling out new network infrastructure.

That Telstra also needs to ensure that programs consider affordability issues for Deaf people.

D) The wider telecommunications industry

At present, Telstra as the Universal Service Provider offers an excellent level of service to Deaf people and people with disabilities, in comparison with other telecommunications service providers. Telstra's 3rd Disability Action Plan, launched in December 2003, goes a long way to addressing previous issues of inequity and sets a new playing field for other corporations to follow.

AAD's major concern is that the full sale of Telstra will jeopardise Telstra's position as a leader in this area as the quest to satisfy shareholders and investor demand outweighs the social obligations required by a Government owned corporation.

Other private telecommunications corporations such as Optus and Vodafone do not provide the same level of disability access despite heavy consultation and/or lobbying by community organisations such as AAD.

What safeguards will be in place to ensure that the same level of quality and service that Telstra currently provides is protected?

In addition, the Customer Service Guarantee (CSG) is there to protect consumers and ensure they receive an acceptable level of service. There is some concern that the CSG will not adequately protect consumers if Telstra is fully privatised. Also extra specifics would need to be added to the CSG to enshrine the rights of Deaf people and people with disabilities.

E) The telecommunications regulatory regime

As highlighted in the Tanner report, the regulatory regime in Australia is complex and confusing for many people. However, it is vital that the regime continues to be tightened to benefit consumers and ensure that rights of disadvantaged groups such as Deaf people are protected.

In March 2002, TEDICORE (Telecommunications and Disability Consumer Representation) released "Best practice in telecommunications for people with a disability in Australia". Recommendation 6 from this document states:

"Corporations should include the needs of people with disability in the beginning of the design process of new products and services and incorporate a Disability Impact Statement through the various stages of the design process." (page 19)

AAD endorses this recommendation as we believe it is only through consultation and testing that industry will become fully aware of both positive and negative implications of new products and services. Both the Australian Communications Authority and the Australian Communications Industry Forum have the power to ensure that manufacturers develop Disability Impact Statements for products and services (new and existing) in consultation with organisations such as AAD.

AAD does not want to see the regulatory regime continue with the favoured 'self regulatory' approach to regulating consumer and disability services. If a mandatory

regulation regime was enforced disadvantaged consumers are protected and safeguards are in place to monitor the increasing availability and quality of such a service.

An example of how the self regulatory regime has failed to protect Deaf consumers is that of the Customer Service Guarantee that telecommunications carriers must follow for fixed line services. One of the guarantees is the provision of disability equipment to telecommunications users with disabilities (including Deaf people). Currently not all Carriage Service Provider's provide a disability equipment program and of the carriers that provide such a program, the variation in quality and product range leaves a lot to be desired.

In addition, the Telecommunication Industry Ombudsman's (TIO) office is there to protect consumers, however for many Deaf people, the TIO is not seen as an accessible organisation and there is no information on what they do or our rights under the Telecommunications Act provided in an accessible format such as an Auslan video.

Recommendation:

That serious consideration be given to the impact on services to people with disabilities if Telstra is sold. The regulatory regime needs to be tightened up to further protect consumers.

F) Telstra's shareholder value and its shareholders

Telstra is a multi-national corporation that provides a vital and necessary service to all Australians. Telstra is always looking for new strategies and products to ensure they remain internationally and nationally competitive with other similar corporations.

If Telstra is sold, the focus will shift from one of social obligation and service provision for all Australians to a global conglomeration that will only be interested in providing profits for its shareholders. This means that customers who do not use profitable services will no longer receive the same level of service. This is highlighted in the "Reforming Telstra" discussion paper released by the Opposition in May 2002:

"in the hands of an aggressive private owner, Telstra could strengthen and exploit its market dominance at the expense of consumers" (pp 9)

Will Deaf people and people with disabilities become forgotten in the quest to satisfy shareholders and increase the profit margin?

G) The Commonwealth budget

In the current structure, Telstra is working towards providing a greater level of service to Deaf people as outlined under the section that covers Terms of Reference DOR D (page 11). AAD does not want to see the further sale of Telstra and is not in favour of structural separation.

If Telstra is sold, the Federal Government would lose its Universal Service capability and profits that are currently provided from Telstra will no longer be available to fund programs such as the Consumer Representation Grants or research proposals to enhance services to disadvantaged or disability groups.

If the sale of Telstra goes ahead - as seems to be the Government's intention despite mainstream opposition from the community, then a fund **must** be set up to provide ongoing support and assistance to disability groups.

Conclusion

Deaf people are disadvantaged by current telecommunications services due to the inability of telecommunication services to actively find real solutions to overcome the barriers that the nature of deafness and the communication needs create. To ensure we enjoy the same quality of life as other Australians, our organisation needs on-going financial support to continue advocate and represent our community to Government, industry and regulatory organisations.

The DTAN project has successfully documented issues confronting Deaf consumers and the industry for public information and comment. It has broadened contact with relevant industry and government players and importantly, it has improved AAD's knowledge base enabling the organisation to make quality input to telecommunication issues when and where required.

It is clear that AAD still needs to work vigorously to address access and equity concerns of Deaf people in the telecommunication industry. It was heartening at the recent AAD Telecommunications Forum, to hear key players in the industry also call for closer working relationships to ensure that interests and concerns of Deaf people are accounted for.

The strategies adopted by the DTAN project will play a key role in developing partnerships with the telecommunication industry in order to improve Deaf people's ability to enjoy the same equitable access to an increasingly broad range of telecommunications services available in Australia.

This work can only continue if Telstra remains in public ownership and ongoing funding is provided to ensure that AAD can continue to work with Telstra to improve telecommunications access for Deaf Australians.

Appendix One

Disability Equipment Program
Position Paper

Summary:

This paper represents the views of the Australian Association of the Deaf (AAD) in relation to the Disability Equipment Program (DEP), formally known under the *Telecommunications Act 1997* as the Disability Telecommunication Equipment Program (DTEP). For consistency purposes, we shall use the term Disability Equipment Program (DEP) throughout this document. The development of this paper came about in response to the need for AAD to present a position on the future of the DEP.

The authors are conscious that the DEP is also available and accessible to all people with a disability, however for the purposes of this paper, we are strictly addressing the needs of Deaf people.

Australian Association of the Deaf (AAD) is the national peak consumer body representing Deaf Australians who communicate using Auslan (Australian Sign Language). AAD's members are major users of the current DEP which makes the organisation well placed to add its views to the debate.

Over a period of six months, AAD has considered and discussed this issue with relevant parties and has conducted consultations with Deaf people through-out Australia. We would like to put forward our position so it that may help take the matter forward another step towards an improved DEP that will meet the telecommunication equipment needs of Deaf people in Australia.

Given the various opinions expressed, current practices overseas and significant responses from the Australian Deaf Community, AAD is of the view that the current system should be reviewed immediately. Consideration should be given to establishing a centralised, independent, consumer led Disability Equipment Program by the end of 2003.

This paper examines the background to the DEP, critical concerns about the current system and outlines ways in which a future DEP could be provided.

Background:

Since February 2001, there has been considerable debate about how the Disability Equipment Program (DEP) should be managed. At that time, Australian Communication Exchange (ACE) put forward a discussion paper detailing the merits of an alternative DEP strategy due to the shortcomings of the current program. TEDICORE (Telecommunications and Disability Consumer Representation), a project under the auspices of Blind Citizens of Australia, and made up of representatives from several disability consumer organisations subsequently added their views in March 2001 also endorsing an alternative strategy and advocating for a more centralised approach.

In 1995, AAD played in instrumental role in the *Scott vs. Telstra* case in the Human Rights and Equal Opportunity Commission (HREOC). This was a landmark decision that paved the way for an extended DEP that included alternative telecommunication equipment such as a TTY, Telebraille and modem to be provided by telecommunications carriers. In 1996, as a result of this decision, Telstra contracted ACE to manage its TTY voucher scheme for individuals to purchase their own preferred equipment.

The *Telecommunications Act (1997)* was amended in 1998 to ensure that responsibility for the Standard Telephone Service and management of disability equipment became part of the Universal Service Obligation (USO). This was a significant step forward in terms of ensuring improved accessibility for disability equipment for Deaf Australians and people with a disability.

In 2001, AAD received funding for 12 months from the Department of Communications, Information Technology and the Arts (DoCITA) to establish a Deaf Telecommunication Access and Networking (DTAN) Project. One of the critical aims of this project is to conduct a National Community Consultation to research the views of our members on the current system.

The findings from the research including widespread consultation undertaken to date have added weight to the view that the DEP should be operated by an independent, consumer led organisation that understands the needs of Deaf Australians and people with a disability.

The Deaf community is of the view that this is a long term goal and that AAD should continue to work with and lobby current providers of the DEP to improve critical concerns as outlined below:

Critical Concerns:

a) Carriage Service Providers (CSPs)

By law, all CSPs that provide telephone equipment and a local service to the telephone network must provide relevant disability equipment as an alternative to the standard telephone service (STS) to ensure access to the telephone network. Currently there are two DEPs provided for the Australian Deaf Community – by Telstra and Optus. Each program has a different system designed to meet Deaf people's telecommunications needs. Existing programs only focus on services to fixed lines (i.e. telephone handset lines) and not mobiles or other telecommunication systems (eg internet access).

Since the deregulation of the telecommunications industry, more opportunities have opened up for people to access different companies for telecommunications services. For Deaf people, the choice is still limited to Telstra and Optus as they are currently the only providers of DEP. Many of the smaller players in the market are not voluntarily introducing DEPs due to the high operational costs involved in providing a small service.

The major drawback of the current system is that to access the DEP the individual must subscribe to that CSP's services and pay rental on the equipment but access a different CSP when it is more economically beneficial to that individual.

b) Consumer issues

Deaf people should have the right to choose which CSP best meets their needs. However, as previously stated, only two of the four CSPs currently provide a DEP. Currently Telstra and Optus, which are the only companies that provide a DEP, generally charge more for telephone access and usage compared to the smaller CSPs. Deaf people are not able to enjoy the advantages of a competitive market as is enjoyed by other Australians.

Many people are frustrated at not being able to access smaller CSPs who provide customer equipment with a cheaper pricing plan than current DEP providers but do not provide disability equipment. Currently, the only way to force the other CSPs to provide disability equipment is to make a complaint to the Human Rights and Equal Opportunity Commission (HREOC).

c) Family Members

Current DEPs do not allow for families of Deaf people to access the program. Some of AAD's members have said that this is unfair and unreasonable. They believe the program should be widened to include immediate family members such as parents or siblings to enable them to have direct communication with their Deaf family members.

d) Regulation on Equipment provision

To date, the Telstra DEP provides the largest equipment range available. Optus currently supplies a TTY but does not provide a visual alert. The list of equipment available is based on the provisions of the *Telecommunications (Equipment for the Disabled) Regulations 1998.*

The equipment list in the regulations is a fixed list and does not require the CSP (eg.Telstra) to provide alternative equipment and meet individual needs nor consider emerging or newer versions of current equipment that improves access to the telephone service. The onus is on the DEP providers to manage the provisioning of equipment as they deem appropriate.

The *Telecommunications (Equipment for the Disabled) Regulations 1998* is limiting as it does not allow special equipment to be provided for people who may be Deaf and have a visual impairment. These people need a TTY with a large visual display unit. Nor does it allow for future technology (eg video telephony systems) that may be more appropriate for some consumer needs.

Future System for DEP:

AAD is of the belief that for the Disability Equipment Program to be effective and meet the needs of the Deaf community, it needs to be operated by a consumer led, independent organisation. The organisation should have an understanding of consumer needs and be able to work with and be responsive to the needs of the individual. We understand that to achieve this objective, Federal legislation will need to be changed. The new organisation or program should endeavour to include the requirements listed below.

This list is not in order of priority:

- A National comprehensive DEP program including program awareness, information, equipment choice, equipment provision, installation, training and on going support.
- A wide choice of equipment to meet the needs of Deaf people.
- Ability to hire equipment for long and/or short term use.
- Must employ Deaf people to assist with providing services and be aware of Deaf issues*.
- Able to access any CSP and choose a plan that suits Deaf person.
- Consumer controlled and managed.
- Ongoing equipment training and installation to customers.
- Funded through Universal Service Obligations from all CSPs.
- Expanded to include immediate family members of Deaf people.
- Extended to include all telecommunications services including land lines.
- Liaise closely with ACA, DCITA, ACIF and CSPs in terms of new equipment becoming available.

**This principle is consistent with CSPs in the UK, Canada and USA, where Deaf staff are employed to assist service provision.*

Conclusion:

Australian Association of the Deaf recommends that the Federal Government instigate a change to the *Telecommunications Act 1997* and Universal Services Obligation to

allow for a new Disability Equipment Program (DEP) to be conducted independently of the CSPs to allow for optimal service and support to customers who require disability equipment.

The new program should encompass the requirements listed in the previous section and refer to the framework outlined in the discussion paper released by ACE. (Recommendation 2: page 10).

AAD recognises that legislative change is a long process and that it could be some time before we see a new independent system of DEP. Therefore it is critical that organisations such as AAD continue to work with industry providers and the community to ensure that current concerns are addressed, the current system continues to improve and to resolve critical concerns raised in this paper.

Appendix Two

International Government subsidy programs

United Kingdom

OFTEL Telecommunication (Service for Disabled persons) Regulations 2000.

2.36 Regulations implementing Article 8 of the revised Voice telephony Directive (98/10/EC) (the RVTD) became law in October 2000. Regulations inserted new conditions into the licences of fixed line operators and require operators:

To apply special tariffs to textphone users.

www.oftel.gov.uk/publications/consumer/uso0801.htm

Belgium

Telecommunication Act 1991 provides for the reduction in call charges for people who have a hearing impairment (Roe, 2001. P.171)

France

Post Office and Telecommunication Law (no. 99-162) refers to 'reduction in the cost of telecom services for disabled people' (Roe. 2001. P.171)

USA

Carriers provide a mandatory reduced discount rate for TTY customers on their bills (regardless of whether the customer's home also includes hearing people) as well as the usual varying competitive call charge rates

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