

TEDICORE Submission

Senate Inquiry

into the Telstra (Transition to Full Private Ownership) Bill 2005 and related bills

9th September, 2005

Background

TEDICORE (Telecommunications and Disability Consumer Representation) considers it vital to input into the Senate Inquiry into the Telstra (Transition to Full Private Ownership) Bill 2005 and Related Bills. However, TEDICORE objects to the extremely short time-frame of one day that the Inquiry is sitting. This is detrimental to all stakeholders and goes against established guidelines of consultation.

TEDICORE is the voice of Australia's peak organisations of people with disabilities on telecommunications and is supported by the Commonwealth through the "Grants to Fund Telecommunications Consumer Representations" program of the Department of Communications, Information Technology and the Arts. TEDICORE is administered by Blind Citizens Australia but is a cross-disability project. It represents the interests of people with a disability in relation to telecommunications issues and promotes equity and accessibility. A Project Advisory Body with members from peak disability bodies such as Australian Association of the Deaf, Deafness Forum of Australia, Physical Disability Council of Australia, Women with Disabilities Australia, Blind Citizens Australia as well as Dr Christopher Newell AM ensure that there is broad representation.

People with disabilities comprise over 19% of the population according to the Australian Bureau of Statistics (2003). As our population ages, the number of people with functional limitations will increase.

People with disabilities live in all areas of Australia, conduct their own businesses, work in the government, commercial and community sector and span a broad range of occupations and interests. People with disabilities are students, employees and employers. In other words, people with disabilities are an integral part of Australian society and contribute significantly to Australia's economy and are keen to participate in the digital economy.

Discussion

Due to the extremely short timeframe, it is impossible to adequately deal with and respond fully to the important proposed legislative amendments in the Bills. It is also not possible to properly consult with TEDICORE members. However, TEDICORE will concentrate on the issues it considers most pressing to people with a disability.

These are:

(c) the role of the Australian Communications and Media Authority, including:

- i. the provision of additional enforcement powers,
- ii. improvement of the effectiveness of the telecommunications self-regulatory processes by encouraging greater consumer representation and participation in the development of industry codes; and

(d) the establishment of a perpetual \$2 billion Communications Fund.

In addition, TEDICORE wishes to draw the attention of the Senate Inquiry to *Schedule 2 – Amendment of the Telecommunications (Carrier License Charges) Amendment Act 1998* in relation to Industry Development Plans.

(c) the role of the Australian Communications and Media Authority, including:

- iii. the provision of additional enforcement powers,**
- iv. improvement of the effectiveness of the telecommunications self-regulatory processes by encouraging greater consumer representation and participation in the development of industry codes**

TEDICORE supports the provision of additional enforcement powers for the Australian Communications and Media Authority.

TEDICORE supports methods of ensuring greater consumer representation and participation in the development of industry and consumer codes. There needs to be mechanisms in place so that Codes can be developed effectively with positive outcomes within a realistic timeframe. The Consumer-Driven Communications project report outlines methods to achieve this. This is outlined in recommendation 7:

A protocol setting out issues to consider whether consumer input into code development by an industry body has been adequate be developed by the ACA before undertaking to register a code, pursuant to the legislative change nominated in recommendation 2. The protocol should include:

- public forum at the outset to inform all stakeholders including consumers, suppliers and regulators of issues and objectives;
- strict timeframe for completion of public comment draft and final registration copy;
- equal representation of consumer and supplier representatives on the code development working committee;
- representatives from the ACA, the Australian Competition and Consumer Commission (ACCC) and the Telecommunications Industry Ombudsman (TIO);
- independent chair (not a supplier or consumer representative);
- independent professional draftsman;
- provision of daily sitting fee, transport and accommodation costs for consumer representatives;
- resources for consumer representatives to liaise with each other during the code development via teleconferencing;
- assistance for consumer representatives to consult with wider constituencies;
- a forum held before public comment to ensure broader consumer input summarising issues; and
- forum prior to completion of the public comments to ensure all the submissions have been properly considered before the ballot draft is finalised.

Consumer representatives wish to ensure that the difficulties faced by all members of the ACIF Working Committee 19 on the Draft Code for Information on Accessible Phone Features are not repeated. This Working Committee has been in operation for 18 months and it is uncertain whether an outcome will be achieved.

TEDICORE supports the funding of associations (meaning non-profit organisations such as disability organisations) for representing their constituents on ACIF code development working committees. This work is an enormous drain on limited resources for organisations such as TEDICORE and its members.

(d) the establishment of a perpetual \$2 billion Communications Fund

TEDICORE supports the establishment of the Communications Fund. This fund should be established regardless of the sale of Telstra as it is clear that there is an extreme need for such a Fund in any case.

TEDICORE believes that this Fund should commence immediately with a clear set of programs and with a review on the effectiveness of those programs within three years. This Fund should include programs to provide more equity in telecommunications for people with a disability as outlined in the attached TEDICORE Briefing Paper for a Community Trust Fund. A review of effectiveness of services to people in regional, rural and remote areas should also include the adequacy of services to people with a disability. This provision should be included in the legislation.

TEDICORE wishes to point to three areas of primary need for people with a disability:

1. An independent Disability Equipment Program

This issue has been outlined in detail in previous TEDICORE submissions and been the subject of Senate Inquiry recommendations such as the Australian Telecommunications Network and most recently in the Performance of the Australian Telecommunications Regulatory Regime (Rec. 28).

2. Video relay service for people who are Deaf, hearing or speech impaired

This needs to be included as a mandatory part of the National Relay Service.

3. Affordability

There is a need for discounts of 50% for people with a disability to equitably access broadband services.

While these areas have been highlighted, there are many other key areas which TEDICORE is concerned about as outlined in the TEDICORE Best Practice report and in the attached TEDICORE Briefing Paper.

Additional comments

Existing Telstra services:

TEDICORE is concerned that existing services offered to people with a disability by Telstra and not covered by the USO will not deteriorate if Telstra is sold. These are:

Directory Assistance Helpline

Specially trained operators provide free detailed directory assistance to people with disability who meet eligibility criteria that they cannot use a standard telephone directory

Disability Enquiry Hotline

Provides information on the Disability Equipment Program

In addition, Telstra resources which positively impact on consumers with disability include:

Centre for Accessibility

Within the Human Factors sectors of Telstra's Research Laboratories. It provides an internal service ensuring that Telstra's online services such as its web site are accessible and also does assessments and provides advice on accessibility to other divisions of Telstra.

Disability Services Unit

This unit is central to the development of policy and liaison with consumers on disability issues. It implements the Disability Action Plan, provides disability awareness-raising within the corporation and promotes its disability services in the community.

The Disability Services Unit is a valuable cross-corporation resource on disability and this should be expanded with at least another staff member to ensure that all its tasks are achieved in a timely manner.

After TEDICORE representations to Telstra management, there have been oral reassurances from Telstra that current services to people with disabilities will be maintained beyond the legislative and regulatory safety net. However, there is still considerable concern amongst TEDICORE member organisations and at the grassroots level that, in future, based on the commercial pressures of a fully privatised company, current service levels could deteriorate.

It is vital that consumer safeguards be instigated and legislated with strong compliance measures to ensure that people with disability still are able to access these services.

Industry Development Plans:

TEDICORE is very concerned that the Bills intend to abolish the Industry Development Plans as stated in *Schedule 2 – Amendment of the Telecommunications (Carrier License Charges) Amendment Act 1998*. Previously, before amendments to the legislation in 2002, the IDPs included reporting on any research relating to disability. This was an excellent incentive for industry to undertake such research. The Consumer Driven Communications project report calls for a change in legislation to ensure that IDPs continue to exist as stated in its recommendations:

The Minister reconsider the importance of Industry Development Plans (IDPs) which ensure that carriers, as part of the carrier licensing process, report on their strategic commercial

partnerships and all their research and development activities including those addressing the needs of people with disabilities.

The Government consider repealing the changes to this scheme introduced in 2002 (at least to the extent that they exempt carriers from addressing the needs of people with disabilities) or that the Minister minimise the impact of these changes by limiting the categories of declared carriers, thereby restricting the allocation by the ACA of exemptions from the IDP requirements.

Finally, TEDICORE calls for more time for the Senate Inquiry to consider the important issues in these proposed legislative changes.

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TEDICORE

People with a Disability and Telecommunications – Moving forwards after the possible sale of Telstra

July 2005

Background

TEDICORE is the voice of Australia's peak organisations of people with disabilities on telecommunications and is supported by the Commonwealth.

TEDICORE's key goal is to foster equity in access to telecommunications for all Australians.

Main issue

People with disabilities comprise 20% of the population according to the Australian Bureau of Statistics (2003). As our population ages, the number of people with functional limitations will increase and thus there will be a larger proportion of the population with disability. People with disabilities live in all areas of Australia and those who live in rural and remote areas are particularly disadvantaged with regard to reduced accessibility and availability of telecommunications and IT products and services.

With the possible sale of Telstra, there will be further barriers for people with a disability especially for those living in rural and remote areas. TEDICORE recommends the following consumer safeguards and initiatives be implemented.

Recommendations

- 1. Consumer safeguards to ensure that existing Telstra services to people with a disability (in addition to those already part of the current Universal Service Obligations) be continued.**
- 2. A Community Trust Fund be implemented from the proceeds of the sale of Telstra. This will address digital divide issues for people with a disability and is detailed in the attached document.**

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TEDICORE Position Paper People with a Disability and Telecommunications – Moving forwards after the possible sale of Telstra

July 2005

Discussion of issues

TEDICORE is the voice of Australia's peak organisations of people with disabilities on telecommunications and is supported by the Commonwealth through the "Grants to Fund Telecommunications Consumer Representations" program of the Department of Communications, Information Technology and the Arts. It represents the interests of people with a disability in relation to telecommunications issues and promotes equity and accessibility. A Project Advisory Body with members from peak disability bodies such as Australian Association of the Deaf, Deafness Forum of Australia, Physical Disability Council of Australia, Women With Disabilities Australia, Blind Citizens Australia as well as Dr Christopher Newell AM ensure that there is broad representation.

People with a disability conduct their own businesses, work in the government, commercial and community sector and span a broad range of occupations and interests. People with disabilities are students, employees and employers. In other words, people with disabilities are an integral part of Australian society and contribute significantly to Australia's economy and are keen to participate in the digital economy.

TEDICORE's key goal is to foster equity in access to telecommunications for all Australians.

Discussion of solutions

With the possible sale of Telstra, TEDICORE urges the following consumer safeguards and initiatives be implemented.

- 1. Consumer safeguards to ensure that existing Telstra services to people with a disability (in addition to those already part of the current Universal Service Obligations) be continued.**

These services are:

- *Directory Assistance Helpline*
Specially trained operators provide free detailed directory assistance to people with disability who meet eligibility criteria that they cannot use a standard telephone directory
- *Disability Enquiry Hotline*
Provides information on the Disability Equipment Program

- *Telstra Country Wide disability equipment displays*
Purpose-built cases of disability equipment are in each Telstra Country Wide office for display, promotion and information

In addition, Telstra resources which positively impact on consumers with disability include:

- *Centre for Accessibility*
Within the Human Factors sectors of Telstra's Research Laboratories. It provides an internal service ensuring that Telstra's online services such as its web site are accessible and also does assessments and provides advice on accessibility to other divisions of Telstra.
- *Disability Services Unit*
This unit is central to the development of policy and liaison with consumers on disability issues. It implements the Disability Action Plan, provides disability awareness-raising within the corporation and promotes its disability services in the community.

2. A Community Trust Fund be implemented from the proceeds of the sale of Telstra.

This Fund is in line with recommendations by the National Party for a Rural Trust Fund and the Central Land Council for an Indigenous Fund.

The Community Trust Fund will disburse funds to achieve the following key goal:
To foster equity in access to telecommunications for all Australians

A government agency will be set up and will operate on an ongoing basis through a trust fund arrangement. It will comprise a Board including representatives from the key constituent communities such as people with a disability, Indigenous people and people in rural areas.

The following programs would be funded:

- Independent Disability Equipment Program.
- Community Impact Analysis on the potential effect of the introduction of new technologies on people with a disability
- Program to match mainstream technologies and equipment with the needs of people with a disability including necessary adaptations of these technologies to maximise usability for people with disabilities.
- Awareness-raising program with industry for improved understanding of the telecommunications requirements of people with a disability. This is especially timely with the planned registration of the ACIF Code on information about accessible phone features.
- Discounts for people with a disability to use mobile phones and connect to broadband services in line with such subsidy programs in Japan and Korea. People with a disability often live on low income or pensions and cannot afford the existing costs.
- Research into social and technical aspects of access to telecommunications for people with a disability including user studies of new technologies

- Training and mentoring for people with a disability to be active and informed consumer representatives

More details are in TEDICORE's report: *Best Practice in Telecommunications for People with a Disability in Australia*.

<http://www.bca.org.au/tedicore/bestprac.htm>

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