



TELSTRA DISCUSSION PAPER

Disability Equipment Program

HREOC FORUM  
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## **Recommendation 7: Expansion of disability equipment programs**

## **Recommendation 8: Consolidated disability equipment program**

Telstra welcomes the opportunity to participate in the Human Rights and Equal Opportunity Commission Forum and to provide some comments on the discussion paper commissioned by HREOC, *When the Tide Comes In: Towards Accessible Telecommunications for People with Disabilities in Australia*, released in July 2003.

This paper discusses the recommendations relating to expansion of disability programs and the possibility of providing a consolidated disability program across industry. It also outlines Telstra's legal obligations in relation to the provision of equipment for people with a disability, and the steps Telstra has taken to comply with its legal obligations.

### **Recommendation 7**

A key component of Recommendation 7 is that Telstra's Disability Equipment Program be expanded to include:

- mobile phones; and
- required accessories at equitable rates.

Telstra notes the views of some consumer advocates in relation to extending disability equipment programs to include mobile phones and accessories and the views of other stakeholders, which have raised some concerns about this proposal.

Telstra also has concerns about the proposal as it believes it is not consistent with Telstra's legal obligations as the Universal Service Provider. These obligations are discussed below.

### **Telstra's obligations under the Act and DDA**

Division 2 of the Act establishes a universal service regime to which Telstra must take all reasonable steps to fulfil<sup>1</sup> as a universal service provider<sup>2</sup>. Section 9 of the Act sets out the Universal Service Obligation ("USO"), which is the obligation to ensure that standard telephone services and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business<sup>3</sup>:

The DDA provides that a person must not discriminate on the ground of disability in the manner in which it provides goods or services<sup>4</sup>, or makes facilities available<sup>5</sup>. Telecommunications carriers and carriage service providers, such as Telstra, provide a range of telecommunications services (for example, fixed telephony, mobile telephony and internet services). Telstra and other telecommunications carriers and carriage service providers must therefore provide goods and services in a manner which does not discriminate against people with a disability, unless doing so subjects Telstra, or other relevant carriers or carriage service providers, to unjustifiable hardship.

Telstra understands the USO to require it to supply (where supply is necessary to ensure reasonable accessibility) the first standard telephone service only to any person who requests a standard telephone service.

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<sup>1</sup> Section 12C Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)

<sup>2</sup> Section 12D Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)

<sup>3</sup> Section 9(1) Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)

<sup>4</sup> Section 4 of the Disability Discrimination Act 1992 (Cth) defines "services" to include services relating to telecommunications

<sup>5</sup> Section 24 Disability Discrimination Act 1992 (Cth)

Telstra has documented this practice in its current Universal Service Plan (“USP”). Telstra, as the universal service provider, is required to submit a USP to the Minister for approval<sup>6</sup>. The USP is a plan, which sets out how Telstra, as the universal service provider, will progressively fulfil the USO.

Telstra’s current USP, which has been approved by the Minister<sup>7</sup>, states:

*“Telstra may be taken to have fulfilled its Universal Service Obligation under the Telecommunications Act 1997 by supplying and maintaining the first standard telephone service to a customer in each particular property or place if that standard telephone service is reasonably accessible to all people reasonably requiring the use of that service in that property or place”.*

As stated above, Telstra’s Disability Equipment Program ensures compliance with the combined requirements of the USO and DDA. As Telstra’s USP containing the above statement has been approved by the Minister, Telstra believes that the USO, at the most, only requires Telstra to supply the “first standard telephone service”.

Assuming a customer otherwise had the right to access standard telephone services from Telstra under the USO, the customer would not necessarily have the right to the provision of mobile telephones and ancillary accessories from Telstra under the USO or Telstra’s Disability Equipment Program. The test is one of reasonable accessibility; under the USO (and, consequently Telstra’s Disability Equipment Program), Telstra is clearly not required to meet the demands of customers beyond what is required to ensure reasonable accessibility. For this reason, Telstra has not included mobile telephone technology in its Disability Equipment Program.

### **Telstra’s steps to comply with its obligations**

Telstra has provided specialised equipment for over 20 years. Prior to 1995, when a program was established to provide TTYs, Telstra provided a limited range of equipment. In September 1998, Telstra launched its expanded Disability Equipment Program, which is administered by the Disability Enquiry Hotline (DEH). Equipment is available to eligible customers, at no additional cost to their normal Telstra monthly phone rental. The DEH receives around 85,000 enquiries annually about Telstra’s program and other products and services.

Telstra has developed its Disability Equipment Program to ensure compliance with the combined requirements of the USO and DDA.

Recently the DEP has been expanded to include two new TTYs for DeafBlind customers who are unable to use a standard telephone or TTY. These customers can rent a Braille TTY or a TTY with a large visual display. Further, earlier this year Telstra introduced its new standard rental phone, the T1000S, which has a number of features to make it easier for people with vision impairment and impaired dexterity to operate, such as improved keypad button spacing. The phone’s improved adjustable ring volume and new adjustable volume control features for incoming calls mean the phone is more accessible for people with a hearing impairment. In 2003, Telstra also invited tenders from 15 equipment manufacturers to develop a big button phone with features to assist people with a disability. Two responses were received and the models offered have been assessed as inappropriate for the program. Telstra is continuing with its

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<sup>6</sup> Section 23 Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)

<sup>7</sup> Telstra’s Universal Service Plan was approved by the Australian Communications Authority on 30/10/01. A variation to Telstra’s Universal Service Plan was approved by the Australian Communications Authority with effect from 16/09/02

efforts to enhance the program, particularly to source a phone which will assist people with vision impairment.

Telstra is also participating in the ACIF Text Any-to-Any (TATA) Working Group, which is working to find practical solutions to providing real time any-to-any connectivity for users of text devices including TTYs. Telstra will present to the TATA Working Group, results of the testing undertaken over Telstra's fixed (the PSTN), satellite and wireless (GSM and CDMA) networks including a textphone with a range of GSM mobile handsets and one CDMA mobile handset.

In relation to mobiles and accessories, for consumers who wear a hearing aid or have a cochlear implant, the CDMA network is less likely to cause interference. However, Telstra recognises that in some cases a Telstra customer may require a hands-free accessory to deal with interference if the customer wears a hearing aid or has a cochlear implant and needs a GSM service. Telstra is currently trialling the T-Link product (which is designed to minimise mobile interference with hearing aids) in selected shops and is providing that accessory free of charge to eligible customers who need a GSM service (for example, where they are travel internationally frequently and require international roaming).

**Discussion points**

- ▶ Discuss ways that accessibility to mobiles can be improved for people with disabilities.

## **Recommendation 8**

Recommendation 8 suggests discussions to determine the most appropriate auspicing basis and operating arrangements for a consolidated telecommunications equipment program to secure equitable access by persons with disabilities to the full range of telecommunications services.

Telstra is aware of suggestions to establish industry-wide arrangements to provide specialised disability equipment.

### **Establishment of Telstra Wholesale's Disability Equipment Program**

Prior to 2003, in various forums there had been discussion about the availability of disability equipment to consumers who wished to exercise their choice of supplier, and a concern that their equipment needs may not be fulfilled. Attention had also been drawn to the guidance offered by the Australian Communications Authority and the HREOC to carriage service providers' responsibilities on the provision of equipment, which is 'bundled' with the provision of a service. In these forums, some suggestions were made to Telstra to offer access to its disability equipment program for service providers' end users. Further, a number of service providers suggested that Telstra introduce mechanisms to enable them to proactively offer disability equipment to their end users.

It should be noted at this point that Telstra Wholesale was not and is not obliged to supply customer premises equipment, including disability equipment or, if it does, to subsidise the disability equipment either to a service Provider or a service provider's end users

However, following the representations from its service provider customers, Telstra Wholesale's Disability Equipment Program was established to allow service providers to supply specialised telephone disability equipment to their eligible customers in order for them to access the standard telephone service. The terms of this commercial arrangement are published at [www.telstra.com.au/sfoa/docs/wp.doc](http://www.telstra.com.au/sfoa/docs/wp.doc)

This program was implemented in January 2003. It is supported by a Telstra Wholesale Disability Equipment Helpdesk for service providers and their end users with dedicated (ie different to Telstra Retail's Disability Enquiry Hotline) Freecall numbers for voice and TTY as well as email contact, to administer the new arrangement. A generic brochure and application form, and a separate application form for Cochlear Implant Telephone Adaptors have been developed, with the option available to individual service providers to develop their own branded customer information/application form. At least one service provider has chosen to do this.

The equipment provided under this arrangement matches that provided by Telstra to its eligible customers under its Disability Equipment Program. Whilst Telstra has developed this commercial arrangement for its wholesale customers, those service providers must determine their own pricing arrangements for their end users, and advise their end user customers of their pricing arrangements.

Therefore it may be possible now for a new customer approaching a service provider to request disability equipment, to undertake the application process and receive the equipment they need to access a standard telephone service, or alternatively service providers may be able to provide equipment under their own arrangements for their customers.

For a Telstra customer who is renting disability equipment and who chooses to "churn" to another service provider, Telstra does not reclaim the equipment provided under Telstra's Disability Equipment Program. However, since the Telstra Wholesale's commercial arrangement was

implemented in January 2003, Telstra Wholesale will charge its wholesale service provider customers for the equipment their end user, the former Telstra customer, has in their possession.

Telstra would support the concept of a consolidated telecommunications equipment program being placed with ACIF for its consideration and consultation with the industry.