



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 an 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.

References

- Disability Equipment Program: Draft Discussion Paper; Australian Communication Exchange February 2001.
- Disability Equipment Program: Draft Discussion Paper: TEDICORE, March 2001.
- Disability Equipment Provision: Rights and Responsibilities of Carriers. DoCITA. September 2001
- Telecommunications Equipment and the Disability Discrimination Act: Human Rights and Equal Opportunity Commission. September 2001.
- Telecommunications (Equipment for the Disabled) Regulations 1998.