

Disabling consultation? A report card from the disability sector

Wins for consumers with disability under the 1997 Telecommunications Act have been overshadowed by the industry's failure to take further steps toward equitable participation, reports Christopher Newell

The telecommunications industry is churning out report cards. Minister for Communications, Senator Alston, published his "Report Card on the New Telecommunications Regime", and was followed by ATUG's (Australian Telecommunications Users Group) rather disparaging report card which gave the telecoms industry 12 ticks out of a possible 22. The theme was even taken up by the chairman of the Australian Communications Industry Forum (ACIF) in the latest issue of its newsletter.

But what do report cards have to do with the Australian telecommunications industry's work regarding people with disability? Well, one year down the track from re-regulation and despite much promise, the industry scores only a "D" on its report card for its work regarding people with disability, i.e. it needs to work harder at understanding the issues and ensuring equitable participation.

The *Telecommunications Act 1997* saw big wins for consumers with disability. In particular, the 800 pages of legislation included a standard telephone service which moved beyond a voice telephony carriage service to the requirement for an equivalent carriage service that would comply with the Disability Discrimination Act 1992 (DDA). This followed lobbying by the disability sector, and the outcome of the landmark Human Rights and Equal Opportunity Commission case *Scott & DPI v Telecom* (now Telstra). These developments sit alongside the National Relay Service for people who are deaf and those with hearing or speech impairments, a service achieved by years of pushing the issues.

The promises of the new regulatory regime suggest rich potential for a high scoring report card by the telecommunications industry. So why does it get such a poor mark? And why are consumers with disability dissatisfied?

Perhaps the biggest reason for dissatisfaction is to be found in the difficulties of new structures and players becoming acquainted with the broader requirements of re-regulation, let alone disability needs and obligations. It would also appear that in an environment where industry players are responsible for their own behaviour disability needs are still seen by many as an expensive distraction rather than an integral part of telecommunications provision. This is slowly changing.

A significant issue for consumers in general has been the complexity of the changing telecommunications environment and the difficulties of networking. The role of the Consumers' Telecommunications Network (CTN) has been crucial in seeking

to support consumers' representation. This under-funded consumer organisation also seems to have done a lot with a little, especially in seeking to auspice consumer representation on the growing number of ACIF working committees.

And yet, a constant complaint of consumers with disability in dealing with ACIF and other industry players is that non-disabled norms and world views are used rather than starting consultation from the perspective of representatives with disability. After all, one of the major problems in telecommunications has been that the narrow norms used have resulted in a requirement for expensive add-ons for minorities such as people with disability, rather than design which incorporates such realities from the R&D stage onwards.

Certainly, when ACIF held a "Disability Forum" regarding its work early this year it started with non-disabled perspectives instead of hosting a day where disability representatives presented their needs and aspirations to the industry.

Such a situation is in marked contrast to the National Relay Service which provides telecommunications access for deaf people and those who have hearing or speech impairments (included in the statutory universal service obligations from July 1, 1998). The contract for the NRS was recently renewed with the Australian Communication Exchange (ACE), a consumer controlled, community based, non-profit company with a board comprised largely of Australians who are deaf or have hearing or speech disability. This

... continued next page ➤

Disabling consultation

... continued from previous page ➤

service has been highly effective with the deaf population in Australia. The ACE is currently seeking to address the under-utilisation of its service by speech impaired people, for whom telecommunications access is a continuing issue.

To their credit, corporations such as Telstra and Optus have broadly-based consultative processes which incorporate disability perspectives. But many industry players seem to have failed to undertake a proper review of what has already been done in Australian telecommunications with regard to people with disability. This includes a thorough knowledge of consumer networks and a thorough review of the literature and research on telecommunications and disability, and disability anti-discrimination regimes.

Consumer representatives on ACIF's Disability Standards Working Party also talk about the way in which the business of ACIF has not been particularly consumer friendly. One consumer representative spoke recently about an initial expectation that all business will be done via email - but that person doesn't have email! The alternative is the faxing of documents but this is not satisfactory for someone with a physical disability who finds slippery fax sheets difficult to handle and is on such a low income that the cost of reams of fax paper is prohibitive.

Consumer representatives also tell of papers obtained at the last minute, the domination of disability committees by non-disabled industry interests, and the lack of resourcing of consumers effectively to participate in such activities. As one consumer representative put it recently: "The industry players are paid big dollars to participate on these committees but I can't even get sitting fees and

it costs me money to participate - money I don't have".

Perhaps the biggest issue that the telecommunications sector has to address is ensuring equitable, efficient, coordinated and resourced participation in its activities. The industry has to face up to the issues associated with the inherent power imbalance between consumers and providers in its forums. It also needs to address issues to do with supporting consumers with disabilities and their involvement across the industry. Of course, this transcends disability representation to the whole of consumer participation in the re-regulated telecommunications industry.

As part of such a coordinated approach, the industry urgently needs to consider a coordinated and forward looking approach to the supply of equipment to meet the needs of people with disability across the telecommunications industry. While Telstra has certainly been reviewing its provision in light of its regulatory responsibility, the industry in general needs a coordinated approach which has people with disability, their needs and aspirations as the focus. The current focus by some influential players on legal minimums as opposed to moral maximums needs to be addressed, while also providing for a coordinated scheme which acknowledges and meets the needs of the diverse industry, and consumers with all sorts of disability.

So, the telecommunications industry has a "D" on its report card and needs to aim for an "A: International Best Practice in respectful and resourced consumer consultation". This is not impossible but in order to achieve it, the Australian telecommunications industry needs urgently to address issues of resourcing people with disabilities to participate in articulating needs and aspirations across

the industry. This will entail the industry coming together with consumers to address common issues from different perspectives, with the immediate priority being a coordinated approach to equipment and service provision, which has consumer representation at the highest levels of governance. It remains to be seen whether funding allocated by the Minister for consumers will be used in this way

It seems likely that the TIO model of seeking to ensure the participation of stakeholders, including consumers, in setting policy via a council which is distinct from a business oriented board is a useful model to explore. Further, the multi-billion dollar telecommunications industry will ultimately have to explore the provision of sitting fees and adequate reimbursement of the expenses of consumers if it is to have high quality and equitable consumer participation.

The recent announcement of disability standards regulations under the *Telecommunications Act 1997* was a welcome initiative, for example, but still raises the importance of consumer participation in order to ensure that the regulations meet consumer needs and aspirations for access today and tomorrow.

Of course, all this is about different perceptions of quality and rights. In the end, the instigation of quality and performance indicators which are informed by the perspective of people with disability will be vital to ensuring that quality of service is a lived reality for all consumers in Australia, with or without disability. ➤

Christopher Newell, PhD, is senior lecturer in the School of Health Science at the University of Tasmania, and a private consultant in Human Services and Ethics. He has a research interest in telecommunications policy and residential consumers, and represents people with disability on various telecommunications and other committees. He is also consumer co-chair of the Telstra Consumer Consultative Council