



Submission to the Disability Care and Support Inquiry

by the Australian Communications Consumer Action Network to the
Productivity Commission



August 2010



The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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Introduction

The Australian Communications Consumer Action Network (ACCAN) is pleased to have the opportunity to contribute to the Productivity Commission's inquiry into the feasibility of a Disability Care and Support Scheme. While we understand that the inquiry is conducting consultation on the high level issues outlined in the Discussion Paper, this submission is in specific regards to the information and communication technology needs of consumers with disability. We do not purport to have the requisite expertise or resources that would enable us to make informed recommendations on the questions of funding, governance or implementation of a Disability Care and Support Scheme. We do however have the expertise and research to offer informed recommendations on how such a scheme could promote and protect the rights of communications consumers with disability. We also have the expertise to make informed recommendations on the types of supports that a Scheme can provide to dismantle some of the barriers to equitable participation facing consumers with disability in the rapidly developing environment of information and communications technologies.

ACCAN has a strong focus on the information and communication technologies needs of consumers with disability. As part of our commitment to ensuring availability, accessibility and affordability of information and communication technology products and services for Australian consumers, we provide research based systemic advocacy for the specific needs of consumers with disability.

This submission includes the following recommendations to improve the economic, social and cultural participation of information and communications consumers living with disability:

- Any scheme must be guided by the underlying principles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), with specific reference to Articles 4, 9, 19, 21 and 30;
- People with disability must be included in the development of any national scheme – Nothing About Us Without Us;
- Any scheme must include funding for a variety of Information and Communication Technology equipment that will meet an individual's needs in providing access to telecommunication and information services;
- Any scheme must include funding for the repair, upkeep and upgrading of information and communications technology equipment;
- Any scheme must include funding for an individual to obtain all necessary training in order to allow them to access these services and use their equipment in a way that best suits their individual need;
- Any scheme must include funding to allow people with disability the same level of access to telecommunications and information services as the rest of the population, regardless of geographic location and at no additional cost due to their disability;
- Any scheme is based on a self-determination model, in that an individual is responsible for decision making regarding which equipment, services and training will best serve their specific need.

Response to Productivity Commission: Disability Care and Support Inquiry

ACCAN's first recommendation is that any scheme should be guided by the following principles enshrined in the UNCRPD;

Article 4: General obligations states that:

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
 - (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an *affordable cost*;

Article 9 – Accessibility

- 9.1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: Information, communications and other services, including electronic services and emergency services.
- 9.2. States Parties shall also take appropriate measures to: Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
 1. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 19 - Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community...

Article 21 - Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through



all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

1. Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
2. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
3. Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
4. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
5. Recognizing and promoting the use of sign languages.

Article 30 - Participation in Cultural Life; recreation, leisure and sport

30.1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

1. Enjoy access to cultural materials in accessible formats;
2. Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

The Australian Government's adoption of the United Nations Convention on the Rights of People with Disability and its optional Protocol commit any national disability care and support scheme to be developed in accordance with the underlying social model of disability that is enshrined in these international anti-discrimination documents.

Through our transformation of understanding disability as a social environment determined condition rather than the outdated medical /welfare model of the past we can empower a National disability care and support scheme to provide greater independence and dignity for people with disability as their potential economic and social participation increases; with a goal to achieving full and equitable participation and social inclusion for all Australians.

While a scheme that provides access to information and communications technologies for people with disability will be a significant improvement for the economic, social and cultural participation for people with disability. The barriers inherent in the access and provision of services, both government and private sector, continue to disadvantage people with disability. ACCAN is aware that the Australian government has adopted the WACG3 principles for all government services and applauds this move to make publicly funded services information more accessible. The role of the overarching National Disability Strategy (NDS), should complement the provision of a national disability care and support scheme to include the universal dismantling of barriers in Australian society that impinge on the rights of our citizens with disability.

Recommendation 1:

- **Any scheme must be guided by the underlying principles of the UNCRPD, with specific reference to Articles 4, 9, 19, 21 and 30.**

Following the Australian Government's commitment to social inclusion and incorporating the principle underpinning Article 4.3 of the UNCRPD, ACCAN believes people with disability are best placed to be able to inform the development of a best-practice whole of life scheme. ACCAN, through its membership focus and its Standing Advisory Committee on Disability Issues has committed to consultation with, and systemic advocacy on behalf of, information and communications consumers with disability.

Recommendation 2:

- **People with disability must be included in the development of any national scheme; Nothing About Us Without Us.**

ACCAN is aware that the current information and communications environment in Australia is failing a large number of the nearly 4 million (ABS, 2004) Australians with disability. In an industry and marketplace that is growing and developing at a rapid pace it will be imperative that any national disability care and support scheme include funding and support of all necessary aids and equipment that will enable consumers living with disability to access the full range of information and communications products and services available to the rest of the population.

A national scheme must provide equipment that will allow all consumers with disability access to voice, voice-equivalent or text-to-speech telephony services, the internet and any future broadband network.

This needs to be more than the limited telecommunications equipment that is currently available through Telecommunication company disability equipment programs.

Current Disability Equipment Programs offered to telecommunications consumers with disability are limited to the provision of fixed-line or voice-equivalent equipment at the same rental pricing for a standard telephone handset. Only two of the major Australian telecommunication companies offer free disability directory service to customers who are unable to use print telephone directories.

A robust scheme must include any mainstream assistive or specialized equipment that will allow a person with disability the independence, dignity and choice of being able to fully participate in the broad range of information and communication services that are, and will become, available to the wider population.

History tells us that people with disability are often the forgotten demographic when new technology is introduced. Many Deaf or hearing impaired Australians were left out in the cold when mobile telephony providers switched over from analog to digital technologies. Mobile devices which had provided functionality for people with hearing aids were discarded for a new generation of mobile telephony which was incompatible with hearing aid technology.

Similarly, with the on-going roll-out of the Digital Television switchover providing a plethora of new digital multi-channels from free-to-air broadcasters, Australians who are blind or vision impaired are being left without access to our most universal medium for news, education, entertainment and culture. While sighted Australians are able to operate off the

shelf digital televisions and set top boxes, blind or vision impaired Australians will have to purchase special equipment to make the navigation of digital television menus audible.

Recommendation 3:

- **Any scheme must include funding for a variety of Information and Communication Technology equipment that will meet an individual's needs in providing access to information and communication services.**

Recommendation 4:

- **Any scheme must include funding for the repair, upkeep and upgrading of information and communications technology equipment.**

People with disability are often less likely to be employed as a result of their inability to access appropriate information and communications equipment, services and training. This leads to a catch-22 cycle; without access to current technology the training and development of marketable workplace skills is hindered. This inability to access necessary information and communication equipment, services and training results in further exclusion from economic and social participation for many people with disability.

The *Shut Out* report acknowledged the low levels of employment for people with disability, even when there was a strong desire to be gainfully employed. If a Disability Care and Support scheme is to be fully effective in providing the best opportunity for Australians living with disability, then access to information and telecommunications equipment and services must be funded adequately.

ACCAN believes that an integral element of any scheme must be to ensure adequate funding for all the requisite equipment, training and resources that will provide all information and communications consumers with disability the freedom to participate on the level playing field that is needed for equitable participation in economic, education, social and cultural life of Australian society.

All awareness campaigns, education and training must be available to suit an individual's specific need; including gender, age and cultural differences that may further impact on a consumer with disability's information and communications needs.

Recommendation 5:

- **Any scheme must include funding for an individual to obtain all necessary training in order to allow them to access information and communications services and use their specific equipment in a way that best suits their individual need.**

ACCAN has identified a growing digital divide between those Australians with disability and the rest of the population. While this digital divide is found to be significant for many people with disability across the nation, the divide has been identified as having increasing impact in regional and rural areas of Australia.

This digital divide is a result of many of the issues that have already been addressed; lack of access to equipment training and information and communications services, there is a greater divide for regional and rural Australians living with disability due to the lack of adequate to services in remote locations. Any scheme needs to take into account these greater needs for regional and rural consumers and accommodate the greater costs of accessing equivalent services.

Recommendation 6:

- **Any scheme must include funding to allow people with disability the same level of access to telecommunications and information services as the rest of the population, regardless of geographic location and at no additional cost due to their disability.**

ACCAN sees Articles 4, 9, 19 and 21 as being the guiding principles in the development of a scheme that allows for self-determination, independence and dignity or Australians with disability in accessing the growing benefits of our burgeoning information and technology environment.

The *Shut Out* report highlighted some of the problems people with disability encounter in accessing aids and equipment. For many Australians with disability, obtaining the information and communications equipment that would allow them to participate equitably in our economic, social and cultural community life is often prohibitively expensive.

Australians who are blind or vision impaired are unable to use many of the features offered by mobile phone handsets that do not have built-in text to speech accessibility. Until the recent introduction of the Apple iPhone, there were no off-the-shelf mobile handsets that offered this feature in Australia. Blind or vision impaired Mobile telephony consumers were only able to benefit from the portability of this universal means of communication through purchase of a high-end handset and the additional purchase of add-on software to enable text-to-speech accessibility at a cost in excess of \$800.

For mobile telephony consumers who are Deaf or hard of hearing it is necessary to purchase a high-end smart phone in order to be able to access Internet relay services; incurring significant higher cost to access standard voice-equivalent communications.

Higher costs of living with disability are one of the areas of discrimination that could be alleviated through the adoption of a national Disability Long Term Care and Support scheme.

People living with disability have a variety of needs in order to be able to access the mainstream information and communication platforms that are becoming more embedded in the way that we participate in economic, social and cultural activities.

Some of the equipment and services that need to be funded through any scheme include, but of course are not limited to; phones with text-to-speech capability, Mobile phones with large screens, Mobile phones with speech recognition features, Mobile phones with refreshable Braille accessibility, phones capable of real-time-text, text-to-speech software, and Broadband usage requirements for voice-equivalent technologies.

The ACCAN 2009 research report *Broadband Solutions for Consumers with Disabilities* highlights some of the many evolving products and services in information and communication technologies that may significantly improve the lives of people living with disability.

One of the key areas discussed in the report is the innovative use of video and TV-based applications to deliver potentially life-transforming services for consumers with disabilities; The TV-based videophone, Video Relay Services and Video Remote Interpreting (VRI).

The *Shut Out* report also noted that there are currently a number of unrelated aids and equipment programs across various States and jurisdictions and that a unified national scheme would be preferable, offering people with disability the security of portability. This highlights the current problem for many people living in a jurisdiction offering access to aids and equipment, in that they may not have the freedom of movement if other jurisdictions do not offer equivalent aids and equipment schemes. A national, portable, scheme offering the same level of access to aids and equipment would invoke the principles enshrine in Article 19 of the UNCRPD.

Recommendation 7:

- **Any scheme is based on a self-determination model, in that an individual is responsible for decision making regarding which equipment, services and training will best serve their specific need.**

Conclusion

ACCAN is committed to improving the information and communications environment for all consumers with disability. We strongly recommend that any disability care and support scheme incorporates the above mentioned recommendations in an effort to further the economic, social participation and social inclusion of Australians with disability.

As the peak body representing consumer issues in the information and communications sector we are well placed to consult in the development of a scheme that will include the information and communications needs of people with disability. As such we are happy to be available in this capacity to provide any further assistance to the Productivity Commission's inquiry.

References

Australian Bureau of Statistics, 2004 *Disability, Ageing and Carers, Australia: User Guide*
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/second+level+view?ReadForm&prodno=4431.0.55.001&viewtitle=Disability,%20Ageing%20and%20Carers,%20Australia:%20User%20Guide~2003~Latest~20/12/2004&&tabname=Past%20Future%20Issues&prodno=4431.0.55.001&issue=2003&num=&view=&>

Australian Communications Consumer Action Network, 2010 *Broadband Solutions for Consumers with Disabilities*
<http://www.accan.org.au/uploads/Broadband%20Solutions%20ED.pdf>

Jolley, William 2003, *When the Tide Comes In: Towards Accessible Communications for People with Disabilities in Australia*
http://www.humanrights.gov.au/disability_rights/communications/tide.htm

National People with Disability and Carer Council, 2009 *Shut Out: The Experience of People with Disability and Their Families in Australia*
http://www.fahcsia.gov.au/sa/disability/pubs/policy/community_consult/Pages/default.aspx

Vision Australia 2007, *Results and Observations from Research into Employment Levels in Australia*
<http://www.visionaustralia.org/info.aspx?page=1651>