Review of *Requirements for Customer Equipment for use with the Standard Telephone Service — Features for special needs of persons with disabilities* Standard (AS/ACIF S040)

BACKGROUND PAPER

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Introduction

Communications Alliance publishes the AS/ACIF S040 *Requirements for Customer Equipment for use with the Standard Telephone Service — Features for special needs of persons with disabilities* (the Disability Standard). This Standard specifies features of customer equipment that are used with a standard telephony service (STS), and where the features are designed to cater for some of the special needs of individuals with disabilities.

Communications Alliance is seeking comments from users of the Disability Standard as a part of our periodic review of our publications.

How is the Disability Standard enforced?

The Disability Standard is called up under a legislative instrument via section 380 of the *Telecommunications Act* by the Australian Communications and Media Authority (the ACMA). The *Telecommunications Act* sets out the criteria for the legislative instrument that calls up the Disability Standard, namely:

- the customer equipment is for use in connection with the STS;
- the customer equipment is for use primarily by persons who do not have a disability; and
- the standard relates to the features of the equipment that are designed to cater for any or all of the special needs of persons with disabilities.

This Standard does not directly form part of the ACMA's customer equipment regulatory arrangements. A supplier of customer equipment is not required to demonstrate compliance with the Disability Standard prior to supplying the equipment in Australia. However, in determining whether a person has breached the *Disability Discrimination Act*, as administered by the Australian Human Rights Commission (AHRC), regard must be had to whether the customer equipment complies with the Disability Standard. This means that, while compliance with the Disability Standard is not mandatory under the *Telecommunications Act*, there is an incentive for suppliers to comply with the standard to minimise the risk of non-compliance with the *Disability Discrimination Act*.

Why was the Disability Standard developed?

One of the objects of the telecommunications legislation is to ensure that the STS, payphones and other carriage services of social importance are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.

Section 380 of the *Telecommunications Act* provides a mechanism to use a Standard (the Disability Standard) to meet these objectives. The Disability Standard provides requirements and where appropriate recommends design features which remove barriers to access for individuals with disabilities.

> Equipment specifically designed for use by a person with a disability (e.g. TTYs, big button phones, visual alerts, extension ringers) are covered by separate regulations (the Tele*communications (Equipment for the Disabled) Regulations 1998*) and are not related to this review.

When the Disability Standard was originally developed, the requirements that were included had their origins in the type of customer equipment that was available at that time. The requirements focused mainly on telephones that plugged into the wall. The dramatic changes in consumer patterns brought about by mobile (and satellite) phones, including smart phones tablets and other smart devices, and also the growth of the internet and broadband were still in the future.

The two features that were provided as examples in the *Telecommunications Act* were included in the Disability Standard, catering for those with hearing and sight impairment were:

- the **induction loop** that is designed to provide coupling to a hearing aid (for all handset receivers, including those on faxes and system integral equipment, but excluding mobile phones and some cordless phones); and
- the **raised pip** on the button labelled '5' on a keypad of a telephone (where the buttons on the keypad can be differentiated by touch, i.e. touch screens were excluded).

When the Disability Standard was originally published, Communications Alliance forwarded the Standard to the ACMA with a recommendation for it to be made under the ACMA's statutory powers.

The review

Communications Alliance regularly reviews its publications to check whether they continue to satisfactorily fulfil their role in meeting the needs of industry and the community.

Submissions from interested parties on the Disability Standard will be considered by the Customer Equipment and Cable Reference Panel. The review of the Disability Standard will be taking into account a number of factors which will provide the necessary information to decide what course of action is to be taken. These include whether the Standard:

- remains **unchanged** and is reconfirmed as is;
- needs to be **updated**, either by amendment or by a revision; or
- no longer fulfils its purpose and can be **withdrawn**.

In the case where it is decided that the Standard needs to be updated, then a project will be initiated and submitted for approval. This project can either be a complete revision of the Standard or one that is confined to specific sections by a limited Terms of Reference.

With respect to the Disability Standard, since the requirements were first drafted, and particularly in the last decade, the telecommunications industry has undergone a dramatic transition in both the broad range of devices that have become available and the variety of services that are being delivered to those devices.

There are a number of factors to be considered in this review. Some of these factors are listed below but there may be others which the reader may wish to draw to our attention. The factors include:

- the **objectives** of the Disability Standard and whether these have changed over time since it was developed.
- whether the Disability Standard continues to be an **appropriate tool** to meet the objectives of the *Telecommunications Act* and the *Disability Discrimination Act*. Should the Disability Standard be made by the ACMA to assist in complying with the *Disability Discrimination Act?*
- whether the **two existing requirements** are meeting consumers' and industry's expectations.
- whether there are **other features** that need to be standardised for all equipment used on an STS.
- whether other 'non-STS' equipment should be considered for inclusion under such a Standard, for example payphones.
- whether the Disability Standard should include guidance on other aspects relating to compliance under the *Disability Discrimination Act*.
- the change in **usage patterns** of **devices** and the **services** being used over these devices for those with disabilities in meeting their telecommunications needs
- how the Disability Standard is being **complied with** by industry, acknowledging that the Standard provides a pathway through which suppliers can demonstrate compliance.

What has changed?

When considering the role of the Disability Standard and into the future, the following factors are highlighted for your consideration:

- the market is now delivering on features that the Disability Standard was aiming to meet back in 2001. These features are being delivered through services and applications by providers on a wide choice of multi-functional devices assisting in making communications more accessible. This is an ongoing trend as suppliers continue to bring out more capable devices and the services over networks which evolve with increasing connectivity and bandwidth (e.g. with the introduction of the NBN).
- in addition to voice calls, other forms of communication such as texting/SMS and instant messaging (IM) are becoming more common.
- many devices use touch screens (such as on smart phones and tablets) where the requirement for the raised pip is not relevant.
- many smart phones now come with built-in accessibility features, such as voice-over, intelligent voice-activated assistants, speech selection, zooming, colour inversion and dictation.
- many smart phones and tablets can be paired with accessories such as braille displays. There is a trend within industry to move away from purposely-built phones and provide extra capabilities through accessories.

- smart phones provide access to a wide range of applications ('apps') on a number of platforms (e.g. iOS, Android, Windows, Blackberry) that provide many accessibility features, such as text readers, speech and gesture recognition, magnifiers and braille-style entry. New areas of development in wearable computing and sensor technologies (e.g. for remote medical monitoring) will be extending the capabilities of these devices even further.
- consumers can expand the capability of devices after purchase by ordering new services and purchasing additional apps. This is outside the role of the Disability Standard and the legislation that calls up the Standard. The Standard applies to suppliers when they bring the device onto the market and it does not apply to the device after the consumer purchases it.
- customer equipment is generally designed for international markets and is predominantly manufactured overseas. Australian Standards and regulations have little influence on the design of devices but do control what can be made available on the Australian market.

Other initiatives

Since the introduction of the Disability Standard further obligations have been introduced upon customer equipment importers and manufacturers to provide product information on the functional characteristics of their devices used with a STS that would be beneficial to people with a disability and older people. These obligations are specified in the *Information on Accessibility Features for Telephone Equipment* Industry Code (C625).

The *Global Accessibility Reporting Initiative* (GARI) has been established by the *Mobile Manufacturers Forum* (MMF). This is a publicly accessible online database at www.mobileaccessibility.info to help consumers learn more about the various accessibility features of mobile phones and to help them identify phones with the features that may assist them with their particular needs.

A number of overseas bodies such as the ITU are also active in this area. For example, the *Making Mobile Phones and services accessible for Persons with disabilities* is a joint report of the *International Telecommunication Union* (ITU) and G3ict and was published in 2012. This report provides a good example of what is being done at an international level in identifying the accessibility needs of people with disabilities with respect to mobile phones and services.

Invitation to comment

Communications Alliance invites interested parties to make submissions to the review of the AS/ACIF S040 Disability Standard. Submissions should be made:

By email to: m.johns@commsalliance.com.au

Via our website at: http://www.commsalliance.com.au/Documents/Documents-under-Review

By mail: Mike Johns
Project Manager
Communications Alliance
P.O. Box 444 Milsons Point NSW 1565

The closing date for submissions is **Friday 11 April 2014**.

Additional regulatory information

The Disability Standard

The Australian Communications and Media Authority (ACMA) has the ability to 'make' technical standards for customer equipment under telecommunications legislation (specifically the *Telecommunications Act 1997*). Under section 380 of this Act, the ACMA may make a technical standard relating to specified customer equipment if:

- the customer equipment is for use in connection with the standard telephone service;
- the customer equipment is for use primarily by persons who do not have a disability; and
- the standard relates to the features of the equipment that are designed to cater for any or all of the special needs of persons with disabilities.

The ACMA has made the *Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service — Features for special needs of persons with disabilities — AS/ACIF S040) 2002* under section 380 of the *Telecommunications Act*. This standard applies to a telephone handset or keypad that is manufactured in Australia, or imported into Australia, for use in connection with the standard telephone service.

Disability Customer Equipment

The ACMA's *Telecommunications (Customer Equipment and Customer Cabling) Labelling Notice 2001* (Section 4.8) requires a supplier of disability customer equipment – that is, customer equipment that is for use by a person with a disability, and has at least one feature that is designed to assist a person with a disability to access a service supplied over the PSTN, and that feature is not mentioned in the Disability Standard, and can connect only to the analogue PSTN – must complete a Declaration of Conformity in relation to the equipment, and submit that DoC to the ACMA.

Compliance

Section 380 standards do not directly form part of the ACMA's customer equipment labelling arrangements. That is, a supplier of customer equipment is not required to demonstrate compliance with a section 380 standard prior to applying the A-tick or Regulatory Compliance Mark to the equipment.

However, section 383 of the *Telecommunications Act* provides that, in determining whether a person has breached section 24 of the *Disability Discrimination Act 1992* in relation to the supply or provision of customer equipment, regard must be had to whether the customer equipment complies with a standard in force under section 380. This means that, while compliance with the Disability Standard is not mandatory under the *Telecommunications Act*, there is an incentive for suppliers to comply with the standard to minimise the risk of non-compliance with the *Disability Discrimination Act*.