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Feedback on Draft Telecommunications Consumer Protection Code

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Comments to: Communications Alliance

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About Vision Australia

Vision Australia is the largest provider of services to people who are blind, have low vision, are deafblind or have a print disability in Australia. It has been formed over the past six years through the merger of several of Australia's oldest, most respected and experienced blindness and low vision agencies. These include Royal Blind Society (NSW), the Royal Victorian Institute for the Blind, Vision Australia Foundation, Royal Blind Foundation of Queensland, and Seeing Eye Dogs Australia.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families. The service delivery areas include:

- early childhood
- orientation and mobility
- employment
- accessible information
- recreation
- independent living
- Advocacy, and
- working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

The knowledge and experience we have gained through interaction with clients and their families, and also by the involvement of people who are blind or have low vision at all levels of the Organisation, means that Vision Australia is well placed to provide advice to governments, business and the community on the challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant client consultative framework, with people who are blind or have low vision representing the voice and needs of clients of the Organisation to the Board and Management through Local Client Groups, Regional Client Committees and a peak internal Client Representative Council. The involvement of people who are blind or have low vision and who are users of Vision Australia's services representing the views of clients is enshrined in Vision Australia's Constitution.

Vision Australia is also a significant employer of people who are blind or have low vision. We employ 192 people with vision impairment, or more than 18% of our total staff.

Given that Vision Australia is a national disability services organisation, that we provide services at a local level through 67 service centres and outreach clinics, and given that we work with over 47,000 people who are blind, have low vision, who are deafblind, or have a print disability each year, we understand the impact of blindness on individuals and their families. In particular, we are well placed to understand and represent the needs, aspirations and expectations of our clients as they relate to interactions with suppliers of telecommunications products and services.

Comments on draft Consumer Protection Code

The following comments relate to the Draft Telecommunications Consumer Protection Code, DR C628:2011, developed by the Communications Alliance Ltd ("Comms Alliance") and issued in draft form for public comment on October 25 2011. We would be happy to provide further detail about any of the following comments. Throughout, the numbering used in the Draft Code has been retained for ease of reference.

3.3.1, General Rules

Recommendation: Add a sentence to this clause reminding suppliers that some customers will be unable to communicate via voice and will require the use of text-based communication options such as texting or text-based chat.

Rationale: A number of our clients who are deafblind have reported that they have experienced difficulties dealing with telcos because the telco representative refuses to communicate with them in a non-vocal medium (such as texting or text-based chat). Obviously a person who is deafblind cannot communicate orally and must use a text-based medium.

3.3.3, General Rules

Recommendation: Rewrite as follows:

"3.3.3 A Supplier must ensure that consumers can view and download all relevant terms and conditions of its Telecommunications Products from a website and that the website and its content comply at a minimum with Level AA of the Web Content Accessibility Guidelines 2.0 that have been developed by the World Wide Web Consortium (W3C) and endorsed by the Australian Government."

Rationale: While it is pleasing that there is a reference to accessibility in connection with websites, this reference should be made specific, since "accessible" is open to interpretation, and unless a supplier has consulted with people with a disability, they may not be aware of what the disability community expects an "accessible" website to include. There is also no specific reference to the actual content (as distinct from the navigational elements of the website) and this should be clarified. It is quite possible (and not uncommon) to have a website whose navigation is accessible but whose content is not (for example, because it is not presented in an accessible format such as HTML or Microsoft Word). The reference to AA Level is consistent with Australian Government implementation and will ensure a higher level of access than A Level.

4.1.2, Summary of Offer

Recommendation: Include a specific statement about the need for offer-related information to be available in accessible formats on request.

Rationale: It is important that suppliers realise that part of their obligation to communicate with consumers in ways that are appropriate to their needs (General Rule 3.1) involves providing information such as offer summaries in accessible formats for people who are blind or have low vision (such as audio, braille, large-print and electronic text). The experience of our clients is overwhelmingly that telcos do not (and in many cases will not) provide such documents in accessible formats, apart, in some (but not all) cases from a version on the website (which may nevertheless be inaccessible because it is not provided in formats such as HTML, RTF or Microsoft Word). We are not suggesting that all documents must, as a matter of course, be produced in braille or audio, but it is important that such formats are made available on request if a consumer requires them.

Recommendation: That offer-related information includes standardised unit information to allow for easier comparison.

Rationale: Our clients report that they often find it very difficult to compare plans and offers because there is no standard way in which they are required to be expressed. For example, some telcos will give a price per 15 seconds; others will use a 30-second base unit but include “flagfall” and other charges, and so on. The details of such plans and offers are usually presented in tabular form, and this format is usually more difficult for a person who is blind or has low vision to interpret “at a glance”, even when it is theoretically accessible. Having to compare two tables at once on two different websites where data is expressed differently can be almost impossible.

4.2.2, Advertising Medium

Recommendation: Include a provision that all essential or important information in an advertisement (such as unit prices, total costs, and contact information) must be verbalised whenever the advertising occurs on television.

Rationale: We have received many reports from our clients of cases where television advertising of telecommunications products and services has included essential or important information only in a visual form. Because a person who is blind or has low vision cannot read the text displayed on a television screen, any key information must be provided in a verbal form.

4.4.2.1, Actions required in relation to equipment for people with disabilities

Recommendation: Include a requirement that information be provided in accessible formats on request.

Rationale: Many people who are blind or have low vision do not have internet access and so will be unable to access information if it is only provided on a website.

Recommendation: Update reference to Web Content Accessibility Guidelines to version 2.0.

Rationale: The reference to version 1.0 of the Web Content Accessibility Guidelines is incorrect as this version has been replaced by version 2.0. Version 2.0 is now regarded as representing international best practice in web accessibility, and it has been endorsed and is being implemented by the Australian Government.

4.5, Customer Contracts

Recommendation: Include a requirement that any customer contract must be made available in an accessible format on request.

Rationale: Many people who are blind or have low vision do not have internet access, so it is not enough to provide the standard form customer contract on a website. Since a number of telcos already make their bills available in formats such as braille and large print, it should be fairly straightforward for them to provide other types of information in these formats.

4.6.4, Authority

Recommendation: Include a reference to various options for providing evidence for verifying an Authorised Representative, including verbalisation (which would be recorded and stored with appropriate privacy safeguards), and provision of information via email.

Rationale: A number of clients have reported that they have had extreme difficulty when attempting to appoint an Authorised Representative to assist them in their dealings with telcos. Generally the problem is that the telco requires written authorisation, often via a hardcopy form that must be completed and mailed back,

and sometimes supplemented with copies of other documents. It can be difficult or impossible for a person who is blind or has low vision to meet such requirements. While we accept that telcos need to cite evidence that a consumer does wish to appoint a specific Authorised Representative, we believe that the process should not be so onerous, difficult or inflexible that people who are blind or have low vision are disadvantaged in practice.

5.2.1, Providing Bills

Recommendation: Include a requirement that suppliers must provide recurring bills in an accessible format on request.

Rationale: A number of telcos already provide bills in braille and large print, and our clients report high levels of satisfaction with them. Many say that because they can read their bill in braille or large print, they have a much greater degree of control over their usage and spending patterns than they would have if they only received the paper bills; we have also been told informally by some telcos that the incidence of late payments decreases significantly once consumers who are blind or have low vision are able to read their bill. It is worth noting in this context that there have been several complaints lodged under the Disability Discrimination Act 1992 (DDA) about failure to provide bills in accessible formats, so telcos who are proactive in meeting the needs of customers who are blind or have low vision are more likely to minimise the risk of DDA complains in this regard.

5.2.6, Billing information provided free of charge

Recommendation: Include a requirement that a supplier should not charge more for the provision of billing information in an accessible format than it does for the provision of such information in its "standard" format.

Rationale: charging more for the provision of information in an accessible format is likely to be perceived by customers as discriminatory and would lead to action under the DDA.

5.6.1, No Charge for Bill Payments

Recommendation: Include an additional example of a no-charge payment method, such as "by phone".

Rationale: We agree that suppliers must offer at least one method of bill payment that does not incur supplier-imposed charges. However, the example included is "e.g., by post", which is not convenient for many of our clients who are blind or have low vision. If the by-post option is the only one that is free of charges, then many people who are blind or have low vision will, in effect, experience indirect discrimination. Although the parenthetical example is illustrative only, additional guidance would be useful.

6.1.1, Actions for ensuring access to credit

Recommendation: Include a reminder that credit-related information provided "in writing" must also be provided in an accessible format on request.

Rationale: People who are blind or have low vision will be unable to read such information if it is provided only in standard print.

Recommendation: Include a note that it may not be possible to provide an accessible-format version of a bill within the default 5 working day period, but that in such cases the information should be provided as soon as possible, with the customer to be advised within 5 working days when they can expect to receive the accessible-format version.

Rationale: It is likely that the "5 working days" time period will be insufficient to produce, say, a braille or large-print version of this information, so in cases where these formats are required, the time period could be extended.

6.6, Spend Management Tools

Recommendation: Include a requirement that spend management tools must be accessible, i.e., that they must comply with the Web Content Accessibility Guidelines 2.0.

Rationale: While there is a general web accessibility requirement in chapter 3 of the Code, this does not necessarily extend to specific applications or sets of applications. It is important that spend management tools are available to all consumers, including people who are blind or have low vision.

6.7, Access to information about payment and debt collection

Recommendation: Include a requirement that customers receiving their bills in an accessible format should have their "payment due date" extended.

Rationale: Such an adjustment is necessary to take account of the extra time that is required to produce the accessible format, which means that customers generally receive their accessible-format bill later than the standard print bill. It is our understanding that a number of telcos already make a compensating adjustment to the payment period, so including a requirement would document current best practice.

6.12, Accessibility of financial hardship policy

Recommendation: Include a specific reminder that the financial hardship policy must be provided in a format that is accessible to people who are blind or have low vision, such as HTML, RTF, or Microsoft Word.

Rationale: Many people who are blind or have low vision do not have internet access, so will be unable to read a document if it is only available through a website. Even on a website, a document will only be accessible if it is provided in a format that is known to be accessible.

Other comments:

Recommendation: Include a requirement in the Code that suppliers must implement an approach to proof of identity that is consistent and reasonable, and which does not discriminate against people who are blind or have low vision. Such an approach should not require that a person possess a passport or a driver's licence in order to obtain a telecommunications product such as a mobile phone or other telecommunications product or service, and it should incorporate a range of options that allow some flexibility in the specific forms of identification that are acceptable.

Rationale: A number of our clients have reported that they have had considerable difficulty obtaining a mobile phone because of unreasonable "proof of identity" requirements. In some cases, their chosen Rationale: telecommunications provider has required a driver's licence, which, of course, the person who is blind or has low vision does not have. In other cases, telecommunications providers have refused to accept an identity card issued by Blind Citizens Australia (BCA), or a state government, in lieu of a driver's licence.

One of the most disappointing examples of unreasonable behaviour on the part of telecommunications providers in dealing with proof of identity was reported to us recently by a married couple, both of whom are blind. We include this report because

it highlights the inequity and indignity that a person who is blind can experience when trying to access telecommunications products and services.

“My wife and I were both recently out of contract with our various providers and decided the time had come to consolidate our phones to a single provider, deciding to go with Optus as that is who our home phone / internet are with.

My wife had been with Telstra on a plan set up by her father because they would not accept any ID except a driver's licence, which she of course didn't have. When we wanted to move the number over to Optus, her father had to sign a form as his name was on the contract. He did and went in to Telstra who advised that my wife simply needed to sign it and take it in to Telstra as well. When she did that Telstra (after making us wait 45 mins) refused to see her as she did not have a driver's licence to prove who she was.

So she decided to abandon that number and just get a new phone. We went into Optus and they also refused to accept any of our ID: Birth Certificates, Working with Children Checks, Companion Card, bank credit cards, pension/Centrelink cards, even Optus bills. They advised that we would need to order by phone, which we did do.

When the first phone arrived (they were never able to explain why they were not delivered together), the courier wanted a driver's licence from my wife, however since she did not have one, he accepted the driver's licence of a friend who was visiting at the time (he had to enter a licence number into his machine). When I rang Optus to find out where the other phone was, they were only interested in the fact that the courier had accepted ID from someone who was not my wife or I, and promptly went off to complain to Australia Post- which I must say annoyed me, as the courier was the only one in all this who had actually tried to help us!”

Incidents such as this demonstrate that people who are blind are still experiencing indirect discrimination by telecommunications providers 20 years after the introduction of Australia's Disability Discrimination Act. Moreover, the inflexible requirement of a driver's licence will discriminate against many other people as well.