

**COMMUNICATIONS
ALLIANCE LTD**



DRAFT INDUSTRY CODE

DR C625:2009

INFORMATION ON ACCESSIBILITY FEATURES FOR
TELEPHONE EQUIPMENT

DRAFT FOR PUBLIC COMMENT

Comments due 5.00 pm Friday 31 July 2009

DR C625:2009 Information on Accessibility Features for Telephone Equipment Industry Code

First published as ACIF C625:2005

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INTRODUCTORY STATEMENT

The *Information on Accessibility Features for Telephone Equipment* Industry Code (C625:2009) replaces the registered *Information on Accessibility Features for Telephone Equipment* Industry Code (ACIF C625:2005).

The *Information on Accessibility Features for Telephone Equipment* Industry Code is designed to:

- (a) specify obligations on Equipment Suppliers to provide product information on the functional characteristics of their customer equipment used with a Standard Telephone Service (STS) as defined in the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (which covers services that deliver voice telephony) that would be beneficial to people with a disability and older people; and
- (b) to ensure that the information provided by Equipment Suppliers is clear and comprehensible to assist both CSPs and consumers in identifying equipment features that will meet an individual's communications needs.

The *Operational Matrices for Reporting on Accessibility Features for Telephone Equipment* Industry Guideline (G627:2009) accompanies the Code. The purpose of the Guideline is to list specific features against which Equipment Suppliers must provide information to CSPs.

In developing the list of features in the Guideline, recognition has been given to the work being carried out by the Mobile Manufacturers Forum. This Forum has developed the Global Accessibility Reporting Initiative (GARI) which is a global initiative promoting awareness of the various accessibility features of mobile phones. The Australian industry is aligning itself with GARI in order to assist mobile phone suppliers in meeting their obligations under this Code.

Margaret Fleming
Chair

WC14 : Accessibility Information Working Committee

JUNE 2009

EXPLANATORY STATEMENT

This is the Explanatory Statement for the *Information on Accessibility Features for Telephone Equipment* Industry Code (C625:2009) (the Code).

This Explanatory Statement outlines the purpose of the Code and the factors that have been taken into account in its development and revision.

The Code replaces the *Information on Accessibility Features for Telephone Equipment* Industry Code (C625:2005) published by Communications Alliance in December 2005.

Background for 2005 publication

In 2003, according to the Australian Bureau of Statistics (ABS), some 3.95 million people in Australia or 20 percent of the population, living in households or cared accommodation had a disability (ABS, 2003, Survey of Disability, Ageing and Carers). The survey also found that the likelihood of having a disability generally increased with age. In a recent report, the Productivity Committee predicted that one quarter of Australians will be aged 65 or over within the next 40 years. (Productivity Commission, Economic Implications of an Ageing Australia, November 2004). The impact of both Reports is the likelihood of a significant and growing number of Australians who will require features on their customer equipment to meet their communications needs.

Federal legislation makes some provision for telecommunications equipment to meet particular communications needs of Australians (see Current Regulatory Arrangements below). Under section 380 of the *Telecommunications Act 1997* Cth (the Act), the Australian Communications and Media Authority (ACMA) may make a standard relating to features of customer equipment used in connection with a standard telephone service that are designed to cater for special needs of people with disabilities. A 'standard telephone service' (STS) is defined in the *Telecommunications (Consumer Protection and Service Standards) Act 1999* Cth as a service for voice telephony or its equivalent that passes the 'any-to-any connectivity test'. (Any to any connectivity is when an end user of the service is ordinarily able to communicate, by means of that service, with each other end user who is supplied with the same service for the same purpose, whether the end users are connected to the same telecommunications network).

The *Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities* Standard (AS/ACIF S040:2001), was developed by the Australian Communications Industry Forum (ACIF) and subsequently made by ACMA under the Act.

The Standard requires the inclusion of two specified features, a hearing aid coupling (not mobile handsets or cordless handsets that do not allow coupling) and a raised 'pip' on the key associated with the digit '5', on customer equipment that uses a telephone handset or keypad that is manufactured in, or imported into Australia, for use with the standard telephone service.

In October 2003, the ACA formally requested that ACIF develop both an industry code and an industry guideline to improve telecommunications access for people with particular communications needs. Specifically, the Code should require customer equipment importers and manufacturers to provide product information to Carriage Service Providers (CSPs) on the 'functional characteristics of the equipment that would be beneficial' to people with special communications needs. The Code should also require CSPs to make available to their customers with special needs information about

their equipment and services available to address those needs. Once developed, the Code should be 'submitted to the ACA' for registration.

ACIF agreed to the ACA request, but suggested that the requirements on CSPs to provide information to their customers be included in the *Customer Information on Prices, Terms and Conditions* Industry Code (ACIF C521:2004). The requirements on customer equipment manufacturers and importers would be developed as a separate code.

ACIF convened a working committee to develop the following complementary documents to address the ACA's request relating to equipment manufacturers and importers:

- an industry Code requiring importers and manufacturers of customer equipment that use a telephone handset or keypad that is manufactured in, or imported to Australia, for use with the standard telephone service, to provide information about whether or not their equipment has certain features that could enhance accessibility for people with a disability; and
- an industry guideline outlining the types of features that would enhance the accessibility for consumers with a disability, to be considered during the future importation and manufacture of telephone handsets or keypads that are manufactured in, or imported to Australia, for use with the standard telephone service.

This Code and accompanying *Operational Matrices for Reporting on Accessibility Features for Telephone Equipment* Industry Guideline (ACIF G627:2005) form the first part of the two documents.

The objective of the Code is for Equipment Suppliers to provide information on the features of their equipment which may assist in meeting people's communications needs. This will be done in one of two ways:

- through the provision of such information to consumers, on request of that consumer, with such information on features of their customer equipment that might meet that individual's communications needs; and
- through the provision of such information by Equipment Suppliers to Carriage Service Providers in order that Carriage Service Providers will be able to inform their own customers about equipment features.

The Code requires Equipment Suppliers to provide information to CSPs on the features of their equipment that could meet a person's particular communications needs. The accompanying Guideline lists equipment features against which Equipment Suppliers report. That Guideline will be regularly updated to reflect the latest developments in equipment technology.

The Code does not apply to the provision by Equipment Suppliers of information on customer equipment to retail outlets not under the control of Carriage Service Providers. Those retail outlets would be outside of the jurisdiction of the *Telecommunications Act 1997* and codes made under that Act. If consumers require information on equipment features, and that information is not available from retail outlets, they will be able to seek that information directly from the Equipment Supplier.

Current Regulatory Arrangements

The *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act) requires universal service providers (currently Telstra) to ensure that all people in Australia have reasonable access, on an equitable basis to a STS. In supplying an STS, the universal service provider must, on request, supply equipment to people with a disability in order to enable access to the standard telephone service. The type of equipment that must be provided is specified in the *Telecommunications (Equipment for the Disabled) Regulations 1998* (the Regulations). Some other Carriage Service Providers provide disability equipment to eligible customers via a resale arrangement with Telstra Wholesale.

The *Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities* Standard (AS/ACIF S040) discussed above requires the majority of non-mobile telephone handsets to include hearing aid coupling and the majority of telephone handsets to have a tactile indicator on the button associated with the '5' digit.

Why Current Regulatory Arrangements were inadequate

Prior to the development of the Code, there was no obligation on equipment manufacturers and importers to ensure that information on the 'accessibility features' of their equipment is generally available, or available to CSPs. There is no requirement on the universal service provider, or any other CSP, to make information on 'accessibility features' available to their customers. Further, the Standard only covers two features on customer equipment that could assist people with a disability. As the list of 'accessible features' set out in the Operational Matrices suggests, there is a large range of equipment features that can assist people with particular communications needs.

How the Code Builds on and Enhances the Current Regulatory arrangements

The Code enhanced the current regulatory arrangements by ensuring that customer equipment manufacturers and importers provide information about key features on handsets for use in connection with a STS to CSPs. This information was not currently required to be provided and its provision will enable CSPs to provide that information to consumers who can then make more effective choices about the products which best meet their needs. The Code also required that Equipment Suppliers respond to all reasonable requests directly from consumers about features on their equipment. Because the Code was registered by ACMA, ACMA is able to enforce obligations on equipment manufacturers and importers with requirements for information provision. Under companion requirements in the registered *Telecommunications Consumer Protection Code* (C628:2007), ACMA will also be able to enforce requirements on CSPs to ensure information on the 'accessibility features' they provide is given, on request, to their customers.

What the Code will Accomplish

The Code will provide useful information to CSPs to assist them in guiding consumers to choose the most appropriate telecommunications equipment to meet their specific needs. The Code will also ensure that consumers can approach Equipment Suppliers directly for information on equipment features that will meet that consumer's communications needs.

How the Objectives will be Achieved

The objectives of the Code will be achieved by ensuring all importers and manufacturers of relevant customer equipment are required to provide information about the features of products that may enhance accessibility for people with a disability and older people.

Customer equipment manufacturers and importers will be required to provide information to CSPs, indicating which features their handsets have. They will also be required to respond to direct requests from consumers about the features of their equipment that can meet an individual's particular communications needs.

In the 2009 revision of the Code, Equipment Suppliers that supply mobile handsets can also meet their obligations for the provision of information under the Code for those mobile handsets if they make information about accessible features available via the Mobile Manufacturers Forum (MMF) GARI.

Anticipated Benefits to Consumers

Consumers are anticipated to benefit from increased information about the features available on telecommunications equipment that may enhance their accessibility to telecommunications services.

Anticipated Benefits to Industry

The main benefit to industry from the implementation of the Code will be a more uniform and efficient approach to accessibility information. This will improve customer satisfaction and reduce costs.

Anticipated Cost to Industry

There are costs associated with the establishment and maintenance of the support systems that will be needed to implement the Code. However, these costs can be expected to be outweighed by the benefits, which will be derived by the implementation of a standard industry approach.

2009 Revision

A substantial revision of the Code was undertaken in 2009 to address the following obligations:

- clarification of the applicability of the Code to consumer products and business products;
- clarification of the role of the CSP and Equipment Suppliers contact points for the exchange of information between the two);
- clarification that the type of information to be provided by Equipment Suppliers is specifically on the Accessibility Features of telephony products;
- specifying where information is to be located;
- review of new features for inclusion in the accompanying *Operational Matrices for Reporting on Accessibility Features for Telephone Equipment Industry* Guideline;

- the option of providing the information in alternate formats to assist users in comparing Accessibility Features of different models;
- to ensure that the accessibility features recorded in a matrix provided by the Equipment Supplier adequately reflects the handset currently on the market.

Margaret Fleming
Chair

WC14 : Accessibility Information Working Committee

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1 GENERAL

1.1 Introduction

- 1.1.1 Section 112 of the *Telecommunications Act 1997* (the Act) sets out the intention of the Commonwealth Parliament that bodies and associations representing sections of the telecommunications industry develop industry codes relating to the telecommunications activities of participants in those sections of the industry.
- 1.1.2 The development of the Code has been facilitated by Communications Alliance through a Working Committee comprised of representatives from the telecommunications industry, consumer groups and the Australian Human Rights Commission.
- 1.1.3 The Code should be read in the context of other relevant Standards, Codes and Guidelines, including:
 - (a) the *Telecommunications Consumer Protections Industry Code* (C628:2007);
 - (b) the *Requirements for Customer Equipment for use with the Standard Telephone Service — Features for special needs of persons with disabilities* Standard (ACIF S040:2001); and
 - (c) the *Operational Matrices for Reporting on Accessibility Features for Telephone Equipment* Industry Guideline (G627:2009) (the Guideline), as amended from time to time.
- 1.1.4 The Code should be read in conjunction with related legislation, including:
 - (a) the *Telecommunications Act 1997*;
 - (b) the *Telecommunications (Consumer Protection and Service Standards) Act 1999*;
 - (c) the *Trade Practices Act 1974*; and
 - (d) the *Disability Discrimination Act 1992*.
- 1.1.5 If there is a conflict between the requirements of the Code and any requirements imposed on an Equipment Supplier by statute, the Equipment Supplier will not be in breach of this Code by complying with the requirements of the statute.
- 1.1.6 Statements in boxed text are a guide to interpretation only and are not binding as Code rules.

1.2 Registration by ACMA

The Code is to be submitted to the Australian Communications and Media Authority for registration pursuant to section 117 of the *Telecommunications Act 1997* (Cth).

1.3 Scope

- 1.3.1 The Code is applicable to telecommunications Equipment Suppliers in Australia, both importers and manufacturers, a section of the telecommunications industry under section 110 of the *Telecommunications Act 1997*. They are collectively referred to as 'equipment suppliers.'
- 1.3.2 The Code only applies to Customer Equipment that uses a telephone handset that is manufactured in, or imported to Australia.

<i>NOTE: See definition of Customer Equipment for the equipment covered by the Code.</i>

1.4 Objectives

The objectives of the Code are to:

- (a) specify obligations on Equipment Suppliers to provide product information on the functional characteristics of their Customer Equipment used with a Standard Telephone Service as defined in the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (which covers services that deliver voice telephony) that would be beneficial to people with a disability and older people; and
- (b) to ensure that the information provided by Equipment Suppliers is clear and comprehensible to assist both CSPs and consumers in identifying Accessibility Features that will meet an individual's communications needs.

1.5 Code review

- 1.5.1 The Code will be reviewed every 5 years, or earlier in the event of significant developments that impact on the Code or a chapter within the Code.
- 1.5.2 Review of the Guideline will be conducted at least annually.

2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

2.1 Acronyms

For the purposes of this Code, the following acronyms apply:

ACIF

means Australian Communications Industry Forum.

ACMA

means Australian Communications and Media Authority.

CE

means Customer Equipment.

CSP

means Carriage Service Provider.

ES

means Equipment Supplier.

GARI

means Global Accessibility Reporting Initiative.

STS

means Standard Telephone Service.

2.2 Definitions

For the purposes of this Code, the following definitions apply:

Act

means the *Telecommunications Act 1997*.

Accessibility Features

means the features listed in the Guideline.

Carriage Service Provider

has the meaning given by section 87 of the Act.

Consumer

means a person or organisation that obtains Customer Equipment for their own use.

Customer

means a CSP who:

- (a) has a contract with an Equipment Supplier for the supply of CE; or
- (b) obtains CE direct from an Equipment Supplier for redistribution, or resale.

Customer Equipment

means customer equipment, as defined in section 21 of the Act that uses a telephone handset, for use with the STS that is manufactured in, or imported to Australia.

NOTE: Examples of CE covered by the Code include portable and mobile phones, wireless and satellite telephones provided for voice telephony.

Examples of CE not covered by the Code include facsimile small business systems, and PABX equipment, printers and photocopiers without handsets.

User features that require network support do not need to be reported under Clause 3.1.1

Equipment Supplier

means a person who manufactures or imports Customer Equipment, as specified under section 110 (2) (h) of the Act.

Global Accessibility Reporting Initiative

means the global initiative developed by the Mobile Manufacturers Forum to provide a central information source for users to learn about accessibility in mobile devices.

Guideline

means the *Operational Matrices for Reporting on Accessibility Features for Telephone Equipment* Industry Guideline G627:2009.

Handset

means the part of CE that is designed to be held in the hand in contact with the ear and that contains an acoustic transmitter and receiver transducer.

Handset Receiver

means the transducer within the handset that converts the electrical telephone signals into acoustic energy for coupling to the user's ear.

Standard Telephone Service

has the same meaning as in section 6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

NOTE: A Standard Telephone Service (STS) is defined in the Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth) as a service for voice telephony or its equivalent that passes the 'any-to-any connectivity test'. Any-to-any connectivity is when an end

user of the service is ordinarily able to communicate, by means of that service, with each other end user who is supplied with the same service for the same purpose, whether the end users are connected to the same telecommunications network.

Assessment of Emergency Service Access and Network Interoperability Items for the Standard Telephone Service for Customer Equipment Standards Guideline (ACIF G534) provides guidance on the application of the standard telephone service definition.

System Integral Terminal

has the same meaning as in AS/CA S003:2010 *Customer Access Equipment for connection to a Telecommunications Network Standard*.

NOTE: The current Standard (AS/ACIF S003:2008) is under revision and uses the term 'Industry Based Proprietary Terminal'. This term will be replaced in the revised Standard with 'System Integral Terminal' and defined accordingly.

2.3 Interpretations

In this Code, unless the contrary appears:

- (a) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (b) words in the singular includes the plural and vice versa; and
- (c) words imputing persons include a body whether corporate, politic or otherwise.

3 GENERAL RULES

3.1 Information Provision to Customers

- 3.1.1 ES must provide information to their Customers about Accessibility Features of their CE.

NOTE: See definition of Customer in Clause 2.2.

- 3.1.2 ES that supply mobile handsets can meet their obligations for the provision of information under the Code for those mobile handsets if they make information about Accessibility Features available via the Mobile Manufacturers Forum (MMF) GARI.
- 3.1.3 ES must provide the information described in Clause 3.1.1 for all CE other than System Integral Terminals into a matrix consistent with the Guideline, as amended from time to time, for CE, against each of the four headings below:
- (a) handset/hardware information;
 - (b) mobility/dexterity features;
 - (c) vision features; and
 - (d) hearing features.
- 3.1.4 ES must provide the information described in Clause 3.1.1 for each model of CE within their product range at the time the equipment is supplied and updated when there are any changes to the CE that affect the information on any of the Accessibility Features listed in the Guideline.

NOTE: Model in this instance refers to an item with a specific feature difference. If two or more models have the same features as defined in the relevant matrix, one matrix can be used to cover those multiple models. However, where models differ in terms of one or more features on the matrix a separate matrix should be completed for each model.

The relevant information must be provided if models are similar but have different features.

- 3.1.5 If an Accessibility Feature in the relevant matrix is not available on a CE model, it does not have to be listed in the information the ES provides to the Customer.
- 3.1.6 ES must have a contact point within their organisation for CSPs in relation to the information provided by ES under this Code.

NOTE: The contact point can be an email address and/or a telephone number for the ES.

CSPs are required to have a contact point within their organisation for receipt of information provided by ES under this Code. The contact point can be an email address and/or a telephone number for the CSP.

3.2 Information Provision to Consumers

- 3.2.1 ES must respond to all reasonable requests from Consumers seeking information about the Accessibility Features on the ES's CE.
- 3.2.2 ES must have a publicly available contact point for Consumers seeking information about the Accessibility Features on the ES's CE under Clause 3.2.1. The contact point must make information available at no or low cost to Consumers.

NOTE: The contact point should include a free or local call rate telephone number and a postal and/or website address.

If ES provides product information on their website on CE as specified in this Code, then the information about Accessibility Features should be made available for that CE on that website or via a link to the MMF GARI as applicable.

- 3.2.3 ES that supply System Integral Terminals must have a publicly available contact point within their organisation for inquiries on the Accessibility Features of System Integral Terminals.

NOTE: It is highly recommended that ES that supply System Integral Terminals provide information described in Clause 3.1.1 into a matrix consistent with the Guideline.

4 CODE ADMINISTRATION AND COMPLIANCE

4.1 Code Administration and Compliance Scheme

Under Communications Alliance Industry Code signatory arrangements, Signatories to this Industry Code are subject to the *Code Administration and Compliance Scheme* Industry Guideline (G514:2003) (the Scheme). Accordingly, all Signatories who are bound by the Code are also bound by the Scheme.

4.2 Power to handle Industry Complaints under this Code

- 4.2.1 A member of the industry (or a voluntary or non-profit consumer organisation or similar body) (an “Industry Complaint”) may complain directly to Communications Alliance about a contravention of this Code by a signatory to the Code.
- 4.2.2 A member of the industry (or a voluntary or non-profit consumer organisation or similar body) may also complain to ACMA about a contravention of the Code by a signatory to the Code. ACMA may refer the complaint to Communications Alliance under the power granted to ACMA in section 514 of the Act, subject to Communications Alliance agreeing to accept the referral. Without limiting the grounds on which Communications Alliance may withhold its agreement to accept a referral, Communications Alliance may withhold its agreement where it considers that the complaint can be more conveniently dealt with in another forum or that handling the complaint may impose an unreasonable cost burden on Communications Alliance.
- 4.2.3 Communications Alliance must handle Industry Complaints under Clause 4.2.1 or 4.2.2 of the Code in accordance with the provisions of the *Code Administration and Compliance Scheme* (G514:2003).

5 REFERENCES

Publication	Title
Industry Codes	
C628:2007	<i>Telecommunications Consumer Protections</i>
Standards	
AS/ACIF S003:2008	<i>Customer Access Equipment for connection to a Telecommunications Network</i>
Industry Guidelines	
G627:2009	<i>Operational Matrices for Reporting on Accessibility Features for Telephone Equipment</i>
G534:2003	<i>Assessment of Emergency Service Access and Network Interoperability Items for the Standard Telephone Service for Customer Equipment Standards</i>
Legislation	
<i>Telecommunications Act 1997 (Cth)</i>	
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)</i>	
<i>Trade Practices Act 1974 (Cth)</i>	
<i>Disability Discrimination Act 1992</i>	

PARTICIPANTS

The Working Committee responsible for the revisions made to this Code consisted of the following organisations and their representatives:

Organisation	Membership	Representative
Vodafone	Voting	Deborah Goodman
Telstra	Voting	Bert Ciavarra
Nokia Corporation	Voting	Eliana Kurashima
Uniden	Voting	Mark Sole
TEDICORE	Voting	Gunela Astbrink
NovitaTech	Voting	Rob Garrett
Australian Human Rights Commission	Non - voting	Bruce Maguire
Mobile Manufacturers Forum	Non - voting	Michael Milligan

This Working Committee was chaired by Margaret Fleming. Mike Johns of Communications Alliance provided project management support.

Communications Alliance was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



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