



Women  
With  
Disabilities  
Australia  
(WWDA)

# **Women With Disabilities Australia (WWDA)**

**Submission to the National Broadband  
Network:  
Regulatory Reform for 21st Century Broadband  
Discussion Paper**

**June 2009**

*"Broadband is a transformative technology that means as much, if not more, for people with disabilities."*

- F Bowe & M. Schloss

Universal Service and the Disability Community: The need for ubiquitous Broadband Deployment<sup>1</sup>

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<sup>1</sup> <http://www.benton.org/node/6105>

## About Women With Disabilities Australia (WWDA)

Women With Disabilities Australia (WWDA) is the peak organisation for women with all types of disabilities in Australia. It is a federating body of individuals and networks in each State and Territory of Australia and is made up of women with disabilities and associated organisations. The national secretariat is located in Tasmania. WWDA is run by women with disabilities, for women with disabilities. It is the only organisation of its kind in Australia and one of only a very small number internationally. WWDA is inclusive and does not discriminate against any disability. WWDA seeks to ensure opportunities in all walks of life for all women with disabilities. In this it aims to increase awareness of, and address issues faced by, women with disabilities in the community. WWDA seeks to ensure the advancement of education of society to the status and needs of women with disabilities in order to promote equity, reduce suffering, poverty, discrimination and exploitation of women with disabilities. WWDA is unique, in that it operates as a national disability organisation; a national women's organisation; and a national human rights organisation.

WWDA addresses disability within a social model, which identifies the barriers and restrictions facing women with disabilities as the focus for reform. The aim of WWDA is to be a national voice for the needs and rights of women with disabilities and a national force to improve the lives and life chances of women with disabilities. The objectives of WWDA are:

- to actively promote the participation of women with disabilities in all aspects of social, economic, political and cultural life;
- to advocate on issues of concern to women with disabilities in Australia; and
- to seek to be the national representative organisation for women with disabilities in Australia by: undertaking systemic advocacy; providing policy advice; undertaking research; and providing support, information and education.

WWDA is managed by a National Management Committee, which is elected each year at the Annual General Meeting. All members of the Management Committee are women with disabilities. WWDA has two paid staff members: an Executive Director, and an Office/Finance Manager. WWDA receives its operational funding annually from the Commonwealth Government, and specific project funds from a variety of sources.

More information about WWDA can be found on the website at: [www.wwda.org.au](http://www.wwda.org.au)

WWDA is supported by the Australian Government to represent its constituents in communications matters, through the *Telecommunications Consumer Representation Grants* Program of the Department of Broadband, Communication, and the Digital Economy.

## Introduction

Access to broadband communications is of particular importance to all people with disabilities including children. There is a growing body of work which highlights the way in which the delivery of information and communication technologies (ICT) over high speed broadband, contributes to enabling people with disabilities to participate equally in all facets of society. However it is noted that there needs to be a universal service approach to the delivery of broadband<sup>2</sup> to avoid discriminating against the very people for whom the technology promises so much. Broadband has the potential to deliver functionally equivalent services to women with disabilities. In Australia the National Broadband Network (NBN) will have the potential to enable high speed, always-on, voice and video data services, and that use of these can enhance the ability of women with disabilities to live independently, have greater social connectedness, and access to better health care and employment. In the United States, it has been shown<sup>3</sup> that there is up to 40% difference in the level of uptake of broadband services between low-income (lowest 25% of incomes) and high-income (highest 25% of incomes) households. Australia needs to address questions of affordability of access to the NBN so that women with disabilities can participate fully in the benefits it brings.

Importantly Australia must take into account that disability groups which have particular communication needs may be small in number and dispersed in geographic location, but have specific broadband service communication needs. For example a high percentage of Deaf Australians desire access to broadband which will enable independent communication through the use of Video over IP or a Video Relay Service. Their numbers are not likely to be sufficient for us to rely on market forces for the supply of services so that a universal service regime of some sort is necessary, with some degree of cross subsidy in operation to make the service available, at affordable cost, irrespective of location.

Similarly studies in the USA<sup>456</sup> have estimated that great national savings will be made by the effective use of broadband services to assist both older citizens and people with disabilities. The additional outputs will come from enabling more people in these two groups to participate in the labour force. In addition it will enable a considerable reduction in the amount and associated costs of institutionalised accommodation, and use of e-health services will massively reduce medical costs in these two groups. The estimated cost savings and output

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<sup>2</sup> Bowe, F & Schloss, M, *Universal Service and the Disability Community: the Need for Ubiquitous Broadband Deployment* (Benton Foundation)

<sup>3</sup> United States Government Accountability Office, 2006, *Telecommunications: Broadband Deployment Is Extensive throughout the United States, but It Is Difficult to Assess the Extent of Deployment in Rural Areas* Report to Congressional Committees, May 2006

<sup>4</sup> Litan, R (2005) *Great Expectations: Potential Economic Benefits to the Nation from Accelerated Broadband Deployment to Older Americans and Americans with Disabilities*, New Millennium Research Council December 2005, accessed on 5.6.09 at: [http://newmillenniumresearch.org/archive/Litan\\_FINAL\\_120805.pdf](http://newmillenniumresearch.org/archive/Litan_FINAL_120805.pdf)

<sup>5</sup> Matson, M (2006) *InfoDev Study, Chapter 2.4 Social Benefit and Inclusion*, accessed on 4.6.09 at: <http://infodev-study.oplan.org/the-study/2-economic-and-social-development/2-4-social-benefit-and-inclusion/>

<sup>6</sup> Project Chapleau Ontario Canada *Connecting Communities for Commerce: A small town reaps big benefits from Broadband*, accessed online 6.6.09 at [http://www.nortel.com/corporate/success/ss\\_stories/collateral/nn117540.pdf](http://www.nortel.com/corporate/success/ss_stories/collateral/nn117540.pdf)

gains is US\$927 billion (2005 dollar terms but projected over a 25-year period). This equates to a per capita saving of US\$125 per year, and is thought to be equivalent to half of current US level of spending on medical care. Approximations used in the study cannot be extrapolated to the Australian situation but do give an indication of the enormous benefit of making broadband deployment effective for Australians with disabilities and older citizens.

In Canada, an initiative used by the regulator<sup>7</sup> uses a 'deferral account' system to direct telecommunications companies (Telcos) to redirect funding into the enhancement of broadband services to people with disabilities and into rural/remote areas. In Australia some sort of cross subsidy system also needs to be deployed in the regulatory regime set up, both in the interim and as part of the rollout of the NBN.

Perhaps one of the most important aspects of access to high speed broadband in Australia is in the benefits it will bring to children with disabilities and the manner in which getting this right will assist in truly building the 'knowledge nation'<sup>89</sup>. Use of screen reader programmes, and speech recognition programmes, video streaming with closed captioning are just a few of the technologies which enable children with disabilities to learn at the same rate and in the same educational environment as their non disabled peers. In addition access to e-health can mean that they spend more time in the classroom.

WWDA believes that the regulatory regime in communications in Australia needs adjustment and upgrading both in the interim and in the long term with the NBN, in order for Australians with disabilities to fully participate in the digital economy. This is in keeping with the Australian Labor Party's draft platform which states (Paragraph 62)<sup>10</sup> that:

*"The establishment of the high-speed broadband network will accelerate the digital transformation of the Australian economy by reducing the cost of reaching customers, fostering the development of the digital content industry, restructuring supply chains, reducing barriers to small business formation and growth, creating new job creation opportunities and creating new pathways for government service delivery."*

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<sup>7</sup> Canadian Radio-television and Telecommunications Commission (2008) Telecom Decision CRTC 2008-1: Use of deferral account funds to improve access to telecommunications services for persons with disabilities and to expand broadband services to rural and remote communities, accessed online 6.6.09 at: <http://www.crtc.gc.ca/eng/NEWS/RELEASES/2008/r080117.htm>

<sup>8</sup> Rothschild, J et al (2007) Digital Opportunity for Youth Issue Brief Number 2: *Helping our Children with Disabilities Succeed: What's Broadband got to do with it?* The Children's Partnership, accessed online 3.6.09 at: <http://www.childrepartnership.org/AM/Template.cfm?Section=Reports1&Template=/CM/ContentDisplay.cfm&ContentFileID=2284>

<sup>9</sup> Lazarus, W & Lipper, L (2008) Digital Opportunity for Youth Issue Brief Number 4, *Information Technology Making a Difference in Children's Lives: An Issue Brief for Leaders for Children*, The Children's Partnership, 2008 accessed online 3.6.09 at: <http://www.childrepartnership.org/AM/Template.cfm?Section=Home&Template=/CM/ContentDisplay.cfm&ContentID=11860>

<sup>10</sup> Australian Labour Party (2008) *Draft National Platform*, accessed online 3.6.09 at: [http://www.alp.org.au/download/now/consultation\\_draft\\_national\\_platform.pdf](http://www.alp.org.au/download/now/consultation_draft_national_platform.pdf)

In writing this submission WWDA endorses the key options for reform as set out in the Discussion Paper:

The Government will consider key options for reform, including:

- streamlining access regulation processes, by allowing the ACCC to set up-front access terms for companies wanting access to Telstra and other networks
- strengthening the powers of the ACCC to tackle anti-competitive conduct by allowing it to impose binding rules of conduct when issuing competition notices
- promoting greater competition across the industry, including measures to better address Telstra's vertical integration, such as functional separation
- addressing competition and investment issues arising from horizontal integration of fixed-line and cable networks, and telecommunications and media assets
- improving universal access arrangements for telephony and payphones, and
- introducing more effective rules requiring telephone companies to make connections and repairs within set time-frames.

WWDA further endorses the recommendations of the Regional Telecommunications Independent Review Committee (Glasson) Report<sup>11</sup> (see Appendix 1) and reiterates the recommendations it made in the WWDA submission to the Review of the Universal Service Obligation in 2008<sup>12</sup> (see Appendix 2).

WWDA is mindful of the need for e-security and welcomes the initiatives of 'National e-Security Awareness Week'<sup>13</sup> but is not in favour of any nationally applied filtering system which would reduce the speed and efficiency of the NBN.

WWDA's perspective on regulation in communications remains focused on the needs of the women with disabilities, and the requirement for the provision of Affordable, Available and Accessible communications services. Therefore legal and technical regulatory questions may not be addressed in full in this submission.

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<sup>11</sup> Regional Telecommunications Independent Review Committee Report 2008, accessed 3/6/09 at:[http://www.rtirc.gov.au/\\_\\_data/assets/text\\_file/0017/90170/RTIRC\\_Report.rtf](http://www.rtirc.gov.au/__data/assets/text_file/0017/90170/RTIRC_Report.rtf)

<sup>12</sup> Salthouse, S (2007) *WWDA Submission to the Department of Communications, Technology and the Arts: telecommunications Universal Service Obligation (USO) Review*, WWDA 2008

<sup>13</sup> <http://www.staysmartonline.gov.au/awareness-week>

## Chapter 2: Regulatory environment for the National Broadband Network and the roll-out of fibre

WWDA acknowledges that comment on this section of the Discussion Paper is not required since it is provided as background to subsequent chapters. However, the importance to the overall structure of the NBN warrants some feedback. WWDA is concerned that the wholesale-only model proposed for the NBN is not, of itself, a sufficient safeguard against anti-competitive processes at the retail level. There must be regulations in place which will prevent an entity having a stake in both the National Broadband Network consortium as well as a stake at the retail level, despite there being a legal separation of the two entities. Mechanisms will have to be in place to ensure that the National Broadband Network Company (NBNC) is a stand-alone supplier of the wholesale NBN product. WWDA is also concerned there be recognition of the need for a gradual separating of the infrastructure and service arms of Telstra. However it would seem that at the same time, the eventual government sell-off of its share in the NBNC will set up a similar vertically integrated situation for Company partners which are also retailers of NBN products.

From an environmental perspective, WWDA is concerned that regulations must be in place to maximise the use of underground installation of cables, so that aesthetic value of the environment is enhanced. The Whittlesea Council example stated in the Discussion Paper substantiates this position. However, the proposed commencement date of July 1, 2010 for the Greenfield Estates regulations leaves too great a lead time during which developers can ignore this future requirement. WWDA would prefer that such regulations be instigated immediately. This could be done by decision at the level of the relevant ministers in the Council of Australian Governments (COAG), with legislation or incentives at local and state government level to make changes now.

## Chapter 3: Telecommunications competition framework

WWDA remains unconvinced that a competition framework delivers the best outcomes for all. This particularly applies to the effect that a competitive environment can have of disenfranchising marginalised groups, such as women with disabilities. The Korean and Japanese monopolist and government-control models have delivered much better infrastructure in a much shorter time frame. These countries are only now changing their approaches<sup>14</sup> with the introduction of some competition, but have still retained 50% and 60%

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<sup>14</sup> HyeondashMo Ku & Jae-Cheol Kim, *An interim assessment of competition in the Korean international telephone service market*, Graduate School of Management, KAIST, Cheongrangi-dong Dongdaemundashku, Korea, 1998

**Abstract:** Korea has cautiously changed its longheld tradition of strong government guidance and leadership and begun to introduce competition in a number of telecommunications market segments. However, compared with the experience of other forerunners, the competition in Korean

market shares respectively<sup>15</sup>. WWDA reiterates its concern at the proposed eventual government sell-off of its share of the NBNC.

## Deficiencies in the regulatory process

### Questions

- *How can the processes and procedures under Part XIC be improved? What are the relative merits of the options outlined or any alternative you favour?*
- *Are there elements of the different options which could be combined?*

The extent to which the negotiate-arbitrate model has the shortcomings outlined in the Discussion Paper, means that the NBNC has to be quite structurally separated from the access seekers. There is inherent danger in asking for private investment partnerships in the NBNC, in that this has the potential to create vested interests between the company partners (access providers) and the purchasers (access seekers), even where the liaisons are informal rather than formal, or between any combination of access providers and access seekers.

The litigious nature of the telecommunications sector in Australia compared to other sectors has largely arisen because of the 'Telstra factor' where there is both vertical and horizontal integration of its business, in that Telstra is both the infrastructure owner as well as wholesaler and retailer.

Binding terms must still be set, and regulations must be applicable for all access seekers, so that there is equality of access. The process must have no middle 'steps' wherein secondary disputes can arise. In addition access providers must not be allowed to set their own terms of access, it must be uniform for all. Thus the statutory criteria in the Trade Practices Act 1994 (TPA) must be changed. The current setup is costly for all parties, with drawn-out litigation demonstrating the Telstra determination to maintain its powerbase. The 'undertakings' system has to be abolished.

Part XIC of the TPA will not necessarily stifle investment so long as the NBNC is kept separate from the access seekers. The infrastructure needs to be majority-owned by the Government and kept that way.

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international telephone service market was mostly guided and controlled by the government leaving little room for active competition to the market participants. It is worthwhile to review the government-led competition and to make an interim assessment, which would generate some useful policy implications for other developing countries seeking a suitable role of government in the competition process.

[http://www.sciencedirect.com/science?\\_ob=ArticleURL&\\_udi=B6VCC-3SWY089-6&\\_user=10&\\_rdoc=1&\\_fmt=&\\_orig=search&\\_sort=d&view=c&\\_acct=C000050221&\\_version=1&\\_urlVersion=0&\\_userid=10&md5=61bc8c4fe3633d86c4fd88b0bf5c4b7c](http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6VCC-3SWY089-6&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=61bc8c4fe3633d86c4fd88b0bf5c4b7c)

<sup>15</sup> [http://news.zdnet.com/2100-9595\\_22-121891.html](http://news.zdnet.com/2100-9595_22-121891.html) (4 April 2002) accessed online 2/6/09

## Options for reform

### Option 1—Retain the current Part XIC processes—including the negotiate-arbitrate model—but make them work more effectively

The TPA Part XIC reform Option 1 outlined in the Discussion Paper, whereby the negotiate-arbitrate model is retained but made to work more effectively, is rejected by WWDA. This option is not likely to be effective because of the prevailing dominance of Telstra and resultant culture of behaviour in the industry. Where there is a benefit to be gained from prolonging the negotiation, of 'gaming', or a certain degree of brinksmanship, then the more regulations that are in place will only prolong these litigious processes. Rather there needs to be some arrangement which gives an incentive for quick solutions.

If the power lies with the Government-owned NBNC, then the NBNC can sell of 'bundles of services' at their discretion, and have a simple streamlined transparent process for assessing competitive bids.

### Option 2—Replace the Part XIC negotiate-arbitrate model with a streamlined regulatory process

The TPA Part XIC reform Option 2 outlined in the Discussion Paper whereby the negotiate-arbitrate model is retained with a streamlined regulatory process, is similarly rejected by WWDA. This option will not work unless the Government retains ownership of the NBNC. The ACCC should not be the entity determining the declaration of a service for sale. This should remain with the NBNC. The role of the ACCC should then be to arbitrate the process. However, the terms of access for a service, as determined by the NBNC would be transparent and available to all access seekers on request.

## Part XIB of the Trade Practices Act

### Questions

- Are Part XIB procedures too complex? If so, how could they be streamlined?
- Are consultation notices necessary?
- Would the introduction of binding rules of conduct on carriers who are subject to a competition notice or as an alternative to competition notices improve the operation of Part XIB?
- What are the relative merits of the options outlined?

## Anti-competitive conduct provisions

A model of access in which there is a tendering process for services as and when they are declared, would mean that there would be more equitable access for all retail access seekers, whether small or large and that a situation of true competition could prevail. This would need the NBNC to exercise discretion in regulating the size of the discrete services it declares. For example, declaring a very large service would put it beyond the powers of small providers to tender, because of the size of the 'bit' on offer. This would be anti-competitive in itself, a condition which might be overcome by enabling consortia of smaller providers to bid. In the future therefore, Part XIB of the TPA may become largely redundant.

If Part XIB has been seen to be acting as a deterrent, then it needs to be retained in the interim until the NBNC is in a position to sell services in the new Fibre to the Home (Ftth) network.

The NBNC should be able to issue binding rules of conduct for tendering for a service. The ACCC could arbitrate where these were considered to be breached by any tenderer.

## Separation arrangements for Telstra

### Questions

- What are the appropriate structural arrangements for Telstra during the transition to the National Broadband Network?
- Could measures be put in place to make the existing operational separation regime work more effectively? If so, what are they?
- If functional separation is adopted, what would be the key elements of such a framework? What would be the appropriate boundaries for separation?

Note: Questions about the existing regime relating to the criteria for the statutory review of operational separation are set out in Appendix A.

As noted in the Discussion Paper there are ongoing difficulties because Telstra remains a quasi-monopoly in the sector. Telstra has the potential to remain in competition with the NBNC because it already owns the 'pipes' that carry the copper network as well as an extensive hybrid fibre-coaxial cable network. Because it has the imperative to return profits to shareholders, it could persist in maintaining its separation from the NBNC, thereby creating 2 substantial broadband networks in competition with each other in the most accessible parts of the country, and leaving the NBNC to cater for the 2%-15% of the country which is difficult to serve, and more unprofitable to provide with services. This would severely undermine the viability of the NBNC itself.

This likelihood may be diminished because the copper network is redundant and needs replacement, so that its actual value to Telstra lies in it providing the trench space through which new optic fibre could be more cheaply laid. Some mechanism has to be devised to progressively compensate Telstra for giving up its 'copper pipes' so that those holes in the ground can be converted to 'fibre pipes' owned by the NBNC.

At the same time the operational separation measures imposed on Telstra need to be considerably strengthened so that the parts of its business which are 'infrastructure' can be defined more precisely, and clearly separated from the parts that are 'service provision'. The phase-in of digital television will mean that the Foxtel arm of Telstra business will also become less dominant in the communications space.

## Addressing vertical integration to promote equivalence

'Equivalence of outcomes' as outlined in the Discussion Paper is too weak a measure to have positive effects for consumers. There needs to be clear separation of wholesale and retail operations. It is unfair that Telstra is able to sell certain retail services to itself at the same rate that it sells wholesale services to its competitors. This has created an anti-competitive situation, which the current equivalence requirements obviously do not adequately address.

The need for providing legacy services at the same time as this new NBN system is introduced could be addressed by including a series of 'grandfathering' clauses by which the legacy services are phased out, but synchronised with a clearly defined and finite phase-in period with the introduction of the new NBN services.

The most workable model for minimising the ability of Telstra to behave in an anti-competitive way is to impose a legal separation of its infrastructure and service arms, so as to also necessitate achieving functional separation. Hopefully, there is a greater likelihood that Telstra

will cooperate in these changes under its new management regime. Structural separation would certainly be assist the envisaged initial structure for the NBN regime, although as stated earlier, WWDA believes that the current Government proposal to sell-off its share tends towards creating a similar vertical integration situation when the Government privatises the NBNC in the 2020s.

## Horizontal separation

### Questions

- What restrictions, if any, should be imposed on future Telstra investment in the Australian media and communications sector?
- Should Telstra be required to divest its hybrid fibre coaxial network?

WWDA believes that it is essential that the existing co-axial cable networks be integrated in some way into the NBN. We need to avoid a situation in which ultimately two or more broadband fibre networks operate in parallel. The costly legacy of the Australian rail network with each state having a different gauge widths, developed because of historical inter-state rivalries and allegiances. It took decades, much negotiation, and considerable national cost to unravel. This situation must not be duplicated with broadband networks because of historical Telco rivalries and allegiances. TransACT, Austar and Neighbourhood Cable may all be interested and willing entrants to the NBNC, but additional regulatory incentives may be needed to persuade Optus and Telstra to cede their larger networks to the NBN. The alternative of having competing fibre cable networks this would be disastrous. The costs of purchase of these latter networks could be offset by the lower cost of upgrade of the fibre network in existing trenches.

Establishing tiered categories (with accompanying content provider sub-categories of hardcopy, softcopy, television, etc.), in the communications sector in which the various provider segments are viewed as separate entities, and then applying cross-media ownership restrictions on companies would help limit detrimental horizontal integration.

## Facilities access regime

### Questions

- Would making the facilities access regime consistent with Part XIC improve its operation?
- Should the facilities access regime be integrated within Part XIC? If not, why not?

The facilities access regime needs to be strengthened in the interim so that there is less dispute around who has access to what. In the NBN structure, facilities should be regarded as part of the infrastructure, and the NBN would have the power to decide that service providers which won access to provide a service also therefore had access to the infrastructure facilities which would enable them to deliver the service. In the interim the facilities access regime needs to be integrated within Part XIC of the TPA to give greater consistency and transparency for competing service providers.

## Spectrum allocation

### Questions

- Given the changes to the telecommunications industry resulting from the roll-out of the National Broadband Network, are competition restrictions necessary to limit access to valuable spectrum?
- How can the Government encourage competition between different technology platforms?

Government control of spectrum allocation is essential in the interim in order to preserve sufficient capacity to allocate spectrum to the satellite and wireless services in the more remote parts of Australia. Of particular importance is competitive access to the wavelength which becomes available as analogue television is phased out, as well as that made available by the closure of the CDMA network with subsequent expiry of licence.

## Chapter 4: Telecommunications consumer safeguard framework

### Questions

- Would the Communications Service Standard approach proposed in the Glasson Report provide an effective and useful framework for safeguarding consumer outcomes into the future, including the National Broadband Network environment?
- What standards should be required of:
  - voice services
  - broadband
  - mobile services, and
  - payphone servicesunder a Glasson-style Communications Service Standard?
- How can reliability, connection and repair time standards for these services be established and enforced?

- In the context of the Government's announcement to establish an open access, wholesale-only National Broadband Network, should anyone be required to provide universal access to broadband services? If so, who? Should the role be contestable?
- Given the roll-out of the National Broadband Network and that the Australian Broadband Guarantee already provides a safety net, is it necessary to include broadband in a regulatory framework for universal access?
- Given that the Satellite Phone Subsidy Scheme already provides a safety net, is it necessary to include mobile services in a regulatory framework for universal access?
- What mechanisms should be in place to address and resolve access, reliability and other service issues faced by consumers and small businesses? What role should industry play?
- What information should be gathered and reported on as part of dealing with regulatory enforcement and resolution of consumer problems?

The long term goal of the NBN, in combination with other services, should be to achieve universal access to affordable, available and accessible communication services for Australians, including Australians with disabilities.

WWDA reiterates its recommendations to the USO Review of 2008, that:

- all carriers/Carriage Service Providers (CSPs) contribute by levy to an expanded USO which has expanded functions to apply across all communication networks (Recommendation 2);
- the USO deliver broadband speed which are sufficient in each direction to enable Video over IP communication, primarily for Deaf Australians and Australians with hearing impairment (Recommendation 4);
- in the long term Priority Assistance be linked to optic fibre/broadband services for eligible [people] with disabilities (Recommendation 6);
- the universal service should be a set of minimum standards related to the service delivered, including services for payphones, and apply to terrestrial, broadband, wireless and mobile networks, and to all carriers/Carriage Service Providers (Recommendation 13); and
- the USO fund should be built up by requiring all carriers/Carriage Service Providers to pay an (annual) levy. The total amount needed should be pre-set and individual carriers'/Carriage Service Providers' level of contribution determined from their audited annual incomes (Recommendation 14).

Irrespective of name, a universal service obligation needs to be in operation and needs to be opened out to apply to all providers whether carriers, Carriage Service Providers, Content Providers. This service obligation needs to apply to all services: fixed line, mobile, payphone, wireless and broadband. A broadening of the definition of a Standard Telephone Service needs to be expanded to encompass all forms of communications. As suggested in the Glasson Report, a Communications Service Standard does need to include the concept of guarantee of

levels of service reliability. The essentials are accessibility, equitable access to services, and high levels of reliability for women with disabilities. If the levies exacted from each provider are proportionate to the size of the business (as delineated in regulations), there can be cross subsidy as required.

## Funding

### Questions

- How should the universal access regime be funded? Should the burden fall on one carrier or should it be spread further?
- How should any intangible benefits from being the Universal Service Provider be taken into account?
- If industry funding is preferred for universal access, should smaller carriers be required to contribute? If not, what should be the threshold revenue for exempting such carriers?

The fact that Telstra has been able to use the universal service subsidy to 'piggy-back' additional Telstra services into otherwise low-profit areas, has meant that the USO has actually worked to their business advantage, and to the detriment of other service providers. The OfCom and other examples given in the Discussion Paper do not adequately take into account the fact that Australia and the United Kingdom (UK) are not comparable geographically and have population-densities which are very different from each other. Thus a self-funded USO is not necessarily equitable or workable in Australia. However the model proposed by WWDA in its submission to the USO review of 2008, was that Service Obligation should be applied universally, and that all carriers should contribute to a fund which would be used to cross subsidise service provision in areas where costs of service supply per individual consumer was greater than a pre-determined 'average' for urban areas.

Determination of levy contribution should be determined from the annual financial statements to shareholders, not as a separate financial exercise. In this way, companies would need to show maximum profits to shareholders for viability of the company, and at the same time would be levied on this profit amount so that there is less incentive to 'deflate' company size in order to minimise levy amount.

## Payphones

### Questions

- Should universal service payphones be provided under a competitive process, such as under a competitive subsidy?

- Are there alternative mechanisms that could be used for providing universal service payphones?
- How should payphones be distributed around Australia?
- What controls should be placed on the provision, including location, and removal of payphones? Should there be a stronger role for local councils?
- Should the ACMA be given powers to set a minimum number of Universal Service Obligation payphones, and require Telstra to identify those payphones?
- Should the ACMA be allowed to set stronger rules regarding the provision, relocation and removal of payphones, especially in rural and remote areas?

Women with disabilities continue to place a high value on public payphones. They are over-represented in that proportion of the population who do not use mobile phones. At the same time they can be at greater security risk in the community and have high level needs for accessible payphones. Payphones need to be in standard locations, such as railway stations, airports, hospitals, community centres and shopping centres, so that they are easily locatable by people who are Blind or vision impaired; positioned to give maximum sound screening for people who are hearing impaired; and have sufficient siting space to allow wheelchair access.

It could be that the decline in payphone numbers does reflect the higher use of mobile phones. Many of the payphones removed have been from ranks of multiple phones so that where formerly 4 payphones existed, currently only one is in place. Thus it could be that total number of payphones will now plateau out. It is essential that the remaining number is progressively upgraded to video phones on the NBN, so that Deaf users can independently connect to friends and family. Some Text over IP facility will also be needed so that communication via payphone with non-Auslan users, and people with speech impairment will also be possible. Regulations for location, siting, design should apply equally to all suppliers, i.e. Telstra should no longer be regarded as the Universal Provider for payphones. Application for a new payphone should be driven by consumer need, with criteria developed as to the threshold requirements needed to trigger a tender process for installation. Access to the Communications Service Subsidy should be available, where the installation or likely use of the phone may not be profitable, but provides part of an essential community service. Payphone suppliers should be subject to the provision of information about accessibility features in the same way as is required for other telephone equipment.

The provision of payphones in remote, rural areas, especially those where there is no mobile coverage or unreliable mobile coverage is essential.

The regulations for deployment of payphones and triggers should be set and monitored by the Australian Communications and Media Authority (ACMA).

## Connections and fault repair

### Customer Service Guarantee

#### Questions

- Does the Customer Service Guarantee need strengthening? If so, what changes should be made?
- Should working days be replaced with calendar days in repair timeframes?
- Should the service disruption criteria be tightened? If so, what mechanism should be put in place?

The Customer Service Guarantee remains a relatively non-functional safeguard for women with disabilities, whether or not they are registered for Priority Assistance. There need to be pre-set time frames for the repair of any communication service, with the time frame set according to the assessed difficulty of restoring the service. The compensation amount for failing to repair the service within an existing time frame needs to be set at a high enough level to act as an incentive to meet the time frame, e.g. at least \$200 per day (approximately equivalent to the daily gross salary of an APS 4-5 public servant) for an individual and to \$1000 to reflect the loss of income for a small business where the Priority Assistance user may be employed. These time frames and amounts need to be reviewed annually, with the compensation amounts indexed according to the CPI at the very least.

Monitoring of these reliability guarantees need to be stringent, with disincentive fines possible where there are breaches. The increased numbers of faults is a reflection of the outmoded state of the fixed copper wire service infrastructure.

### Network Reliability Framework

#### Questions

- Does the Network Reliability Framework need strengthening? If so, what changes should be made?

Network Reliability Framework needs to be more stringently applied, and the general principles put in place need to be applicable to all services both in the interim and after the establishment of the NBN. Again, it should apply to all service providers.

## Retail price controls

### Questions

- Should the Government continue to regulate Telstra's retail prices for voice telephony services in the transition to the National Broadband Network?
- If price controls should be continued, which services should be included?
- What individual services or groups of services should be capped in price controls?
- Should retail price controls be used in conjunction with the wholesale access regime (e.g. to regulate fixed-to-mobile prices)?
- In the longer term National Broadband Network environment, will retail price controls be required? If so, what form should they take? What services should they cover?

The Communications Service Subsidy should be used to cross-subsidise the cost of supply of any service to regional, rural and remote areas, and should be applied irrespective of the type of service provided. There should be a maximum price set for each type of service.

Affordability of services is of great importance to women with disabilities and it is essential that a raft of subsidies for people with low income is maintained.

The Communications Allowance proposed in many submissions by TEDICORE<sup>16</sup> or the Disability Inclusion Allowance proposed by the Australian Federation of Disability Organisations<sup>17</sup>; need to be set at a realistic level to take into account the costs of accessing ICT.

WWDA believes that some sort of cap-equivalent to fixed line local call costs be considered for all services, to include mobile call cost caps and data downloads price caps for all providers. Removal of all price regulation is not a safe option for women with disabilities since the competitive market place does not always act according to theory, and vulnerable consumers can suffer detriment as a result.

Access to services remains an issue for women with disabilities so long as Telstra operates as a quasi-monopoly and has control of the Disability Equipment Program.

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<sup>16</sup> Astbrink, G (2008), *TEDICORE submission to the Department of Broadband, Communications and The Arts: Telecommunication Universal Service Obligation Review 2008* Telecommunications and Disability Communications Representation 2008, accessed 6.6.09 at: [http://www.tedicore.org.au/documents/USO\\_Review\\_Tedicore.rtf](http://www.tedicore.org.au/documents/USO_Review_Tedicore.rtf)

<sup>17</sup> Australian Federation of Disability Organisations (2009), *Policy Position: Disability Inclusion Allowance* AFDO 2008 accessed online 6.6.09 at: [http://doc.afdo.org.au/AFDO\\_Policy\\_Position\\_Disability\\_Inclusion-Allowance.doc](http://doc.afdo.org.au/AFDO_Policy_Position_Disability_Inclusion-Allowance.doc)

## Community safeguards

### Questions

- Are priority assistance arrangements effective?
- Does the voluntary industry code provide a sufficient safeguard for consumers?
- Should provision of priority assistance be mandatory on all fixed line voice providers during the transition to the National Broadband Network environment?
- Should the Government extend the scope of the priority assistance criteria to include people with a disability?

### Questions

Looking to the National Broadband Network environment:

- Who should be required to provide the emergency call service? When can any transition begin?
- If responsibility were ultimately transferred to the National Broadband Network company, what obligations should apply to the company as a wholesaler and to retail service providers?
- What are the merits of the options identified? Are there operational disadvantages with the emergency call service person being separate from a telecommunications service provider?
- If Telstra is not the emergency call person and Integrated Public Number Database manager, how and when should these responsibilities be transferred to the new provider?

## Priority Assistance

WWDA acknowledges the commitment to community safeguards shown by Telstra, Optus, AAPT and Primus in providing some form of Priority Assistance, and recommends that this should be available to women with disabilities as needed from all providers. When the NBN is established, there will need to be seamless arrangements between retail providers who receive the information about a fault and the NBNC which has control of the network so that repairs can be done within the set timeframe for priority assistance (24 hours in most circumstance or 48 hours maximum in some remote areas or extenuating circumstances).

In the transition period, the requirement to provide Priority Assistance should be re-regulated to apply to all providers. Regulation, or some arrangement of greater strength than a Memorandum of Understanding between different providers in the supply chain, needs to be in place.

Suppliers of mobile phone equipment need to have a similar Priority Assistance regulation to supply an equivalent model mobile phone – in working condition – for registered people with

disabilities whose own unit is to be sent away for repair. The 'in working condition' requirement is essential for women with disabilities. In many instances for the non-disabled the substitute 'loan phone' is not offered or does not function satisfactorily<sup>18</sup>. Where a person is registered for priority assistance this cannot be allowed to happen.

The informal benchmark of 90% compliance with deadline for rural and remote customers is clearly too informal to create an incentive to meet the repair timeframe. It needs to be stringently monitored with high fine levels imposed. At the end of March 2005 Telstra had 138,156 Priority Assistance customers<sup>19</sup>, so that a 10% failure to meet fault repairs in the required timeframe would represent nearly 14,000 customers with life threatening conditions. Thankfully, Telstra's fault repair performance exceeded the informal compliance level, being 96% for urban areas, and 92% for rural and remote areas. By the end of the December quarter 2005, the fault repair for Priority Assistance in both rural and remote areas was 91%, representing 1340 customers with life threatening conditions in the former and 26 people in the latter area who were without telephone contact for longer than was safe for their health and wellbeing<sup>20</sup>. The compliance levels for AAPT were somewhat lower (ibid.) and perhaps this was attributable to them having to negotiate with the infrastructure owner (Telstra) for fault repairs, and there being no incentive down the supply chain to persuade Telstra to react quickly. The lack of compliance even for Telstra, is attributable to (i) failure to fast track the request; (ii) technician despatched too late; and (iii) complications with repairs. Clearly systems are not properly in place to regulate Priority Assistance requests.

Certainly priority assistance needs to be applied as an obligation on ALL service providers, and to extend to all types of communications services.

## Emergency Call Service

Management of the Integrated Public Number Database (IPND) needs to be managed by a central body, such as ACMA as proposed in Option 3 in this section of the Discussion Paper. Recent events have shown that the Emergency Call service protocols need major reform<sup>21</sup>.

At the same time, emergency call capability needs to be added to mobile phones for text and voice services. Systems also need to be put in place so that emergency calls from SIP phones

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<sup>18</sup> CHOICE (2006-07) Mobile Phone repairs, Reviewed 2006-08, accessed online 3.6.09 at: <http://www.choice.com.au/viewArticle.aspx?id=105544&catId=100517&tid=100008&p=1&title=Mobile+phone+repairs>

<sup>19</sup> Australian Communications and Media Authority (2005), *Executive Summary: Performance Indicators* accessed online 3.6.09 at: [http://www.acma.gov.au/webwr/\\_assets/main/lib100033/priority%20assistance.pdf](http://www.acma.gov.au/webwr/_assets/main/lib100033/priority%20assistance.pdf)

<sup>20</sup> Australian Communications and Media Authority (2005), *Telecommunications Performance Data*, December 2005 accessed online 3.6.09 at: [http://www.acma.gov.au/webwr/\\_assets/main/lib100033/dec2005data.rtf](http://www.acma.gov.au/webwr/_assets/main/lib100033/dec2005data.rtf)

<sup>21</sup> FoxNews.com - World (Associated Press 8 May 2009), *Lost Australian Teen Dies after seven ignored 911 calls*, Accessed online 6.6.09 at: <http://www.foxnews.com/story/0,2933,519521,00.html>

for VoIP services can also have a location identifier in them, and provided that customers are made fully aware that power failure will render the emergency call from a VoIP system unusable.

People who are Deaf, hearing impaired, speech impaired or relying in any way on text messaging need to have access to real time Text over IP from mobile phones, and the internet. The 2009 bushfire emergency in Victoria amply demonstrated the shortcomings of the current emergency call system for the non-disabled, and its elevated inadequacy for people with disabilities.

Free emergency calls need to be maintained in the NBN environment.

## Legacy services and the National Broadband Network

### Question

- Will the National Broadband Network raise issues for legacy services on Telstra's network? Why? If, so how should they be dealt with?

Steps need to be taken in the interim to transfer the IPND to a central body such as ACMA, and coordination of NBN services need to also be regulated by ACMA.

## Opportunities for red tape removal

### Questions

- Are there any broader implications from the proposals raised by Telstra, in its submission to the Productivity Commission?
- Should the proposals raised by Telstra in its submission to the Productivity Commission proceed?
- Will directory assistance services, including printed directories, be required in an increasingly online world and, if so, how would necessary services be best provided?

The number directory system (Whitepages) currently in place is outdated, because it caters only for fixed line connections. There is no central database for mobile numbers, or VoIP addresses. This has precipitated the development of a large number of online subscription contact databases. The compilation of a fixed-line directory of IPND numbers should be managed by ACMA as the holders of the IPND. Access to this in a manner similar to the current Directory Assistance Helpline service provided by Telstra for customers with disabilities as part

of its USO obligation would have to be taken up either by ACMA or by the body which runs the Disability Equipment Program.

The Telstra claim that there is sufficient market competition for handsets and services and that this renders void the obligation to differentiate between the charges for handsets and line rental is a detrimental line of logic for people on low income (where women with disabilities are over represented). If it was decided to de-link handset rental from service costs there is a danger that the handset would become a charged item, rather than an item supplied under the USO. Although the demand for the Standard Phone is diminishing, some people on low income would find it difficult to purchase such a phone. Some mechanism needs to be put in place to enable a standard handset to continue to be supplied. This matter needs to be considered in conjunction with consideration of the mechanism for operating an Independent Disability Equipment Program. It is noted that many women with disabilities rely on having a Big Button Phone or a Digital Cordless Telephone (F2400) for their standard handset as supplied under the Telstra Disability Equipment Program.

## Customer Service Guarantee reporting

### Questions

- Should the ACMA's informal monitoring benchmarks for carrier performance against the Customer Service Guarantee and priority assistance be made enforceable requirements subject to civil penalties?
- Should the level of penalties be increased?

Annual CSG reporting requirements would be adequate IF accuracy of statistics supplied could be guaranteed; IF monitoring of the reporting is meticulously done; and IF follow-up fines are at a level to give sufficient incentive for an improvement in the following year. The % improvement required would need to be set by ACMA.

## Enforcement

### More effective requirements for consumer safeguards

Informal benchmarks need to be replaced with formal benchmarks accompanied by a level of fines which act as an incentive for future compliance.

## **Level of penalties**

The level of penalties needs to be linked to the size of the service provider operation. For the larger Telcos, \$10million is insufficient.

## **Range of enforcement powers**

WWDA agrees that the issue of infringement notices is a necessary additional regulatory tool for ACMA, so long as time limits by which payment had to be made are also part of the conditions.

## **Conclusion**

The importance of high speed broadband to all people with disabilities has been outlined by WWDA in its introduction to this submission. The applications and assistive technologies which can be used on a broadband network, as well as on the mobile network will mean that people with disabilities can participate in the digital economy, contributing both socially and monetarily to the community.

The global nature of the communications sector is such that the NBNC, the ACCC and ACMA need to be aware of and align Australia with developments and regulatory innovation internationally. This will necessitate Governments being aware of, and adjusting the regulatory environment to take into account the affect of new technologies.

People with disabilities make up a large consumer group, and are interested in, and want access to the technologies which can enhance their independent participation in society. However, although they make up more than 20% of the population, a percentage increase rapidly with the ageing of the population, the needs of any one disability group may not be sufficient to drive market change in the competitive environment. Therefore cross subsidy in the form of a Communication Services Subsidy levied on all providers must be used to provide more expensive services, to fund the provision of basic equipment and services where needed by eligible people with disabilities.

The current regulatory frameworks need revision in almost every aspect of their operation. Any revised regulations need to be vigilantly monitored, with stringent application of fines which will act as an incentive for compliance.

WWDA anticipates the introduction of the NBN, and the potential it has to enable women with disabilities to participate more fully in the information society.

## APPENDIX 1

### SUMMARY OF RECOMMENDATIONS

Regional Telecommunications Independent Review Committee Report: Framework for the Future 2008

The Committee recommends that:

- 1.1.1: The Australian Government fund initiatives to make training, support and appropriate applications available to people in regional Australia to ensure equitable access.
- 1.2.1: The Australian Government work with state, territory and local governments to ensure that schools in regional Australia have the same access to broadband and information and communications technology services that will be delivered by the Digital Education Revolution and the Fibre Connections to Schools Initiative to urban based schools.
- 1.2.2: The Australian Government facilitate greater access to educational bandwidth for regional tertiary institutions. This could include promoting access for Technical and Further Education institutions to networks such as the Australia's Academic and Research Network.
- 1.2.3: The Australian Government work with state, territory and local governments to:
  - a. address the higher costs of telecommunications for students in regional areas, and
  - b. promote initiatives that support the innovative use of broadband for specific education and training purposes.
- 1.3.1: The Australian Government work with state and territory government health sectors, as well as the private health sector, to maximise the opportunities for improved access to enhanced health services arising from initiatives.
- 1.3.2: The Australian Government broaden the scope of the current Satellite Phone Subsidy Scheme to make it more accessible to community-based and not-for-profit health care workers and emergency service volunteers.
- 1.4.1: The Australian Government fund initiatives and seek matching contributions from state and territory governments, to:
  - a. improve telecommunications facilities for emergency service organisations
  - b. train and support emergency service personnel, including volunteers, in the use of telecommunications, and
  - c. facilitate awareness raising for the general population and travellers in particular (including domestic and foreign tourists) on the limitations of terrestrial mobile phone services and the most effective means to call for help in an emergency.
- 1.5.1: The Australian Government expand the implementation and maintenance of community phones, including pre-paid options for people in remote Indigenous communities.
- 1.5.2: The Australian Government work with state, territory and local governments to implement identified telecommunications solutions to deliver services of significance to remote Indigenous communities. These services include appropriate culturally targeted awareness initiatives, education initiatives and technology support to improve broadband take-up and usage.
- 1.6.1: The Australian Government facilitate greater involvement of local governments in

the design and delivery of initiatives to promote greater access to telecommunications infrastructure in their area.

- 1.6.2: The Australian Government work with state, territory and local governments on promoting greater access to training in information and telecommunications technologies for people in regional and remote areas.
- 1.7.1: The Australian Government work with state and territory governments to ensure that infrastructure is capable of supporting adequate services for business use in rural and remote areas.
- 1.8.1: The Australian Government work with state, territory and local governments to better incorporate the roll-out of telecommunications infrastructure, such as the roll-out of optical fibre during railway extensions, and upgrades to services and the planning of other major infrastructure developments in regional areas.
- 1.9.1: The Australian Government work with state, territory and local governments to better coordinate the activities of resource companies and telecommunication service providers to facilitate shared planning and provision of telecommunications and services in regional areas.
- 2.1.1: Australian Government programs to improve mobile services in regional parts of Australia should incorporate:
  - a. if necessary, once the new framework is implemented, hand-held coverage in community service centres and towns and well-used roads and industries or regions specifically targeted according to the criteria in Table 3.1.1,
  - b. a reduction to the effective price of mobile satellite phone services to that similar to terrestrial mobile phones (i.e. the current satellite phone subsidy scheme should continue and be expanded at least until the implementation of the new framework described in Chapter 3.1, and probably continue beyond that), and
  - c. where necessary, actions to encourage the use of external antennae.
- 2.1.2: The Australian Government request the Australian Competition and Consumer Commission inquire into the merits of mandated terrestrial inter-carrier roaming in single carrier coverage areas in Australia to enable consumers to have a choice of provider.
- 2.1.3: The Australian Government take the necessary action to improve consumer understanding of hand-held mobile coverage. At a minimum, this must include a requirement for the telecommunications provider to consistently, clearly and accurately inform consumers, at time of purchase, of hand-held land mass or geographic coverage.
- 2.2.1: In accordance with the arrangements and criteria set out in Chapter 3.1 — A New Framework, the Australian Government:
  - a. introduce measures to provide enhanced broadband services to premises that will not be served by the National Broadband Network (NBN) and these be delivered in an equitable timeframe, and certainly prior to the completion of the NBN, and
  - b. provide interim solutions until the NBN is accessible in regional areas. The solutions provided should maintain, and improve on, the contemporary comparisons with urban areas.
- 2.2.2: The Australian Government work with industry to:
  - a. make service provider offerings to consumers easily comparable and easy to understand, and
  - b. assist in the development, availability, and awareness of applications for broadband provided over satellite.
- 2.2.3: The Australian Government monitor the availability of public internet access services

and explore the opportunities in future frameworks for public internet access services.

- 2.2.4: The Australian Government engage providers and other relevant parties to improve the quality and provision of statistics on broadband usage, service availability, and needs in regional, rural and remote areas.
- 2.3.1: The Australian Government should, until the Competition Service Standard (CSS) is implemented:
  - a. strengthen the Customer Service Guarantee (CSG) for repairs to fixed services in rural and remote areas, including replacing 'working days' with calendar days in the CSG repair timeframes, and
  - b. tighten the Mass Service Disruption (MSD) declaration criteria to ensure the exemption only applies when specified objective criteria, such as are used for meteorological, insurance industry and emergency declaration standards, are met.
- 2.4.1: The Australian Government, in conjunction with the CSS implementation, consider a payphone subsidy program which allows all payphone providers to bid for funding on an open and transparent basis.
- 2.4.2: The Australian Government encourage and enable local councils to play a stronger role with regard to the location and removal of payphones in their area.
- 2.5.1: The Australian Government should ensure effective open access arrangements to backhaul services, including to backhaul services rolled out as part of Australian Government funding programs.
- 2.5.2: In ensuring open access to backhaul services funded through Australian Government programs, the Australian Government require the provision of undertakings on the terms and conditions for third party access to backhaul, rather than solely relying upon commercial negotiation and dispute resolution.
- 2.5.3: The Australian Government
  - a. regularly collect and prepare records of backhaul infrastructure for use by other Australian Government agencies for public policy purposes, and
  - b. assess the costs and benefits of making this information available to relevant market participants.
- 2.5.4: The Australian Government explore with state, territory and local government opportunities for greater coordination of their telecommunications purchases in regional locations that result in additional backhaul infrastructure to regional communities.
- 2.5.5: The Australian Government work with state, territory and local governments and commercial entities to facilitate access to backhaul transmission not currently utilised, for the benefit of local communities.
- 2.5.6: In accordance with the arrangements proposed in Chapter 3.1, the Australian Government identify locations without sufficient backhaul infrastructure to meet the needs of communities. Following the principles proposed by the Committee in Chapter 3.1 the Australian Government, where necessary, develop suitable policies or programs to facilitate investment in new or enhanced open access backhaul infrastructure.
- 2.6.1: The Australian Government require the Australian Competition and Consumer Commission (ACCC), in making a declaration, revocation or exemption determination for a defined geographic area, have regard to the impact in regional Australia of its decisions.

- 2.6.2: In conducting future spectrum auctions, the Australian Government give consideration to:
- a. adding 'use it or lose it' provisions in the licences in regional areas, or
  - b. including providing for access to radio-communications spectrum in appropriate legislation.
- 2.6.3: The Australian Government consider industry structure, including the costs and benefits to regional consumers of requiring a greater degree of separation between network and retail operations of telecommunications providers.
- 2.6.4: The Australian Government, in any consideration of industry structure, inquire into the merits of legislation to provide for court ordered divestiture of market participants where this is in the public interest as a means of improving access to telecommunications services at reasonable prices and improving choice.
- 2.7.1: The Australian Government must include appropriate strategies to communicate relevant information to people in regional Australia when considering new consumer protection or regulatory initiatives.
- 2.7.2: The Australian Government encourage and, if necessary, require industry to prepare and consider community impact statements:
- a. prior to the withdrawal of existing services, or
  - b. with the introduction of new technologies or services which result in a transition to new services, and
  - c. for rural and remote users in particular, those in the Extended Zones.
- 2.7.3: The Australian Government undertake and publish evaluations of the impact and effectiveness of consumer awareness programs for telecommunications.
- 3.1.1: The Australian Government develop a new framework to provide an assurance of ongoing access to voice, mobile, broadband and payphone services to replace the existing USO legislation. The legislative framework provide for:
- a. The Minister to determine the relevant standards — CSS. The CSS is to include standards for voice, broadband, mobile phone and payphone services.
    - (i) The voice standard must include internationally recognised voice quality measures.
    - (ii) The broadband standard must be equitable with services delivered by the NBN.
    - (iii) The mobile standard must be for hand-held mobile phones.
    - (iv) The payphone standard must include objective criteria for access to payphones and, in developing this standard, consideration needs to be given to whether a standard is needed for public internet access.
  - b. The RTIRC to be consulted on proposed changes to the standards.
  - c. The Australian Government to develop, publish and implement a 'plan of measures' to ensure that all individuals and all small businesses can purchase services that meet the CSS, wherever they live or work in Australia, on an equitable basis.
  - d. An independent body, not subject to Ministerial direction, be required to conduct an audit at least every three years on the effectiveness of the Australian Government's 'plan of measures' in ensuring communications services meeting the standards are available to be purchased by all, and this audit be tabled in Parliament.
- 3.1.2: The new framework is to be in place on or before 30 June 2013.
- 3.1.3: The Australian Government implement suitable arrangements ensuring people in the Extended Zones are able to continue to access services on at least the same conditions applying under the Extended Zones Agreement from the time that Agreement ends until the implementation of the CSS.
- 3.1.4: The Australian Government provide a mechanism, simple for individuals and small

businesses to use, to address and resolve service inadequacy issues that may arise under the new framework. At a minimum, the mechanism provide that:

- a. If consumers have been unable to obtain access to services that meet the standards, then the prospective consumer should receive advice of services available. If no services are available, for the Minister to be informed.
- b. If individual instances of failure to access a service that meets the standards are found and not resolved, then a report detailing those instances is to be prepared and published annually and within the first quarter of the following year.
- c. If a consumer is refused access to a subsidy or other schemes that are part of the Australian Government's 'implementation plan' for the CSS, and the consumer disputes that decision, then that decision should be reviewable.

3.1.5: The Australian Government restructure the Telecommunications Industry Ombudsman (TIO) scheme to provide for the TIO to appropriately undertake the consumer complaint mechanism for the new framework.

3.1.6: The Australian Government provide adequate funding to ensure the outcomes of the recommendations in Part One are achieved.

3.1.7: The Australian Government, in the lead up to the introduction and implementation of the CSS:

- a. (i) obtain the necessary information on infrastructure needed to support services to be available under the CSS
- (ii) engage in a consultative process to develop the initial standards for the CSS as defined in recommendation 3.1.1(a)
- (iii) obtain information on the likely utilisation or demand for infrastructure, and
- (iv) obtain estimates of costs
- b. by 30 June 2013, take the necessary action for infrastructure improvements to occur in regional Australia to support the CSS with a holistic approach, and that any expenditure of funds is in accordance with the priorities and criteria set out in table 3.1.1, and
- c. ensures the process outlined in 3.1.7(a) begins within three months of the Government's response to this Report, or within three months from the date the NBN contract has been awarded, whichever is the earlier.

3.2.1: The Australian Government provide continuing support to the Committee to:

- a. enable it to effectively conduct its review processes
- b. consult the Government on the implementation of the Government's response to the Committee's previous report, and
- c. meet at least bi-annually with the Department and other agencies to ensure information requirements for the next review are achieved.

## APPENDIX 2

### SUMMARY OF RECOMMENDATIONS

WWDA Submission to the TELECOMMUNICATIONS UNIVERSAL SERVICE OBLIGATION (USO) REVIEW 2008

1. That there should be a new legal mechanism which ensures that Australian women with disabilities have equitable access to communication services irrespective of the technologies which are in use. This mechanism should be enshrined in law and its implementation effectively and stringently monitored.
2. That all carriers/CSPs contribute by levy to an expanded USO which has expanded functions to apply across all communication networks.
3. That the definition of basic phone services be expanded to include fixed line terrestrial services, broadband services (which enable the full range of Communications over Internet Protocol services [Voice over IP, Text over IP and Video over IP]), wireless and mobile services.
4. That, as a minimum, the USO deliver broadband speeds which are sufficient in each direction to enable VideoIP communication for the Deaf and hearing impaired.
5. That a free Directory Assistance be expanded to include all networks, with its development and operation funded from an expanded USO levy; and that a free operator-assisted Directory Assistance service be retained for eligible women with disabilities.
6. That in the long term Priority Assistance be linked to optic fibre/broadband services for eligible women with disabilities.
7. That the service standards need to include the Customer Service Guarantee, operator assisted services, pre-selection capability, free emergency services access, directory assistance services, itemised billing, number portability, and access to an independent Disability Equipment Programme for eligible women with disabilities. In addition, they need to include minimum data speeds in both directions, and need to be applied across all networks, and include a component to enable upgrade of technologies.
8. That a charging system be developed whereby a 'local call' equivalent is put in place for Communications over Internet Protocol, and that in particular a Video IP equivalent be developed for eligible women with disabilities.
9. That an independent, upgraded Disability Equipment Programme be developed.
10. That the continuing importance of payphones be recognised, and that the USO fund be used to subsidise their installation and maintenance.
11. That applications for accessible payphones should be positively considered for areas where there are congregations of women with disabilities, e.g. in institutions and group homes; and that all payphone providers should be subject to the same licence, Standard Marketing Plan and Customer Service Guarantee conditions.
12. That the expanded USO fund be used to provide incentive to enable competing carriers/Carriage Service Providers to tender for supply of basic phone services to remote Indigenous communities. The type of phone service to be supplied should be decided in collaboration with the local community prior to drawing up tenders.
13. That the universal service should be a set of minimum standards related to the service delivered, including services for payphones, and apply to terrestrial, broadband, wireless and mobile networks, and to all carriers/Carriage Service Providers. The term 'Service' should include end-user assistive equipment needed by women with disabilities. The Universal Service Regime needs to be a

benchmark set by ACMA for all carriers/Carriage Service Providers.

14. That the USO fund should be built up by requiring all carriers/Carriage Service Providers to pay an (annual) levy. The total amount needed should be pre-set, and individual carriers'/Carriage Service Providers' level of contribution determined from their audited annual incomes.
15. That, as a result of this Review, and a requirement under a new USO, carriers/ Carriages Service Providers should provide information about their contribution to, and engagement in USO-type activity, should be made widely available to consumers, including in accessible formats.