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Statutory Rules 1998 No. ¹ *h*

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Telecommunications (Equipment for the Disabled) Regulations 1998

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Telecommunications Act 1997*.

Dated **18 JUN 1998** 1998.

WILLIAM DEANE
 Governor-General

By His Excellency's Command,

RICHARD ALSTON
 Minister for Communications, the Information Economy
 and the Arts

PART 1—PRELIMINARY

Name of Regulations

1. These Regulations are the *Telecommunications (Equipment for the Disabled) Regulations 1998*.

Commencement

2. These Regulations commence on gazettal.

Definitions

3. In these Regulations:

Act means the *Telecommunications Act 1997*.

disability has the same meaning as in the *Disability Discrimination Act 1992*.

National Relay Service has the same meaning as in section 221A of the Act.

unjustifiable hardship has the same meaning as in the *Disability Discrimination Act 1992*.

Note Some expressions used in these Regulations are defined in the *Telecommunications Act 1997* (see s 7), including:

- customer equipment
- universal service provider.

PART 2—THE UNIVERSAL SERVICE OBLIGATION

Universal service regime

4. (1) Part 7 of the Act establishes a universal service regime for Australian telecommunications.

(2) Under subsection 149 (1) of the Act, the universal service obligation is the obligation:

- (a)** to ensure that standard telephone services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business; and
- (b)** to ensure that payphones are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business; and
- (c)** to ensure that prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.

(3) To the extent necessary to achieve this obligation, it is part of the universal service obligation:

- (a)** to supply standard telephone services to people in Australia on request; and
- (b)** to supply, install and maintain payphones in Australia; and
- (c)** to supply prescribed carriage services to people in Australia on request.

Supply of standard telephone services

5. Under subsection 142 (2) of the Act, a reference in Part 7 of the Act to the supply of a standard telephone service includes a reference to the supply, to a person with a disability, of:

- (a)** customer equipment of a kind specified in the regulations; and
- (b)** other goods of a kind specified in the regulations; and
- (c)** services of a kind specified in the regulations;

where the equipment, goods or services, as the case may be, are for use in connection with the standard telephone service.

PART 3—CUSTOMER EQUIPMENT

Purpose of Part 3

6. This Part specifies kinds of customer equipment for paragraph 142 (2) (a) of the Act.

Customer equipment—communication using the National Relay Service

7. (1) The National Relay Service is described in Part 7A of the Act as a service that:

- (a) provides persons who are deaf, or who have a hearing and/or speech impairment, with access to a standard telephone service on terms, and in circumstances, that are comparable to those on which other Australians have access to a standard telephone service; and
- (b) is provided by a person under a contract with the Commonwealth.

Note There have been previous versions of a National Relay Service conducted for similar purposes.

(2) For paragraph 142 (2) (a) of the Act, the following customer equipment, that allows a person with a disability to have access to the National Relay Service, to communicate in spite of the disability, is specified:

- (a) equipment which facilitates text to text communication through the telephone network (for example, a teletypewriter (TTY));
- (b) equipment which facilitates data transmission over the telecommunications network (for example, a modem);
- (c) equipment which facilitates the transmission of data over the telecommunications network and its transfer into braille (for example, a telebraille).

(3) However, the kinds of equipment are specified only for circumstances where it is possible to supply an item of the equipment without imposing unjustifiable hardship on the person that would otherwise be required to supply the item.

Other customer equipment

8. (1) For paragraph 142 (2) (a) of the Act, the following customer equipment, that allows a person with a disability to have access to a standard telephone service, to communicate effectively with a person without a disability, and in spite of the disability, is specified:

- (a) a standard rental telephone handset which includes one-touch dial memory, a lightweight handset and a built-in hearing aid coupler (for example, the touchfone 400);
- (b) a telephone which amplifies the incoming caller's voice to suit the listener (for example, the Touchfone 400 volume control);
- (c) a telephone which amplifies the speaker's voice, allowing the speaker to adjust the speech level to suit the listener (for example, the Touchfone 200 voice aid);
- (d) a handsfree telephone for a person who cannot hold a telephone handset (for example, the Access 35 Handsfree Telephone or the T200 Executive);
- (e) an ancillary telecommunications product which has adjustable volume, tone and pitch controls to assist the user to hear the telephone ringing (for example, an extension ringer or general purpose alarm);
- (f) an ancillary telecommunications product which is a visual alert that there is an incoming call (for example, a visual signal alert);
- (g) an ancillary telecommunications product which allows the connection of a second piece of equipment (for example, a visual signal alert) in parallel with the existing telephone (for example, a double adaptor);
- (h) an ancillary telecommunications product in which the telephone handset is cradled, providing handsfree operation (for example, a Holdaphone);
- (i) a telephone adapting device which allows a person with a cochlear implant to have access to the standard telephone service (for example, a TLP-102T, or a TRP-100T).

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(2) However, the kinds of equipment are specified only for circumstances where it is possible to supply an item of the equipment without imposing unjustifiable hardship on the person that would otherwise be required to supply the item.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 1998.

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25 June

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