



# Telstra appeals against discrimination finding

**T**elstra has discriminated against deaf Australians by failing to provide them with tele-typewriters as a substitute for the standard phone handset, according to a recent decision of the Human Rights and Equal Opportunity Commission (HREOC).

Telstra has indicated it will appeal the Commission's decision of 'unlawful discrimination' in the Federal Court.

The tele-typewriter (or TTY) is a device that converts keystrokes on a keyboard into tone signals which are transmitted by electromagnetic energy along standard telephone lines and converted into text by receiving TTY's.

In May 1993, Geoffrey Scott brought a complaint to the Commission claiming that Telecom had denied him access to the telecommunications system by not providing him with a TTY in the same way as it provides hearing subscribers with a standard telephone handset. When he requested a TTY, Telecom responded with an offer to install a light which would flash when the telephone rang.

'I know it needs to be answered, but they refuse to give me a means of answering the phone, like a hearing person,' Mr Scott told the Commission.

Later, Disabled People's International (DPI) lodged a representative complaint on behalf of all Australians who are deaf or have a total hearing loss, alleging that the lack of access to the telecommunications system was discriminatory.

Telstra argued that it was not part of its business or service to supply TTYs.

According to DPI, the cost to Telstra of installing enough TTYs for all deaf Australians would be equiva-

lent to just 0.0156 per cent of its annual domestic billings as long as some of the cost was recouped from the users.

But Telstra responded that it would suffer a 'significant financial loss if it was required to provide TTYs' to all deaf Australians which, it claimed was an 'unjustifiable hardship'. Considerable argument also ensued over what constituted Telstra's service - the provision of products or communication over the network.

President of HREOC, Sir Ronald Wilson argued that under the Telecommunications Act, Telstra's services are those which enable communication over the network to take place.

'...it is common ground that the respondent [Telstra] was not prepared to provide to persons with a profound hearing loss the service which I have found it was in the business of supplying, namely, access to a telecommunications service,' Sir Ronald wrote in his judgment.

'This is a real victory for deaf Australians who for a long time have been battling with Telecom to provide equal access to the phone network,' said Phil Harper, convenor of the Australian Association of the Deaf's Telecommunications Working Party.

Sir Ronald has not yet made any orders against Telstra. It is likely that the case will be fought over several months to come.

Behind the scenes, comments indicate concern that Telstra may have been unfairly put in the dock, in this case, rather than the federal government. It is stated clearly in the 1991 *Telecommunications Act* that the government would assume responsibility for the provision of special assistance and equipment for disabled people - not Telecom. □

## Reaching a multicultural TV audience

**C**an commercial television target culturally diverse groups in its programming and through its marketing strategies, and still reach a mass audience? This is one of the key questions to be discussed at an industry seminar hosted by the CLC and funded by a grant from the Government's Community Relations Agenda. The seminar, entitled *Commercial Television and the Multicultural Audience*, will be held at Sydney's Taronga Centre on 22 September 1995. The aim is to bring together professionals from the commercial networks, production and marketing with representatives from ethnic community groups and service organisations.

The Chair of the Australia Council's Community Cultural Development Board, Lex Marinos, will be the compere for the day. A key topic will be the business of television and opportunities in local and international program markets. There will be panel discussions on the way comedy and drama represent cultural diversity, community issues in news programs, community expectations and commercial marketing strategies. In the drama discussion, the successes and pitfalls of *Heartbreak High* will serve as a case study.

Ahead of the seminar, the CLC is consulting community representative organisations and key industry professionals. Attendance will be by invitation and will be free of charge. A discussion paper will be available to those interested in participating. □

If you are interested in contributing or participating in *Commercial Television and the Multicultural Audience*, please contact the CLC in Sydney on (02) 663 0551.