



blindness and low vision services

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**CUSCAL Limited, National Australia Bank Limited and  
rediATM network members applications for authorization -  
A91175-A91177**

**By Vision Australia**

**Submission to:** Australian Competition and Consumer  
Commission  
**Response Submitted by:** Brandon Ah Tong-Pereira

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# **1. About Vision Australia**

## **1.1 Background**

Vision Australia is the Nations premier provider of blindness and low vision services and was formed by combining the expertise of several organizations who shared in a common purpose. We are a living partnership that unites people who are blind, sighted and who have low vision. Our goal is that people who are blind or have low vision will be able to access and participate fully in every aspect of life they choose.

To help realize this goal, we provide early childhood, orientation and mobility, employment, information, recreation and independent living services, advocacy services and dog guide services. We also work collaboratively with Government, business and community groups, to help raise awareness, promote public education and to work towards eliminating barriers for our clients in the community.

Through our combined histories of providing a range of quality client focused services, Vision Australia is well placed to provide a considered voice on a range of public issues affecting people, who are blind, Deafblind, have low vision and have other difficulties accessing print.

## **1.2 Our Client Group**

There are currently about 300,000 people living in Australia who are blind or have low vision that cannot be corrected by the use of glasses or contact lenses or surgical remedies. With the aging of the Australian population, the World Health Organisation estimates that this number will double over the next two decades, as vision loss is, by and large, a disability that is age-related.

People who are blind or have low vision are an important section of the community. Governments and parliaments must take their needs and perspectives into account when making laws and developing policy, and business and the community, have an obligation to be mindful of their human right to access all aspects of Australian life on an equal footing as their sighted peers.

Likewise, people who are Deafblind, and people who have a print disability, constitute important segments of Vision Australia's client group, and we are committed to providing high-quality services to them. People with dual sensory loss and people with other difficulties accessing print, have the same human rights as others in the community, and their needs and expectations of community life must be given the same degree of attention as other groups.

## **2. Introduction**

Automatic Teller Machines (ATMs) have become a common feature of banking in Australia over the past nearly 3 decades, fundamentally changing our idea of banking from more traditional person to person transactions to the independent electronic and digital age. Whilst ATMs have been a feature of our society for some time now, people who are blind or have significant low vision, have only shared in the convenience of fully accessible banking via the ATM system over the past few years with the uptake of audio enabled tactile machines. Although it has been almost a decade since the National Australia Bank (NAB) introduced Australia's first audio enabled ATM in Prahran in 2001, the majority of bank and financial institution ATMs remain inaccessible.

Accessible ATMs are ATMs that are equipped with both hardware and software that enable people who are blind or who have low vision to fully interface with the system independently. These ATMs have a headphone jack built into the ATM hardware that is connected to operating software that provide audio prompts and instructions to the user in real time. A user is able to utilise the complete suite of functions active on the ATM, using the voice prompt through the headphones as a guide, and the number pad as the input mechanism. These ATMs also host a range of tactile features, such as Braille numbering and symbols on the keypad, and other tactile features which indicate the card insertion point, the cash dispenser etc.

Unfortunately, despite this technology being almost 15 years old, the sporadic location of audio enabled ATMs across all major banks and their absence in some smaller bank and independent ATM operators has meant that people who are blind

or who have low vision have not been afforded the same level of banking convenience as their sighted peers. Consumers who require and wish to use the audio enabled features, have often had to travel greater distances to locate an accessible ATM, use a competitor accessible ATM which comes at an added cost, or limited their transactions to cash withdrawals via retailer EFTPOS systems.

The rediATM network currently does not have any of their almost 1400 ATMs audio enabled for use by people who are blind or who have low vision. Vision Australia has been advised by CUSCAL that the rediATM fleet is equipped with the necessary hardware, but that no machines have the software to engage the audio system. We have also been advised that a project to upgrade the software will not commence until at least the end of the next financial year in 2011.

In writing to the Australian Competition and Consumer Commission (ACCC), Vision Australia is concerned that the application for ACCC Authorisation under consideration submitted by CUSCAL, NAB and the rediATM members (the Applicants), contain features that will amount to increased disadvantage to consumers who are blind or who have low vision. We thank the ACCC for this opportunity to provide comment on this matter and hope that our comments are useful in assisting the ACCC determine an outcome that is fair and equitable to the Australian public and proactively mindful of the rights of people who are blind or who have low vision.

### **3. The Problem**

The application for Authorisation before the ACCC by the Applicants, seeks to allow the membership of NAB into CUSCAL's rediATM network. The key reason cited for this partnership is a mutually beneficial arrangement for both NAB and rediATM members, in that the joining of the over 1700 NAB ATMs and the almost 1400 rediATM ATMs, will increase the overall ATM footprint for the combined membership to around 11 percent of all ATMs in Australia. This arrangement, which includes no direct fees to member card holders, has been explained as a way of all parties substantially increasing ATM access for their customers. Item d) of the application,

also gives effect to CUSCAL determining the geographic deployment of member ATMs, for both current and future members, with the guiding principle being to increase geographic coverage for the network.

Vision Australia's key concern is the relative disadvantage for NAB customers who are blind or who have low vision and who require the use of audio enabled ATMs to do their banking independently, that will result from the CUSCAL/NAB/rediATM partnership. Whilst the partnership will clearly increase the convenience of direct charge free ATM banking for most NAB customers, this same convenience will not be afforded to users who require audio enabled ATM facilities.

It is also likely that customers who are blind or who have low vision will in fact sustain increased disadvantage from this arrangement under the proposed deployment policy. In our reading of this initiative, the rediATM network, which includes NAB ATMs, will be strategically deployed and if necessary, re-located so not to duplicate resources in the same geographic position. What this will mean, is that where there currently exists both an accessible NAB ATM and a rediATM, one of the machines will be relocated so not to overlap, and the re-located machine will be positioned where no other member ATM exists. In the case of this occurring where an inaccessible rediATM is re-deployed, the logic follows that that location will not then be populated with a NAB ATM which may provide accessibility to that location for NAB customers. Where the reverse scenario occurs, the outcome will be the removal of an accessible ATM from the original locale. So in short, the relative disadvantage for NAB audio enabled ATM customers, will not be enhanced by this arrangement, but quite possibly hindered through the practice of a geographic footprint deployment strategy.

#### **4. Discussion**

Traditional views about disability have held that disablement resides within an individual, that it is tied to the impairment itself, and that society is powerless to palliate this fact through external efforts. Such views hold that in a predominantly sighted society, the ailments of the few ought not to impinge on the convenience of

the many. However, this narrow view of disability, through years of advocacy, campaigning and practical example, is no longer a dominant feature of ideology framing the social fabric linking people and things together.

Disability, far from being a medical and physiological phenomena, has recently been more accurately portrayed as a social problem, where the disconnect between social inclusion and people who have a range of sensory and physical impairments, is a consequence of the social reception of impairment and the unwillingness to alter ingrained methods of process. We can illustrate this notion in the context of this submission, with the fact that despite accessible ATM technology being first commercially introduced in North America in 1997 and first introduced in Australia in 2001, the rediATM network excluding (NAB ATMs) currently does not have a single accessible ATM. Therefore, the notion that disability is something that resides in the person and is something that society should not be obligated to address, flatly turns a blind eye to the fact that business and the community often choose not to invest in accessible practices.

Vision Australia is therefore of the view that access and full participation to all aspects of community life, is an inalienable human right for all people, including those who are blind or have low vision. This view is echoed through state and federal legislation such as the Disability Discrimination Act 1992 (DDA), and more recently in the UN Convention on the Rights of Persons with Disabilities (CRPD), which was ratified by Australia in 2008. The DDA makes it unlawful to discriminate against people with disabilities in key areas of society, including access to premises, education, employment, the administration of Commonwealth laws and programs, and the provision of goods, services and facilities. And Article 9 of the CRPD, Accessibility, also states that:

“...To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including

information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas...

States Parties shall also take appropriate measures to:

- ...Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost....”<sup>1</sup>

As the ACCC has been established as an authority by the Commonwealth, and the DDA and the ratification of the CRPD are a reflection of the Federal government’s commitment to social inclusion and human rights principles, we are of the view, that the ACCC also has a responsibility to reflect these standards in their interpretation of the Trade Practices Act and their decision making processes.

Vision Australia therefore submits to the ACCC, that granting the Authorisation to the Applicants for the full 5 year term, without any further commitment to addressing the disparity created for NAB customers who are blind or who have low vision, and indeed the appalling continued absence of accessible policy from CUSCAL and the rediATM membership, would both be an endorsement of a policy of social exclusion for people who are blind or who have low vision, and could potentially leave the Applicants and the ACCC open to complaint under the DDA.

Vision Australia does not come to this position lightly, but as a response to continuing practices in the banking sector which hold people who are blind or who

have low vision as second class citizens. The most recent example is an amendment to the ATM Access Regime, which has forced ATM owners and operators to disclose the foreign direct charge on screen at the time of transaction. These changes which were effective as of March this year, have allowed banks, such as the ANZ, to continue operating ATMs that have audio enabled features which are unusable when accessed by a foreign card holder, and have not required banking institutions more generally to ensure that their ATM facilities are accessible. . Where the impetus for these changes are supposed to enhance competition and empower ATM users with the advantage of choosing a foreign ATM with the cheapest foreign direct charge, users who require audio enabled ATMs have therefore been locked out from the competitive market and indeed from participating in ATM banking more generally, in a manor comparable to their sighted peers. With this being the case, it would not be out of the realm of possibility, for the ACCC to investigate the implementation of the ATM Access Regime, as it applies to disclosure of foreign direct fees and ATM accessibility, on the grounds of consumer participation and fair trading practices.

It could be argued that the partnership in question will provide the opportunity for rediATM member card holders, who are blind or who have low vision, and who currently do not have access to accessible ATMs, access to audio enabled NAB ATMs without having to pay foreign direct charge fees. Vision Australia acknowledges this benefit afforded rediATM members, however, this fact does not mitigate or negate the relative disadvantage to NAB customers, nor does it address the continued inaction on the part of CUSCAL and rediATM members, to provide public services in a manor that does not discriminate between one section of the community from another.

Vision Australia would further submit to the ACCC, that the proposed partnership, may endow CUSCAL and the rediATM membership, with a further excuse not to address accessibility, as this arrangement would in fact result in the rediATM network absorbing some accessible ATMs from the NAB where it would otherwise not exist. This is to say, where accessibility has not been a priority thus far for CUSCAL/rediATM when they have had no accessible ATMs, why would it become a priority when they do have some accessible ATMs in their network?



Vision Australia is of the view, that where a claim of unjustifiable hardship has been argued on the part of the rediATM network members in relation to providing accessible ATMs, on the grounds of limited patronage, we believe that significant time has past since the introduction of accessible ATM technologies, and with the financial advantage inherent in the proposed partnership with the NAB, that this claim is negligible. The CRPD, clearly states that States Parties, should ensure that public goods and services should be accessible and that technologies should be developed to assist with accessibility, and it ought to be time for such rhetoric to translate into action. It should thus be reasonable for the ACCC to require that in assessing the Authority application, Applicants would need to provide a detailed plan for the development and upgrade of the rediATM network to accessibility standards, and for the plan to be actioned immediately.

## **5. Conclusion**

Vision Australia has argued in this submission, that the proposed partnership between CUSCAL Ltd, the National Australia Bank, and the rediATM Network and the subsequent business arrangements of this partnership under review by the Australian Competition and Consumer Commission, poses deepening disadvantage for people who are blind or who have low vision and a continuing culture of inaccessibility in the banking sector. We have called upon the ACCC to take a leadership position in the protection and promotion of human rights for people with disability, and have asked the ACCC to require better from the Applicants.

We sincerely thank the ACCC for the opportunity to provide comment on this matter and we welcome the opportunity to provide any further clarification should it be required.

Yours faithfully,

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<sup>1</sup> United Nations (2006), Convention on the Rights of Persons with Disabilities”, {ONLINE}, United Nations, <http://www.un.org/disabilities/default.asp?navid=12&pid=150>, accessed 25 February 2009.