



blindness and low vision services

18 December 2009

The General Manager
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Australian Competition and Consumer Commission
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Canberra, ACT 2601
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To whom it may concern

**Re: Draft Determination - CUSCAL Limited, National Australia Bank Limited and
rediATM network members' applications for authorization - A91175-A91177**

Vision Australia would like to thank the Deputy Chair and the ACCC for the opportunity to participate in the conversation with the ACCC and interested parties at the pre-determination conference (the conference) held on the 7th of December 2009. We believe that the dialogue achieved its objective of enabling parties to directly clarify their position in relation to competing views, and we applaud the openness and transparency of the ACCC's processes in conducting this consultation.

As a matter of good order, we wish to herewith summarise the recommendations put forward at the Conference by Vision Australia against the public interest provisions of the Draft-determination, and to further clarify measures that we believe the applicants ought to address in moving forward. We do so to help facilitate the Commission's final determination on this matter in achieving an optimum outcome for all consumers, including those who are blind or who have low vision.

Recommendation 1

That the ACCC grant Authorisation to the applicants subject to the condition that all rediATM teller machines be fully operational with audio enabled functionality by 30 June 2011.

It has been Vision Australia's primary concern throughout this process, that customers of the applicants who are blind or who have a significant vision impairment are not further disadvantaged by the proposed partnership. To ensure that customers who are blind or who have low vision enjoy the services in question, and that consumers who are blind or who have low vision more generally are able to fully participate in the market competition created, on an equal basis and in a manner comparable to others in the community, we believe that the ACCC has a duty to implement adequate safeguards that are fair, reasonable and work to negate any public detriment.

Our view is underpinned by the educated and experiential assertion that the proportion of individual customers who are customers of rediATM Network members and who are likely to use audio enabled facilities, is significantly less than that of the NAB as a direct result of the inaccessibility of rediATM services. And it is also our view that NAB customers who use audio enabled facilities in relation to their sighted peers, will be clearly disadvantaged in relative terms. Where users of NAB audio enabled facilities receive a zero benefit from the partnership, other NAB customers gain full access to almost 1400 additional ATMs.

CUSCAL's comments at the Conference and also as stated under section 4.87 of the Draft Determination declaring a project to commence rolling out audio enabled ATMs in early 2011, affirms that a project completion date by the close of the 2010/2011 financial year, is not an unreasonable condition of any Authorisation. This view is further energised by the applicants further stating under 4.87 of the Draft Determination, that the subject of this Authorisation will accelerate this roll out.

Vision Australia whilst welcoming the planned audio enabled roll out, is mindful of the fact that no rediATM tellers are currently audio enabled. We cite this fact is a tangible

indicator of the rediATM Network members' commitment to the prioritisation of accessibility to date. We are further cautious of the use of the term "commence" in the applicants' description of the roll out in 2011. As an organisation which has a significant annual budget and ambitious national business plan, Vision Australia is aware how unforeseen circumstances can result in lesser priority projects being relegated. We are thus of the view that more concrete provisions set out by the ACCC in the final determination, will assist the applicants to maintain a timely focus of their efforts to achieve their accessibility goals and a fair outcome for customers who are blind or who have low vision. We therefore recommend that the ACCC place a condition on any Authorisation should it be granted, that requires this roll out to be completed for all existing rediATM tellers by the end of the 2010/2011 financial year.

Recommendation 2

That the ACCC grant Authorisation to the applicants subject to the condition that no NAB teller machines be redeployed under a redeployment strategy resulting from the partnership.

Vision Australia has stated that people who are blind or who have low vision who are users of NAB audio enabled ATMs, should not be disadvantaged by the redeployment of NAB accessible ATMs in place of an inaccessible rediATM. We do not accept the view that creating inaccessibility by such a redeployment for some, is mitigated by the access afforded by others in the new deployment area. We strongly assert that an apparent commensurate calculation that fails to consider the negative effects of removing access for an individual who may not have the means to independently and confidently access such services in their absence, is a dubious and ultimately erroneous calculation.

Whilst it may be true that an individual who may gain a benefit from enhanced access to ATM facilities from a NAB ATM redeployment has a net advantage in their life, the question is whether this advantage is more than, equal to or less than, an individual who has had their access to ATM facilities taken away. We know through our experience in many areas of accessibility, that on balance, removing access results in those affected by loss being qualitatively more disadvantaged than those gaining advantage. To re-learn or re-arrange one's self in the wake of access being

removed , can result in significant anxiety and uncertainty for a prolonged period of time. In short, forced readjustment to loss is not commensurate to re-organisation to a potential gain.

It is however, vitally important for the ACCC and the applicants, to realise that such calculations inherently highlight the inequity of non universal approaches to accessibility in the provision of goods and services in the community, the very nature of which defines the social-environmental perspective of disability itself. We thus wish to stress to the ACCC in the most fervent of terms, that it should not be the burden of Vision Australia, Blind Citizens Australia, or anyone else, to be forced to advocate for the potential disadvantage of an individual or group of people, because business fails to meet their obligations as an equitable provider of goods or services in twenty first century Australia. The answer to such questions ought to be, what should be done to ensure universal access of services, rather than pitting levels of advantage and disadvantage against each other.

Vision Australia therefore submits to the ACCC, that should an Authorisation be granted, that it be subject to NAB ATMs not being redeployed as a result of the proposed redeployment strategy. This is to say that where ATMs are relocated as a result of NAB's own internal processes, Vision Australia does not have a view on such business operations. It is where redeployment results from the application in question, which identifies NAB and rediATM tellers, as individual assets in a broader geographic deployment strategy, that Vision Australia comments with concern for consumers who are blind or who have low vision. Of course, this recommendation would have a built-in sun set clause, being lifted once all rediATM tellers have been audio enabled or upon the realisation of recommendation 1.

In addition to the above two principle recommendations, Vision Australia also submits the following recommendations to be included in the ACCC's final decision.

Recommendation 3

That should Authorisation be granted, CUSCAL and rediATM Network members actively promote the availability of NAB audio enabled teller services

directly to their customers and via blindness and low vision communication channels.

Vision Australia in making provision for the possibility of Authorisation being granted beyond the current temporary standing, wishes to make note of measures that ought to be employed by the applicants CUSCAL and rediATM Network members, to maximise the potential benefit to people who are blind or who have low vision from the proposed partnership. Whilst we believe as stated above, that relatively small numbers of people who are blind or who have low vision are customers of rediATM Network members in relation to that of the NAB, we do however contend that potential users of audio enabled facilities from this customer base, should be informed of the availability of such services from NAB ATMs.

CUSCAL and rediATM Network members can do this by direct mail outs to customers and via their websites, and through other marketing channels such as in store marketing or on radio. However, as Vision Australia is also aware that providing information to customers and the general public in formats that are accessible to people who are blind or who have low vision, is also a major problem, we would also recommend that the applicants also utilise blind and low vision community specific channels. Such communication networks include the Vision Australia Client Update Newsletter, Vision Australia Radio, and the Blind Citizens Australia email list, to name but a few.

Recommendation 4

That should Authorisation be granted and the provisions of recommendation 1 also met, that the applicants actively promote the existence of audio enabled facilities across the combined ATM network, directly with their customers and via blindness and low vision communication channels.

In addition to our comments under recommendation 3, we also contend that the same communication provisions be extended to the entire network should rediATM tellers be enhanced with audio enabled features in the future.

In summary, Vision Australia has made a case against the public interest provisions of the ACCC's Draft-determination under application by CUSCAL, NAB and rediATM Network members. We have asked the Commission to take a broader view of the public interest perspective in remembering that people who are blind and who have low vision are also consumers in the market with rights. We have advocated that people who are blind or who have low vision as a minority group in accessing ATM services, should not automatically be disregarded based on the limited number of persons affected, providing a view that upholds human rights principles in the provision of goods and services. We have done this by placing accessible ATM services squarely in the 'can do basket' for the applicants and calling upon the ACCC to require a reasonable level of commitment from the applicants in their final determination.

Vision Australia would like to again thank the ACCC for their diligent work in consulting with interested parties on this matter and we look forward to the Commission's final determination.

Yours faithfully,

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