



## SUMMARY REPORT

# THANKS A BUNDLE

Improving support and access  
to online telecommunications  
products for consumers with  
cognitive disabilities

Yvette Maker, Jeannie Marie Paterson, Bernadette McSherry, Lisa Brophy,  
Anna Arstein-Kerslake, Alex Callahan and Eugene Teo



Thanks a bundle: Improving support and access to online telecommunications products for consumers with cognitive disabilities, Summary Report.

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# THANKS A BUNDLE

*Improving support and access to  
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# 1. Introduction

Access to computers, mobile phones, home phones, tablets and internet services is increasingly important for Australians to keep in touch with friends, family and colleagues, access services and organise activities.<sup>1</sup> However, people with cognitive disabilities, who may have difficulties with learning, memory, concentration and/or decision-making, must deal with a range of barriers to accessing telecommunications services. There are many different types of products available. They may be bundled in many different combinations and the pricing arrangements are complex. Requirements in the Telecommunications Consumer Protections Code ('the Telecommunications Code') go part of the way to ensuring that consumers are provided with the information they need to make decisions.<sup>2</sup> But these requirements do not generally go far enough to ensure people with cognitive disabilities have sufficient information or support to access telecommunications products on an equal basis with others.

One issue is that telecommunications suppliers' information and communications are not tailored to the requirements of people with cognitive disabilities.<sup>3</sup> Although many consumers will use the internet to look for the products they want or need, important information about these products, the contracting process and contractual rights and obligations is not provided online in easy-to-understand formats. Little online support is available. This has serious implications for the exercise of the consumer rights and, more fundamentally, the human rights of people with cognitive disabilities to make their own decisions.

This summary report presents an abridged version of the results of a 2018 study conducted by an interdisciplinary research team, which was supported by the Melbourne Social Equity Institute.

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1 Yvette Maker, Bernadette McSherry, Lisa Brophy, Jeannie Marie Paterson and Anna Arstein-Kerslake, 'Supporting People with Decision-Making Impairments: Choice, Control and Consumer Transactions' (2017) 24 *Journal of Law and Medicine* 756-762, 758; Paul Jaeger, 'Telecommunications Policy and Individuals with Disabilities: Issues of Accessibility and Social Inclusion in the Policy and Research Agenda' (2006) 30 *Telecommunications Policy* 112-124, 113.

2 Communications Alliance, *Telecommunications Consumer Protections Code*, C628: 2015 (incorporating Variation No 1/2018), July 2018 ('TCP Code').

3 The terms 'people with cognitive disabilities' and 'consumers with cognitive disabilities' are used in this paper to refer to persons with a range of impairments and/or diagnoses who may experience (or be perceived to experience) difficulties regarding the ability to learn, concentrate on, process, remember, or communicate information; awareness; and/or decision-making.



The study aimed to:

- increase awareness among telecommunications suppliers of their legal obligations in relation to consumers with cognitive disabilities, as well as the corporate, social and economic benefits of making services more accessible and available to them;
- assess the extent to which telecommunications suppliers' online information about choosing a product and getting help or assistance complies with the Telecommunications Code requirements about disclosure and clarity and human rights requirements in relation to accessibility and the exercise of legal capacity by consumers with cognitive disabilities; and
- support good outcomes for consumers by developing, in consultation with People with Disability Australia and the Victorian Mental Illness Awareness Council ('VMIAC'), practical guidance for telecommunications suppliers to provide accessible information for consumers with cognitive disabilities about selecting a phone, tablet or internet service, managing the cost, and what to do when problems arise.

## 2. Suppliers' obligations to consumers with cognitive disabilities

### 2.1 Consumer protection

Protection for telecommunications consumers is provided through the telecommunications-specific provisions in the Telecommunications Code and the general consumer protections in the Australian Consumer Law.<sup>4</sup> The Australian Consumer Law contains provisions that aim to set a base standard of fairness in the content of contracts and the quality of goods and services provided and allows contracts to be set aside where they are procured by misleading, unconscionable or coercive conduct.<sup>5</sup> However, this regime operates to offer remedies after things have gone wrong. For consumers with cognitive disabilities, the law is based on setting aside contracts that are obtained with 'impaired' consent.<sup>6</sup>

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4 *Competition and Consumer Act 2010* (Cth) sch 2 ('Australian Consumer Law').

5 *Australian Consumer Law* pts 2-1, 2-2, 2-3, 3-1, 3-2.

6 See Yvette Maker, Jeannie Marie Paterson, Anna Arstein-Kerslake, Bernadette McSherry and Lisa Brophy, 'From Safety Nets to Support Networks: Beyond "Vulnerability" in Protection for Consumers with Cognitive Disabilities' (2018) 41(3) *UNSW Law Journal* 818-45.

The Telecommunications Code requires suppliers to give consumers critical information about the contract terms that govern the products they are interested in purchasing in a clear manner. Telecommunications suppliers must:

- communicate with consumers in ‘plain language’;
- ensure that any information provided to consumers is ‘clear, accurate, free of material omissions, relevant, current and... timely’; and
- ensure sales staff are trained to promote products in ‘a fair and accurate manner to assist consumers in making informed purchasing decisions’.<sup>7</sup>

The clarity of information on websites is specifically addressed by the Telecommunications Code. A supplier:

- must ensure that ‘consumers can view and download all relevant terms and conditions of its Telecommunications Products from a website’;<sup>8</sup> and
- should ‘have regard to its web content complying with the Web Content Accessibility Guidelines’ (‘the Web Guidelines’).<sup>9</sup> The Web Guidelines provide a standard for ensuring web accessibility for people with disabilities and include requirements that text be ‘content readable and understandable’ and that webpages ‘appear and operate in predictable ways’.<sup>10</sup>

The Telecommunications Code contains rules designed to support consumers who have what it describes as ‘different’ or ‘special’ needs. It requires suppliers to communicate ‘in a way that is appropriate to the Consumer’s communication needs including those with special needs’.<sup>11</sup> The types of ‘special needs’ that suppliers should be aware of are not defined in the Telecommunications Code, and no detail is given about how to address them.

The Telecommunications Code also obliges suppliers to provide consumers with a Critical Information Summary, which must include information about the minimum term for the product, pricing, dispute resolution and contact details for the Telecommunications Industry Ombudsman.<sup>12</sup> The Telecommunications Industry Ombudsman provides free-of-charge dispute resolution services to

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<sup>7</sup> *TCP Code* rr 3.1.1, 3.2.1, 4.3.

<sup>8</sup> *Ibid* r 3.2.3.

<sup>9</sup> Web Accessibility Initiative (WAI), *Web Content Accessibility Guidelines (WCAG) 2.1* (5 June 2018) World Wide Web Consortium (W3C) <<https://www.w3.org/TR/WCAG21/>> (‘*Web Content Accessibility Guidelines*’).

<sup>10</sup> *Ibid*.

<sup>11</sup> *TCP Code* r 3.2.2.

<sup>12</sup> *Ibid* r 4.1.1(a).

residential and small business consumers, including in relation to breaches of the Telecommunications Code.

There is no legal requirement in either the Telecommunications Code or the Australian Consumer Law for suppliers to take a more proactive stance towards the information and accessibility requirements of consumers with cognitive disabilities by, for instance, providing information and assistance to help people make decisions about products and services, or developing other means of facilitating equitable access to them.

## 2.2 Human rights

Australia has ratified the United Nations Convention on the Rights of Persons with Disabilities ('the Convention'). The Convention sets out several rights that are relevant to consumers with cognitive disabilities and these rights have implications for telecommunications suppliers. The most significant rights enshrined in the Convention are the right to accessibility and the right to equal recognition before the law; this includes the enjoyment of 'legal capacity' on an equal basis with others.<sup>13</sup>

Article 9 of the Convention requires 'appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to ... information and communications, including information and communications technologies and systems.' The Convention mainly creates obligations for states (governments). However, the Committee on the Rights of Persons with Disabilities ('the Committee'), which monitors the implementation of the Convention in Australia and other signatories,<sup>14</sup> has interpreted Article 9 of the Convention to also require private entities to ensure accessibility for people with disabilities.<sup>15</sup> Federal and State Australian discrimination laws also oblige suppliers to ensure that people with disabilities have access to goods and services on an equal basis with others.<sup>16</sup> On this basis, telecommunications suppliers are expected to ensure that their information, websites, technology and communications are accessible.

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<sup>13</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) ('CRPD') arts 9 and 12.

<sup>14</sup> CRPD art 34.

<sup>15</sup> Committee on the Rights of Persons with Disabilities, *Communication No 1/2010: Views Adopted by the Committee at its Ninth Session (15-19 April 2013)*, 9<sup>th</sup> sess, UN Doc CRP-D/C/9/D/2010 (21 June 2013); Yvette Maker, Anna Arstein-Kerslake, Bernadette McSherry, Jeannie Marie Paterson and Lisa Brophy, 'Ensuring Equality for Persons with Cognitive Disabilities in Consumer Contracting: An International Human Rights Perspective' (2018) 19(1) *Melbourne Journal of International Law* 178-199, 183.

<sup>16</sup> See, eg, *Disability Discrimination Act 1992* (Cth) s 24; *Equal Opportunity Act 2010* (Vic) ss 6 and 44.

People with cognitive disabilities face particular barriers when accessing information. According to the Committee, this can be remedied with the provision of information in easy-to-read, or ‘Easy English,’ formats (also called ‘Easy Read’ or ‘Accessible Written Information’).<sup>17</sup> This implies a greater obligation than the requirement in the Telecommunications Code to provide information in ‘plain language’.

Suppliers must also ensure that consumers who need support in making decisions have that support. Article 12 of the Convention sets out the right to equal recognition before the law. It states that people with disabilities ‘enjoy legal capacity on an equal basis with others in all aspects of life’.<sup>18</sup> Recognition of legal capacity means persons with disabilities can make their own decisions (including legal decisions) based on what they want and need, including consumer decisions such as entering a contract.<sup>19</sup> This does not mean that all people are expected to make decisions on their own. Article 12 requires ‘access by persons with disabilities to the support they may require in exercising their legal capacity’; this has been interpreted as requiring ‘supported decision-making’.<sup>20</sup> In a supported decision-making arrangement, a person chooses another person or people for support in making one decision, or a range of decisions. The role of supporters is to ensure that the will and preferences of those supported are expressed and respected, rather than substituting their own judgement.<sup>21</sup>

The right to equal recognition before the law has several implications for telecommunications suppliers. Suppliers should ensure that consumers have the option of being supported to exercise their legal capacity when contracting for a service. It will not generally be appropriate for suppliers to offer this support directly, because suppliers’ profit incentive can create a conflict of interest, and because a key principle of supported decision-making is that supported persons choose their own supporter(s), rather than having someone imposed on them.

Suppliers can nevertheless facilitate supported decision-making and the exercise of legal capacity through several means, including:

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17 Committee on the Rights of Persons with Disabilities, *General Comment No. 2 (2014) Article 9: Accessibility*, 11<sup>th</sup> sess, UN Doc CRPD/C/GC/2 (22 May 2014) para 7.

18 *CRPD* art 12(2).

19 Bernadette McSherry, ‘Legal Capacity under the Convention on the Rights of Persons with Disabilities’ (2012) 20(1) *Journal of Law and Medicine* 22-27, 24; Committee on the Rights of Persons with Disabilities, *General Comment No. 1 (2014) Article 12: Equal Recognition Before the Law*, 11<sup>th</sup> sess, UN Doc CRPD/C/GC/1 (19 May 2014) (*General Comment No. 1*), para 12.

20 *General Comment No. 1*, UN Doc CRPD/C/GC/1, para 16; *CRPD* art 12(3).

21 *General Comment No. 1*, UN Doc CRPD/C/GC/1, para 29; *CRPD* art 12(3)-(4); Maker et al, ‘Ensuring Equality for Persons with Cognitive Disabilities in Consumer Contracting’, above n 15, 186.



1. providing consumers with the information they need to make decisions and ensuring that information is accessible in terms of both where it is located and the form in which it is presented; and
2. recognising and facilitating existing supported decision-making arrangements by, for example, making provision for a third person to be involved in sales and follow-up conversations and processes, and/or to be listed on a consumer's account with the consumer's express permission.

### 3. Previous research

The Australian Consumer Law, the Telecommunications Code, and the Convention impose clear requirements on telecommunications suppliers to provide information in particular formats to respond to the needs of individual consumers, and to ensure that consumers with cognitive disabilities can access their services on an equal basis with others. Little previous research has looked specifically at the experiences, rights or needs of people with cognitive disabilities in the context of telecommunications products and services. However, some studies have suggested that there are fundamental problems with current approaches to providing information and accessibility for some or all consumers in other areas.

#### 3.1 Consumer problems and barriers to access

Researchers have identified significant limits on the usefulness of information disclosure for empowering and protecting consumers in general. For example, consumers may not read material provided to them because they do not have the time or the skills to do so.<sup>22</sup> In addition, disclosure may not be effective for better decision-making where consumers have low levels of literacy and therefore cannot meaningfully extract information from disclosure documents, even if they are written in relatively clear language.<sup>23</sup> Studies in behavioural economics further suggest that consumers are not good at processing large amounts of information and tend to focus on a few key

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<sup>22</sup> *Baltic Shipping Co v Dillon* (1991) 22 NSWLR 1, 25 (Kirby P).

<sup>23</sup> Programme for the International Assessment of Adult Competencies (PIAAC), *Survey of Adult Skills (PIAAC)* (2018) Organisation for Economic Co-operation and Development (OECD) <<http://www.oecd.org/skills/piaac/>>.

features,<sup>24</sup> such as price or brand, when making decisions. This suggests that merely providing more information to consumers is unlikely to improve their ability to select products suitable for their needs.

A few studies have highlighted some additional barriers to contracting for consumers with cognitive disabilities, including ‘problems’ with understanding forms, brochures and other types of information<sup>25</sup> and complex terms and conditions, a lack of confidence in dealing with large companies, difficulties communicating with suppliers, and inadequate support for decision-making.<sup>26</sup>

Research indicates that technology can constitute another barrier to accessing telecommunications services and their benefits because systems and processes are not generally designed with people with cognitive disabilities in mind.<sup>27</sup> This includes inaccessibility of computers, mobile phones and other devices, and websites and other online content.<sup>28</sup> Further research is needed to map the accessibility of current technology for people with cognitive disabilities and offer guidance for addressing problems.

## 3.2 Options for improvement

Some researchers have explored options for making consumer information and technology more useful and accessible to consumers. One regulatory response to the general problems of information overload and other barriers to consumers’ use of information about services and products has been to require the information to be provided in a form that is ‘transparent’. This requires, for instance, plain language or ‘readability’,<sup>29</sup> which is influenced by factors such as avoiding jargon, using short words where possible and resorting to the first

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24 Russell Korobkin, ‘Bounded Rationality, Standard Form Contracts, and Unconscionability’ (2003) 70 *University of Chicago Law Review* 1203-1295, 1226-1269.

25 Susan C Hayes and Fiona B Martin, ‘Consumers with an Intellectual Disability and Carers: Perceptions of Interactions with Banks’ (2007) 11(1) *Journal of Intellectual Disabilities* 9-22, 14-16.

26 Rachel Hale, Bernadette McSherry, Jeannie Paterson, Lisa Brophy and Anna Arstein-Kerslake, *Consumer Transactions: Equitable Support Models for Individuals with Decision-Making Impairments* (University of Melbourne, 2017) 58.

27 Dany Lussier-Desrochers, Claude L Normand, Alejandro Romero-Torres, Yves Lachapelle, Valérie Godin-Tremblay, Marie-Ève Dupont, Jeannie Roux, Laurence Pépin-Beauchesne and Pascale Bilodeau, ‘Bridging the digital divide for people with intellectual disability’ (2017) 11(1) *Cyberpsychology: Journal of Psychosocial Research on Cyberspace* 53-74.

28 See, eg, Linda Mechling, ‘Review of Twenty-First Century Portable Electronic Devices for Persons with Moderate Intellectual Disabilities and Autism Spectrum Disorders’ (2011) 46(4) *Education and Training in Autism and Developmental Disabilities* 479-498, 480; Peter David Blanck, *eQuality: The Struggle for Web Accessibility by Persons with Cognitive Disabilities* (Cambridge University Press, 2014) 26.

29 See, eg, Jeffrey Davis, ‘Protecting Consumers from Overdisclosure and Gobbledygook: An Empirical Look at the Simplification of Consumer-Credit Contracts’ (1977) 63(6) *Virginia Law Report* 841-920, 846-56.

and second person ('I' and 'You') when referring to the parties instead of the third person. The use of Easy English principles for improving the accessibility of written information for people with cognitive disabilities has been supported by the Committee on the Rights of Persons with Disabilities and Disabled People's Organisations, including People with Disability Australia, Australian Federation of Disability Organisations and Disability Advocacy Network Australia.<sup>30</sup> Disability service providers, self-advocacy groups, researchers, and other bodies have published guidelines for developing Easy English materials.<sup>31</sup> These guides recommend a straightforward style of writing that uses short sentences and simple and clear language, and avoids jargon. They also recommend the use of photographs or other images to accompany and help explain text. The guides further propose several formatting features, such as having plenty of blank space, using sans serif fonts (such as Arial or Verdana) and using high-contrast colours (such as black text on a white background).

Research on the usefulness of Easy English for people with cognitive disabilities is limited, with several studies noting that it is unclear whether most Easy English guides are informed by research.<sup>32</sup> Some researchers have called for further work to improve the evidence base for Easy English, although Anderson and her colleagues did conclude that existing research supported 'material written in short clear sentences with information broken into smaller chunks' as having a positive impact on understanding for people with intellectual disability.<sup>33</sup>

Research has also pointed to the value of the Web Guidelines to inform improvements to the accessibility of online information.<sup>34</sup> For instance, guidelines 2.2 and 2.4 require users be given ample time to use and navigate a webpage; guideline 3.1 requires web content to be 'readable and understandable'; and guideline 3.2 requires that '[w]eb pages appear and operate in predictable ways.'<sup>35</sup>

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30 Disability Rights Now, *Civil Society Report to the United Nations Committee on the Rights of Persons with Disabilities: Compiled by Disability Representative, Advocacy, Legal and Human Rights Organisations* (August 2012) 146.

31 Julie Anderson, Keith McVilly, Stella Koritsas, Hilary Johnson, Michele Wiese, Roger Stancliffe, K Lyon, Naomi Rezzani and J Ozge, *Accessible Written Information Resources for Adults with Intellectual Disability: Good Practice Summary* (2017) Research to Action Guide, NDS Centre for Applied Disability Research; Scope Communication Resource Centre, *Easy English Writing Style Guide* (November 2007).

32 Rebekah Joy Sutherland and Tom Isherwood, 'The Evidence for Easy-Read for People with Intellectual Disabilities: A Systematic Literature Review' (2016) 13(4) *Journal of Policy and Practice in Intellectual Disabilities* 297-310, 297; Julie Anderson, Keith McVilly, Stella Koritsas, Hilary Johnson, Michele Wiese, Roger Stancliffe, K Lyon, Naomi Rezzani and J Ozge, *Accessible Written Information Resources for Adults with Intellectual Disability: A Rapid Review of the Literature* (2017) Research to Action Guide, NDS Centre for Applied Disability Research 3.

33 Anderson et al, *Accessible Written Information Resources for Adults with Intellectual Disability: Good Practice Summary*, above n 31, 11.

34 Peter David Blanck, *eQuality: The Struggle for Web Accessibility by Persons with Cognitive Disabilities* (Cambridge University Press, 2014) 166.

35 *Web Content Accessibility Guidelines*, above n 9.

Finally, a recent pilot study conducted by our research team suggested that improving access to support for decision-making is important for some consumers with cognitive disabilities. That study entailed interviews with nine people who self-identified as ‘experiencing challenges with their cognition or mental health’, as well as consumer lawyers and advocates and representatives from the insurance and banking sectors.<sup>36</sup> The research indicated that consumers (and other stakeholders) saw a need for better support for decision-making, including support to interpret information, weigh up options, make decisions and communicate with suppliers, for instance where consumers did not feel confident to do so.<sup>37</sup>

## 4. Analysis of providers’ websites

In May 2018, the research team assessed the extent to which nine telecommunications suppliers’ online information and sales materials about mobile, tablet, home phone and internet services met the requirements of consumers with cognitive disabilities. The purpose of the analysis was to survey the general state of play in the industry (not ‘name and shame’ suppliers) and develop detailed, practical recommendations for suppliers to make their information more accessible for consumers with cognitive disabilities. The team focused on five service types: postpaid mobile, prepaid mobile, postpaid tablet, home internet and home phone. The websites of Telstra, Optus and Vodafone were analysed for each type of service, alongside two smaller suppliers, the selection of which differed for each service type. The other suppliers were Amaysim, Boost, Dodo, iiNet, Kogan and TPG.

For each website, the researchers mimicked the process of browsing and selecting a service from the perspective of a consumer who has no previous experience of purchasing that type of service. The assessment was guided by the requirements in the Telecommunications Code, the Convention, the Web Guidelines, and insights from the existing research literature on accessibility and support measures for consumers with cognitive disabilities.

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<sup>36</sup> Maker et al, ‘Ensuring Equality for Persons with Cognitive Disabilities in Consumer Contracting’, above n 15, 14.

<sup>37</sup> Yvette Maker, Bernadette McSherry, Lisa Brophy, Jeannie Marie Paterson and Anna Arstein-Kerslake, ‘Supporting People with Decision-Making Impairments: Choice, Control and Consumer Transactions’ (2017) 24 *Journal of Law and Medicine* 756-762, 760.

## 4.1 Positive features of existing websites

Some suppliers' websites had several positive measures already in place. These elements are likely to facilitate access to information and the contracting process for consumers with cognitive disabilities and signify a level of compliance with the Telecommunications Code and other accessibility requirements. Positive features found on one or more websites included:

- Webpages that are easy-to-navigate, meaning:
  - Links are clearly marked and lead to logical places; and
  - The consumer does not need to click or scroll across or down too many times to find information.
- Webpages that are designed for clarity and readability, meaning:
  - There is lots of white/empty space, and limited information per page;
  - Text is presented in high contrast for better readability;
  - Key information is easy to find, because it is presented in large, bold, high contrast fonts; and
  - Information is presented in short sentences, with one idea per sentence.
- Low-cost plans that are easy to find and access.
- Key information (such as total cost, included data, SMS and calls and/or download speeds) that is easy to compare through tables.
- Provision of a short summary of different options, without jargon. This summary does not necessarily replace more detailed information but can be a useful complement to it.
- Availability of live chat for asking pre-purchase questions in real-time or getting other assistance with the browsing and selection process.
- Clear listing of relevant contact number(s) for further information or assistance prior to finalising a purchase.



## 4.2 Website features in need of improvement

The website analysis also identified many elements of suppliers' online information and sales materials that are unclear, overly complex, or otherwise unlikely to be accessible for consumers with cognitive disabilities. Issues that were common to all service types included:

- Websites that are difficult to navigate because:
  - The consumer must scroll across and down the page many times to find information;
  - The consumer must read a lot of information to find what they are looking for;
  - Links are in low-contrast colours (such as grey-on-grey or grey-on-white); and
  - Link titles are unclear, and multiple clicks are required to get to information.
- Important information that is hard to find. For example, it is unclear, hidden at the bottom of the page, or on a separate page. This often includes mandated information like the link to the Critical Information Summary.
- Live chat that is the only easily accessible option for getting assistance. Live chat that requires consumers to type questions and read answers will not be accessible to all consumers.
- Live chat or 'contact us' pages that are cluttered, difficult to navigate, or do not clearly state contact details.

The online information and sales material specifically relating to mobile and tablet services had some additional limitations that should be avoided. This included situations where:

- It is difficult to find low cost options – for example, the low-cost plan is hidden from view unless the consumer scrolls all the way to the left of the screen.
- It is difficult to compare plans and handsets/tablets. For example, there are multiple options but there is no way to limit the information to the plans the consumer wants to compare.
- It is difficult to be sure of the total monthly price until all selections have been made.

- Price is presented in an inconsistent or unclear manner.
- Low-price handsets are listed as sold-out or are otherwise unavailable.
- Phone specifications are presented in very small print.
- Information is not presented in a way that allows easy comparison of products on multiple relevant features (such as price, handset, included calls and data, excess usage fees, credit expiry periods).
- Phone and plan specifications use technical terms or jargon. For example, '4GX', 'SIM-only', and technical details about screen resolution and camera quality.
- Consumers are presented with an unhelpful amount of information (for example, on one webpage, 1,000 products were presented after the consumer selected 'phones').
- Images are used that are not related to, and do not explain, the text.

Some issues only arose in relation to home internet and home phone service offerings. These included:

- Inconsistent presentation of whether a home broadband plan is bundled with home phone connectivity.
- Home phone handsets that are only available to view instore and not online.
- Technical terms such as 'ADSL2+', 'NBN', 'data' or 'modem' that are not explained.
- Information that is not presented in a way that allows easy comparison of products on multiple relevant features (such as contract term lengths, administrative fees and internet speeds).

## 5. Recommendations for suppliers

Based on the above analysis, the research team developed a set of twelve recommendations to telecommunications providers for improving their online information and sales materials for consumers with cognitive disabilities. The recommendations were formulated in consultation with a representative from People with Disability Australia, an organisation of and for people with disabilities, and a representative from VMIAC, an organisation of and for mental health consumers.

### 1. Include people with disabilities in website and information design processes

Any changes to improve accessibility for consumers with cognitive disabilities must include people with cognitive disabilities, and their representative organisations, in every stage of planning, development, implementation and testing.

### 2. Implement organisation-wide changes

Changes to online information and sales material will only be effective if they are part of a wider culture of accessibility and inclusion of consumers with cognitive disabilities. Suppliers should develop and implement a Disability Action Plan, provide disability and mental health training to staff, and assign responsibility for ensuring accessibility to senior staff.

### 3. Make webpages clear and easy to read

Keep sentences short, use lots of white space, limit the amount of information per page, and consider the size and colour contrast of text.

### 4. Make webpages easy to navigate

Make sure it is easy to find and follow links, that link titles reflect destination material and lead to logical places, and that it is not necessary for consumers to scroll too much to find information.

### 5. Make sure low-cost plans and handsets are easy to find and access

Make sure it is easy to find and select low-cost plans and handsets online, and that low-cost options are generally available and in stock.

### 6. Make important product and service information easy to find

Important information like total price and extra charges should be easy to find, and price should be presented in a consistent and clear manner. Where the purchase involves multiple charges, each cost should be itemised and the overall cost should be presented in clear, large font.

**7. Make it easy to compare options based on important product or service features**

Give consumers the option to view one or more choices side-by-side. This makes it easy to compare options based on important features.

**8. Avoid jargon where possible, or explain the meaning of complex terms**

Define terms that consumers must understand when selecting a product or service. Do not assume that everyone will understand common but technical terms like 'gigabyte' or 'SIM card'. Present information in straightforward language and refer to common, relatable concepts. Consider using graphics or images to enhance understanding.

**9. Provide information in plain language and/or Easy English formats**

Offer plain language or Easy English versions of all important information including online sales information and information about getting assistance. Different consumers will have different information needs and preferences; consider offering multiple options including video and audio.

**10. Emphasise images and storytelling**

Images can be a powerful way to communicate information. They may be the only accessible form of information for some people. Formats like cartoons and comics can tell a clear, short story, provided they are not patronising.

**11. Be creative and give people options**

Be creative when thinking of different formats for presenting information. For example, information could be on a poster, in flowcharts, part of a 'guided' online tour, or in a captioned video. Give consumers the option to choose how they want to receive information. This might include offering multiple versions of the website.

**12. Ensure multiple forms of assistance are available for asking questions or getting help**

Companies should offer live chat, telephone numbers and email for people to get in touch. These should be easy to find and read, and it should be easy to identify the right contact point for a particular query or problem. There should also be the option to ask questions face-to-face.

## 6. Toolkit for suppliers

To facilitate the implementation of the recommendations, and in consultation with People with Disability Australia and VMIAC, the research team created a toolkit of materials to assist providers to provide written consumer information in Easy English. As outlined above, this format is likely to be accessible for people with cognitive disabilities, as well as other consumers who prefer or require clear communication. The factsheets were formatted into Easy English and tested with four people with intellectual disability by the Intellectual Disability Rights Service in New South Wales.

The toolkit consists of four ‘things you need to know’ factsheet templates that address the key issues and questions that consumers might have when they are:

1. shopping for a service;
2. paying for a service;
3. experiencing financial hardship; or
4. having a problem with their device or service.

If suppliers adapt these factsheets with their own contact information and offerings, consumers with cognitive disabilities can be better supported to select and use the services that meet their needs and preferences, either by themselves or with the support of a trusted person.



## 7. Conclusion

Telecommunications suppliers can do much to improve the accessibility of their online information and sales materials for mobile, tablet, broadband and home phone services for consumers with cognitive disabilities. Our analysis demonstrated that most websites had many shortcomings. The twelve recommendations draw on this analysis, as well as past research and the expert advice of several representative organisations of people with cognitive disabilities, to provide clear guidance for improving suppliers' websites. The attached toolkit for suppliers provides four Easy English templates to assist suppliers to develop accessible materials for a diverse range of consumers with cognitive disabilities.

Improving website information and sales material and making it easier for consumers to get assistance can contribute to ensuring the consumer rights and human rights of people with cognitive disabilities are respected when they are making decisions about telecommunications products and services. It may also have a range of benefits for suppliers. It can assist with meaningful compliance with the Australian Consumer Law and the Telecommunications Code in terms of the provision of 'plain language' information and communication with consumers generally, and consumers with disabilities in particular. More broadly, it is likely to make suppliers' products and services available to the hundreds of thousands of Australians with cognitive disabilities, and to the many other consumers who currently find online information and sales materials complex, unhelpful, and difficult to navigate.

Changes to the Telecommunications Code, and perhaps other forms of regulation, are also necessary to ensure that suppliers can – and are clearly obliged to – maximise accessibility for consumers with cognitive disabilities. The analysis also indicates that further research is required to develop the evidence base and ensure that accessibility measures address the diverse requirements and experiences of consumers with cognitive disabilities. For example, projects could assist self-advocacy groups, family members and other informal supporters, disability and mental health service providers, lawyers, consumer advocates and financial counsellors to develop their capacity to facilitate and enact supported decision-making in consumer transactions. Such projects could help to ensure that people with cognitive disabilities have access to support to make decisions about phone and internet services. More detailed, systematic analyses of the accessibility of mobile handsets, tablets and other telecommunications technology are also needed to ensure that suppliers can recommend suitable products based on consumers' stated wants and needs.











