

AUSTRALIAN
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INDUSTRY FORUM



INDUSTRY CODE
ACIF C625:2005

INFORMATION ON ACCESSIBILITY FEATURES FOR
TELEPHONE EQUIPMENT

Industry Code *Information on Accessibility Features for Telephone Equipment*

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EXPLANATORY STATEMENT

This is the Explanatory Statement for the ACIF C625:2005 Industry Code.

Background

In 2003, according to the Australian Bureau of Statistics (ABS), some 3.95 million people in Australia or 20 percent of the population, living in households or cared accommodation had a disability (ABS, 2003, Survey of Disability, Ageing and Carers). The survey also found that the likelihood of having a disability generally increased with age. In a recent report, the Productivity Committee predicted that one quarter of Australians will be aged 65 or over within the next 40 years. (Productivity Commission, Economic Implications of an Ageing Australia, November 2004). The impact of both Reports is the likelihood of a significant and growing number of Australians who will require features on their customer equipment to meet their communications needs.

Federal legislation makes some provision for telecommunications equipment to meet particular communications needs of Australians (see Current Regulatory Arrangements below). Under section 380 of the Telecommunications Act 1997 Cth (the Act), the Australian Communications and Media Authority (ACMA) may make a standard relating to features of customer equipment used in connection with a standard telephone service that are designed to cater for special needs of people with disabilities. A 'standard telephone service' (STS) is defined in the Telecommunications (Consumer Protection and Service Standards) Act 1999 Cth as a service for voice telephony or its equivalent that passes the 'any-to-any connectivity test'. (any to any connectivity is when an end user of the service is ordinarily able to communicate, by means of that service, with each other end user who is supplied with the same service for the same purpose, whether the end users are connected to the same telecommunications network.

The Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities—AS/ACIF S040) 2002 (the Standard), was developed by the Australian Communications Industry Forum (ACIF) and subsequently made by ACMA under the Act.

The Standard requires the inclusion of two specified features, a hearing aid coupling (not mobile handsets or cordless handsets that don't allow coupling) and a raised 'pip' on the key associated with the digit '5', on customer equipment that uses a telephone handset or keypad that is manufactured in, or imported into Australia, for use with the standard telephone service.

Following the making of the Standard, the then Australian Communications Authority – ACA (later merged with the Australian Broadcasting Authority to become the Australian Communications and Media Authority – ACMA) requested its advisory body, the Communications Technical Regulation Advisory Committee (CTRAC), to establish the Disability Standards Working Group (DSWG) to consider issues for inclusion in a new disability standard or for adoption as part of an industry guideline to enhance the accessibility of telecommunications services for people with a disability

The DSWG presented a paper to CTRAC in March 2003 that recommended the creation of a new standard under section 380 of the Act; an amendment of the existing Standard; or the making of a new standard to require the inclusion of specific additional features designed to aid people with disabilities to access telephone handsets. It was noted that the addition of any features should not be at the cost of broader consumer choice and that the costs to manufacturers would need to be considered prior to implementation.

The CTRAC did not endorse the recommendation of the DSWG to incorporate the proposed features into the Standard or a new disability standard. However, it did recommend that the features and principles identified by the DSWG paper be incorporated into an industry guideline that would apply to persons who manufacture or import customer equipment. It was also noted that there was inadequate information provided to consumers about the types of features available on existing equipment to enhance accessibility for people with a disability.

In October 2003, the ACA formally requested that ACIF develop both an industry code and an industry guideline to improve telecommunications access for people with particular communications needs. Specifically, the Code should require customer equipment importers and manufacturers to provide product information to carriage service providers (CSPs) on the 'functional characteristics of the equipment that would be beneficial' to people with special communications needs. The Code should also require CSPs to make available to their customers with special needs information about their equipment and services available to address those needs. Once developed, the Code should be 'submitted to the ACA' for registration.

ACIF agreed to the ACA request, but suggested that the requirements on CSPs to provide information to their customers be included in ACIF C521:2004 Customer Information on Prices, Terms and Conditions Industry Code. The requirements on customer equipment manufacturers and importers would be developed as a separate code.

ACIF convened a working committee to develop the following complementary documents to address the ACA's request relating to equipment manufacturers and importers:

- an industry Code requiring importers and manufacturers of customer equipment that use a telephone handset or keypad that is manufactured in, or imported to Australia, for use with the standard telephone service, to provide information about whether or not their equipment has certain features that could enhance accessibility for people with a disability; and
- an industry guideline outlining the types of features that would enhance the accessibility for consumers with a disability, to be considered during the future importation and manufacture of telephone handsets or keypads that are manufactured in, or imported to Australia, for use with the standard telephone service.

This Code and accompanying document ACIF G627:2005 *Operational Matrices for Reporting on Accessibility Features for Telephone Equipment* Industry Guideline form the first part of the two documents.

The objective of the Code is for equipment suppliers to provide information on the features of their equipment which may assist in meeting people's communications needs. This will be done in one of two ways:

- through the provision of such information by equipment suppliers to carriage service providers in order that carriage service providers will be able to inform their own customers about equipment features; and
- through the provision of such information to consumers, on request of that consumer, with such information on features of their customer equipment that might meet that individual's communications needs.

The Code requires equipment suppliers to provide information to CSPs on the features of their equipment that could meet a person's particular communications needs. The accompanying document, ACIF G627:2005 *Operational Matrices for Reporting on*

Accessibility Features for Telephone Equipment Industry Guideline lists equipment features against which equipment suppliers report. That document will be regularly updated to reflect the latest developments in equipment technology.

The Code does not apply to the provision by equipment suppliers of information on customer equipment to retail outlets not under the control of carriage service providers. Those retail outlets would be outside of the jurisdiction of the *Telecommunications Act 1997* and codes made under that Act. If consumers require information on equipment features, and that information is not available from retail outlets, they will be able to seek that information directly from the equipment supplier.

Current Regulatory Arrangements

The Telecommunications (Consumer Protection and Service Standards) Act 1999 (TCPSS Act) requires universal service providers (currently only Telstra) to ensure that all people in Australia have reasonable access, on an equitable basis to a STS. In supplying an STS, the universal service provider must, on request, supply equipment to people with a disability in order to enable access to the standard telephone service. The type of equipment that must be provided is specified in the Telecommunications (Equipment for the Disabled) Regulations 1998 (the Regulations). Telstra, as the Universal Service Provider, provides equipment to allow people with disabilities nationally to access a fixed line standard telephone service through its Disability Equipment Program. Because of the non-discriminatory obligations for the provision of equipment and services under the Disability Discrimination Act 1992, Telstra must provide that equipment to eligible Telstra customers for the same charge as standard, non-disability equipment. Some other carriage service providers provide disability equipment to eligible customers via a resale arrangement with Telstra Wholesale.

The AS/ACIF S040 (the Standard) discussed above requires the majority of non-mobile telephone handsets to include hearing aid coupling and the majority of telephone handsets to have a tactile indicator on the button associated with the '5' digit.

Why Current Regulatory Arrangements are inadequate

The obligation on Telstra, as universal service provider, is only to provide disability equipment listed under the Regulations, and only to Telstra 'eligible customers'. There is no requirement on the universal service provider to make information on 'accessibility features' available to its 'eligible customers' or more generally available. Nor is there any obligation on equipment manufacturers and importers to ensure that information on the 'accessibility features' of their equipment is generally available. Further, the Standard only covers two features on customer equipment that could assist people with a disability. As the list of 'accessible features' set out in the Operational Matrices suggests, there is a large range of equipment features that can assist people with particular communications needs.

How the Code Builds on and Enhances the Current Regulatory arrangements

The Code enhances the current regulatory arrangements by ensuring that customer equipment manufacturers and importers provide information about key features on handsets for use in connection with a STS to CSPs. This information is not currently required to be provided and its provision will enable CSPs to provide that information to consumers who can then make more effective choices about the products which best meet their needs. The Code also requires that equipment suppliers respond to all reasonable requests directly from consumers about features on their equipment. Because the Code will be registered by ACMA, ACMA will be able to enforce obligations on equipment manufacturers and importers with requirements for information provision. Under companion requirements in the registered Code, ACIF

C521:2005 Customer Information on Prices, Terms and Conditions Industry Code, the ACMA will also be able to enforce requirements on CSPs to ensure information on the 'accessibility features' they provide is given, on request, to their customers.

What the Code will Accomplish

The Code will provide useful information to CSPs to assist them in guiding consumers to choose the most appropriate telecommunications equipment to meet their specific needs. The Code will also ensure that consumers can approach equipment suppliers directly for information on equipment features that will meet that consumer's communications needs.

How the Objectives will be Achieved

The objectives of the Code will be achieved by ensuring all importers and manufacturers of relevant customer equipment are required to provide information about the features of products that may enhance accessibility for people with a disability and older people.

Customer equipment manufacturers and importers will be required to provide information to CSPs, indicating which features their handsets have. They will also be required to respond to direct requests from consumers about the features of their equipment that can meet an individual's particular communications needs.

Anticipated Benefits to Consumers

Consumers are anticipated to benefit from increased information about the features available on telecommunications equipment that may enhance their accessibility to telecommunications services.

Anticipated Benefits to Industry

The main benefit to industry from the implementation of the Code will be a more uniform and efficient approach to accessibility information. This will improve customer satisfaction and reduce costs.

Anticipated Cost to industry

There are costs associated with the establishment and maintenance of the support systems that will be needed to implement the Code. However, these costs can be expected to be outweighed by the benefits, which will be derived by the implementation of a standard industry approach.

Teresa Corbin
Chairman

CECRP/WC19 : Accessible Equipment Information Industry Code Working Committee

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1 INTRODUCTION AND REGISTRATION WITH ACMA

1.1 Introduction

- 1.1.1 Section 112 of the *Telecommunications Act 1997* sets out the intention of the Commonwealth Parliament that bodies and associations in the telecommunications industry develop industry codes relating to the telecommunications activities of those bodies.
- 1.1.2 The development of this Code has been facilitated by the Australian Communication Industry Forum (ACIF) through a Working Committee comprised of representatives from the telecommunications industry, Government regulatory agencies and consumer groups.
- 1.1.3 This Code should be read in the context of other relevant Standards, Codes and Guidelines, including the ACIF C521:2004 **Customer Information on Prices, Terms and Condition** Industry Code, ACIF S040:2001 **Technical Standard** Industry Standard, ACIF C620:2005 **Consumer Contracts** Industry Code and ACIF G627:2005 **Operational Matrices for Reporting on Accessibility Features for Telephone Equipment** Industry Guideline (Matrices Guideline), as amended from time to time.
- 1.1.4 This Code should be read in conjunction with related legislation, including:
- (a) the *Telecommunications Act 1997*
 - (b) the *Telecommunications (Consumer Protection and Service Standards) Act 1999*
 - (c) the *Trade Practices Act 1974*; and
 - (d) *Disability Discrimination Act 1992*
- 1.1.5 If there is a conflict between the requirements of this Code and any requirements imposed on an Equipment Supplier by statute, the Equipment Supplier will not be in breach of this Code by complying with the requirements of the statute.
- 1.1.6 Statements in boxed text are a guide to interpretation only and not binding as Code rules.

1.2 Registration with ACMA

This Code has been registered by the Australian Communications and Media Authority for registration pursuant to section 117 of the *Telecommunications Act 1997* (Cth.).

1.3 Scope

- 1.3.1 This Code is applicable to telecommunications Equipment Suppliers in Australia, both importers and manufacturers, a section of the telecommunications industry under section 110 of

the Telecommunications Act 1997. They are collectively referred to as "equipment suppliers."

- 1.3.2 The Code only applies to Customer Equipment (CE) that uses a telephone handset that is manufactured in, or imported to Australia.

*NOTE:
See definition of Customer Equipment for the equipment covered by the Code.*

1.4 Objectives

The objectives of this Industry Code are to:

- (a) specify obligations on Equipment Suppliers to provide product information on the functional characteristics of their customer equipment used with a Standard Telephone Service (STS) as defined in the Telecommunications (Consumer Protection and Service Standards) Act 1999 (which covers services that deliver voice telephony) that would be beneficial to people with a disability and older people; and
- (b) to ensure that the information provided by ES is clear and comprehensible to assist both CSPs and consumers in identifying equipment features that will meet an individual's communications needs.

1.5 Code Implementation

- 1.5.1 Provisions of the Code will take effect six months from the date of registration of the Code by ACMA.
- 1.5.2 At the time when Code provisions take effect under Clause 1.5.1, ES must provide information required under Clause 3.1.1 that relates to all CE currently being marketed by that ES.

1.6 Code review

- 1.6.1 Review of this Code will be conducted eighteen months after the Code is registered by the Australian Communications and Media Authority and every five years subsequently.
- 1.6.2 Review of the Matrices Guideline will be conducted at least annually. The Review must include representatives of ACMA, Equipment Suppliers, Carriage Service Providers and organisations representing people with disabilities.

2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

2.1 Acronyms

For the purposes of this Industry Code, the following acronyms apply:

ACIF	Australian Communications Industry Forum
ACMA	Australian Communications and Media Authority
CE	Customer Equipment
CSP	Carriage Service Provider
ES	Equipment Supplier
STS	Standard Telephone Service

2.2 Definitions

For the purposes of this Industry Code, the following definitions apply:

Act

means the *Telecommunications Act 1997*.

Carriage Service Provider

has the meaning given by section 87 of the *Act*.

Consumer

means a person or organisation that obtains Customer Equipment for their own use.

Customer

means a CSP who:

- (a) has a contract with an Equipment Supplier for the supply of CE; or
- (b) obtains CE direct from an Equipment Supplier for redistribution, or resale.

Customer Equipment

means customer equipment, as defined in section 21 of the *Telecommunications Act 1997* that uses a telephone handset, for use with the STS that is manufactured in, or imported to Australia.

NOTE:

Examples of CE covered by the Code include portable and mobile phones, wireless and satellite telephones provided for voice telephony.

Examples of CE not covered by the Code include facsimile small business systems, and PABX equipment, printers and photocopiers without handsets.

User features that require network support do not need to be reported under Clause 3.1.1

Equipment Supplier (ES)

means a person who manufactures or imports Customer Equipment, as specified under section 110 (2) (h) of the Act.

Handset

means the part of CE that is designed to be held in the hand in contact with the ear and that contains an acoustic transmitter and receiver transducer.

Handset Receiver

means the transducer within the handset that converts the electrical telephone signals into acoustic energy for coupling to the user's ear.

Standard Telephone Service

has the same meaning as in section 6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

NOTE:

A Standard Telephone Service (STS) is defined in the Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth) as a service for voice telephony or its equivalent that passes the 'any-to-any connectivity test'. Any-to-any connectivity is when an end user of the service is ordinarily able to communicate, by means of that service, with each other end user who is supplied with the same service for the same purpose, whether the end users are connected to the same telecommunications network.

ACIF G534 [2] provides guidance on the application of the standard telephone service definition.

2.3 Interpretations

In this Code, unless the contrary appears:

- (a) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (b) words in the singular includes the plural and vice versa; and
- (c) words imputing persons include a body whether corporate, politic or otherwise.

3 CODE RULES

3.1 Information Provision to Customers

- 3.1.1 ES must provide information to their Customers about accessibility features of their CE.

NOTE: See definition of Customer in clause 2.2.

- 3.1.2 ES must provide the information described in Clause 3.1.1 into a template consistent with ACIF G627:2005 **Operational Matrices for Reporting on Accessibility Features for Telephone Equipment** Industry Guideline, as amended from time to time, for CE, against each of the three headings below:

- (a) mobility/dexterity features;
- (b) vision features; and
- (c) hearing features.

- 3.1.3 ES must provide the information described in Clause 3.1.1 for each model of CE within their product range at the time the equipment is supplied.

NOTES:

Model in this instance refers to an item with a specific feature difference. If two or more models have the same features as defined in the relevant matrix, one matrix can be used to cover those multiple models. However, where models differ in terms of one or more features on the matrix a separate matrix should be completed for each model.

The relevant information must be provided if models are similar but have different features

- 3.1.4 If a feature in the relevant matrix is not available on a CE model, it does not have to be listed in the information the ES provides to the Customer.

- 3.1.5 CSPs must have a contact point within their organisation for receipt of information provided by ES under this Code

NOTE:

The contact point can be an email address and/or a telephone number for the CSP.

- 3.1.6 ES must have a contact point within their organisation for CSPs in relation to the information provided by ES under this Code.

NOTE:

The contact point can be an email address and/or a telephone number for the ES.

3.2 Information Provision to Consumers

- 3.2.1 ES must respond to all reasonable requests from Consumers seeking further information about features on the ES's CE.
- 3.2.2 ES must have a contact point for Consumers seeking information on the ES's equipment features under clause 3.2.1. The contact point must make information available at no or low cost to Consumers.

NOTE:

The contact point should include a free or local call rate telephone number and a postal and/or website address.

4 CODE ADMINISTRATION AND COMPLIANCE

4.1 Code Administration and Compliance Scheme

Under ACIF Code signatory arrangements, Signatories to this Code are subject to ACIF's Code Administration and Compliance Scheme (October 2003) (the Scheme). Accordingly, all Signatories who are bound by this Code are also bound by the Scheme.

4.2 Power to handle Industry Complaints under this Code

4.2.1 Complaints may be made under this Code to ACIF by a member of the industry (or a voluntary or non-profit consumer organisation or similar body) (an "Industry Complaint") about a contravention of this Code by a signatory to this Code.

4.2.2 Complaints by a member of the industry (or a voluntary or non-profit consumer organisation or similar body) about a contravention of this Code by a signatory to this Code may be referred from the ACMA under the power granted to the ACMA in section 514 of the Telecommunications Act, subject to ACIF's agreement to accept the referral. Without limiting the grounds on which ACIF may withhold its agreement to accept a referral, ACIF may withhold its agreement where it considers that the complaint can be more conveniently dealt with in another forum or that handling the complaint may impose an unreasonable cost burden on ACIF.

4.2.3 ACIF must handle Industry Complaints under Clause 4.2.1 or 4.2.2 of this Code in accordance with the provisions of the ACIF G514:2003 Code Administration and Compliance Scheme.

5 REFERENCES

Publication	Title
Industry Codes and Guidelines	
ACIF C521:2004	Customer Information on Prices, Terms and Conditions Industry Code
ACIF G620:2005	Consumer Contracts Industry Code
AS/ACIF S040:2001	Requirements for Customer Equipment for use with the Standard Telephone Service - Features for special needs Industry Standard
ACIF G627:2005	Operational Matrices for Reporting on Accessibility Features for Telephone Equipment Industry Guideline
Legislation	
Telecommunications Act 1997 (Cth)	
Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)	
Trade Practices Act 1974 (Cth)	
Disability Discrimination Act 1992	
Relevant USA. Legislation:	
1998 Amendment to Section 508 of the 1973 Rehabilitation Act http://www.section508.gov/index.cfm?FuseAction=Content&ID=14	
Section 508 Standards http://www.section508.gov/index.cfm?FuseAction=Content&ID=12	
Telecommunications Act 1996 - Section 255 http://www.access-board.gov/about/laws/telecomm.htm	
Telecommunications Act Accessibility Guidelines http://www.access-board.gov/telecomm/rule.htm	
Americans with Disabilities Act 1990 http://www.usdoj.gov/crt/ada/pubs/ada.txt	
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Websites

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CEN/CENELEC Guide 6: Guidelines for standards developers to address the needs of older persons and persons with disabilities. 2002.

<http://www.cenorm.be/cenorm/businessdomains/businessdomains/iss/iss/activity/cclcgd006.pdf>

Center for Universal Design – Universal Design Principals

http://www.design.ncsu.edu:8120/cud/univ_design/princ_overview.htm

ETSI Human Factors (HF); Guidelines for ICT products and services; "Design for All" EG 202 116 v1.2.1 (2002-09)

(downloadable from <http://pda.etsi.org/pda>)

Irish National Disability Authority IT Accessibility Guidelines

http://accessit.nda.ie/guidelineindex_3.html

ITU-T Study Group 16. Question 26/16 - Accessibility to Multimedia Systems and Services

<http://www.itu.int/ITU-T/studygroups/com16/sg16-q26.html>

Multimodal interaction, communication and navigation at the user interface with ICT systems and terminals. 2003. ETSI Guide EG 202 191, Sophia Antipolis, France.

(downloadable from <http://pda.etsi.org/pda>)

Trace Center Collation of Access Board's 508 Final Rule and Guides. Trace Center, University of Wisconsin, 2004. <http://trace.wisc.edu/docs/508-collation/06092004v1.1.shtml>

6 PARTICIPANTS

The Working Committee that developed this Industry Code consisted of the following organisations and their representatives:

Organisation	Membership	Representative
Australian Communications and Media Authority (ACMA)	Non-Voting	Stacey Joyce/Fiona McIntyre
Australian Communications and Media Authority (ACMA)	Non-Voting	Kevin Sutherland
Australian Electrical and Electronic Manufacturers Association (AEEMA)	Voting	Cecily Yan
NovitaTech / Australian Rehabilitation and Assistive Technology Association (ARATA)	Voting	Robert Garrett
Cisco Systems	Voting	Kim Yan
Consumers' Telecommunications Network (CTN)	Voting	Teresa Corbin
NEC Business Solutions	Voting	Richard Robbins
Nokia	Non- Voting	Louise Ingram
Telecommunication and Disability Consumer Representation (TEDICORE)	Voting	Gunela Astbrink
Telstra	Voting	Bert Ciavarra
Trillium Communications	Voting	Malcolm Garnham
Vodafone	Voting	Deborah Goodman

This Working Committee was chaired by Teresa Corbin. Gunela Astbrink was acting chair on a number of occasions. Holly Raiche and Terry Andersen of ACIF provided project management support.



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