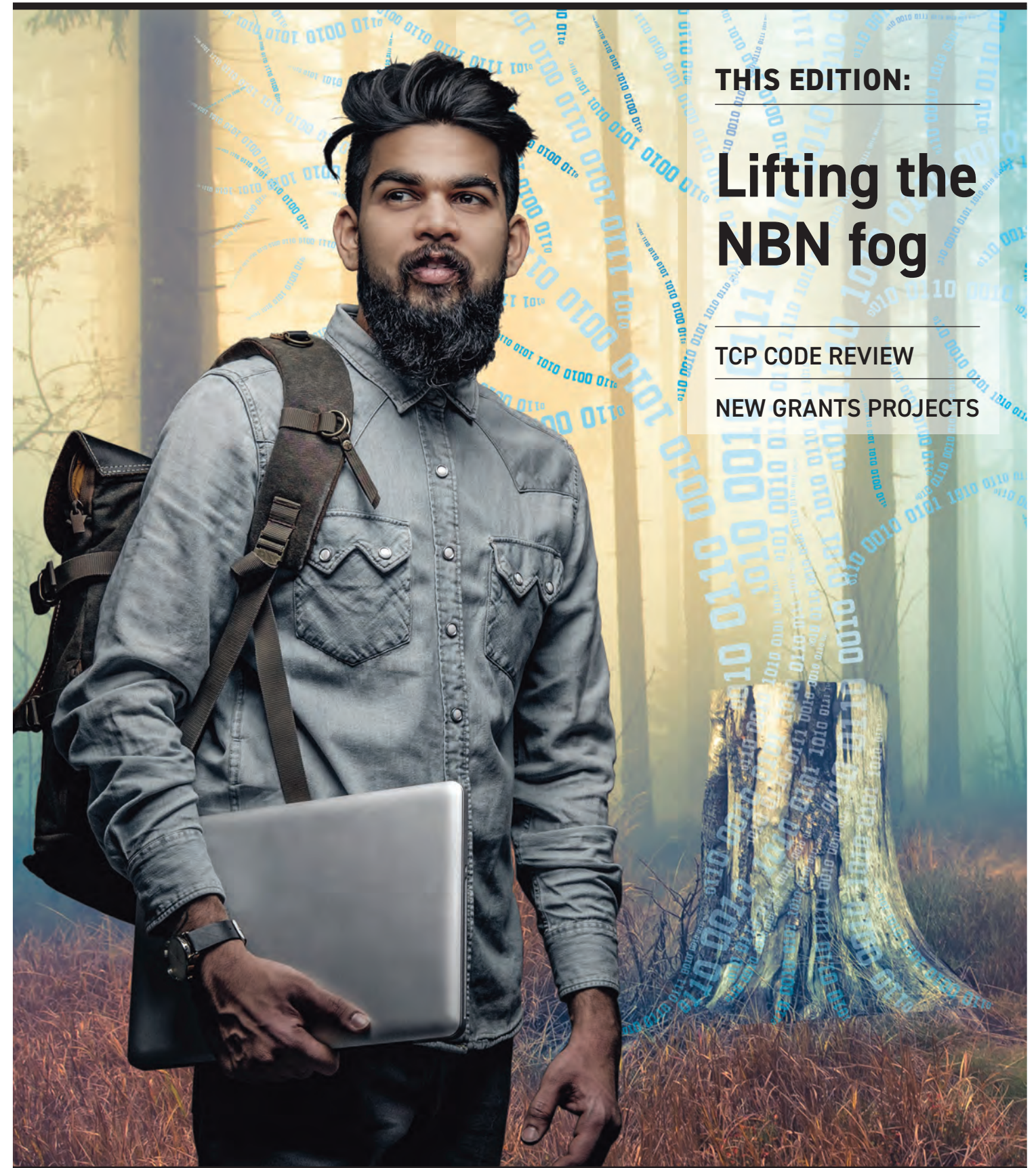




Australia's peak body for communications consumers



THIS EDITION:

Lifting the NBN fog

TCP CODE REVIEW

NEW GRANTS PROJECTS

All we want in 2018 is #BetterBushComms | Audio description needed on TV

ACCAN is the peak organisation representing all consumers on communications issues including telecommunications, broadband and emerging new services. Our mission is to ensure the availability, accessibility and affordability of communications services for all Australians.

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Our CEO: Teresa Corbin

Welcome to the Summer edition of the ACCAN Magazine. In this issue, we look at a range of recent developments across the telecommunications industry that will impact consumers. We were particularly pleased with the ACC's announcement that Telstra will refund 42,000 customers who were sold NBN plans with unattainable maximum speeds. We hope other providers investigate if this applies to their customers and if so, provide remedies to them.

Our Feature article looks at the different consumer experiences of switching to the NBN. With even the most informed consumers sometimes hitting roadblocks, it's clear that consumers need better signals on how to navigate the new world of NBN.

The TIO's Annual Report 2016-17 showed a huge 41.1 per cent increase in complaints, with complaints up for all services. This is concerning, especially as we begin work on the review of the Telecommunications Consumer Protections (TCP) Code, which sets out safeguards for some of the biggest complaint areas of 2016-17. Read more about these issues in our Policy article.

I will also take this opportunity to congratulate the new ACCAN Board Chairperson, Deirdre O'Donnell. Deirdre has strong experience working with con-

sumers in previous roles, including as the Telecommunications Industry Ombudsman from 2007-10. I must also congratulate our new Deputy Chairperson, Chris Dodds. Chris is currently the Chair of Telstra Low Income Measures Assessment Committee (LIMAC), and is a past president of NCOSS. We are thrilled to have Deirdre and Chris in these roles.

At the ACCAN Annual General Meeting in September, former Chairperson, Johanna Plante, and Director, Nigel Waters, finished their terms on the ACCAN Board. ACCAN thanked both Johanna and Nigel for their enormous contributions to telecommunications consumers over many years. Ryan Sengara, who was previously Deputy Chairperson, should also be acknowledged for his contribution to ACCAN.

For all the latest ACCAN updates, follow us on Facebook (facebook.com/accanau) or Twitter (twitter.com/ACCAN_AU). Our smartphone app, My Phone Rights, is full of useful information for communications consumers and is available on Android and Apple smartphones. As always, if you have any comments, suggestions or feedback, please email ceo@accan.org.au or call me on **02 9288 4000**.

Warm regards
Teresa Corbin
ACCAN CEO



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CONSUMERS AND THE CONNECTED WORLD

Our recent National Conference, ACCANect 2017, explored the consumer's place in our increasingly connected world.

The Conference attracted about 200 delegates from consumer groups, industry, government and regulators, who participated in discussions on future consumer protections, smarthomes and the internet of things.

"Digital technology has transformed consumer experiences," said ACCAN CEO, Teresa Corbin.

"As we become more and more connected and government services move online, how can we ensure that everyone can get access to the internet? How safe is our personal information? What information is being collected about us from connected devices? These are some of the issues we explored at the Conference.

"ACCANect 2017 was a chance to engage with our stakeholders and get their views on any future consumer issues they see arising," added Ms Corbin.

Visit the ACCAN website to access transcripts and some videos from the event: accan.org.au/accanect



ACCC DECIDES NOT TO DECLARE DOMESTIC MOBILE ROAMING

The ACCC announced in October its final decision to not declare a wholesale domestic mobile roaming service. ACCAN supported this decision.

The ACCC also released an issues paper on measures to address regional mobile issues which maps out these actions for improving mobile coverage in rural, regional and remote areas:

- Measures to achieve more transparent and consistent public information about network coverage and service quality from mobile network providers.
- More transparency about future network investment from mobile providers to assist in coordinating local investment in regional Australia.
- Measures to reduce the costs of building and improving mobile networks and supporting a competitive environment.
- Arrangements for taking greater account of competition issues in the management and allocation of spectrum, which is essential for the operation of communications services.

"ACCAN is a strong advocate for better mobile services and coverage, and improved competition in regional and rural areas," said ACCAN CEO, Teresa Corbin. "Consumers and small businesses in these areas need additional coverage where they live, work and travel.

"The approach adopted by the ACCC acknowledges the potentially negative consequences of regulated roaming while identifying ways of improving competition to support better services.

"Existing mobile networks need to be upgraded to improve capacity and reduce congestion. Enhancements to mobile networks would go a long way in improving the daily lives of non-metro consumers and ensuring access to emergency services."



TELCOS TO GIVE REFUNDS FOR UNATTAINABLE NBN SPEEDS

The ACCC announced in early November that Telstra will offer remedies to around 42,000 customers who paid for NBN plans with maximum speeds that could not be achieved on their services.

An announcement that Optus would provide remedies for the same issue to more than 8,700 customers was made in December.

The remedies will be specifically offered to customers on Fibre-to-the-Node (FTTN) and Fibre-to-the-Basement (FTTB) technologies where the technology delivering the service was not capable of achieving the maximum speed of the plan they paid for.

Telstra said it would contact affected customers in the "coming weeks" following the announcement and would offer refunds, the option to switch speed tier or exit a contract

with no cancellation fee. Optus will be contacting affected consumers by no later than 2 March 2018 by email or letter.

ACCAN welcomed the initiative taken by Optus and Telstra and urged the industry to look after their customers and ensure the services they are selling can be delivered.

"Selling services that can't be delivered would also apply to consumers of other retail service providers. We urge other providers to offer remedies to their customers who are unable to receive the maximum speeds," said ACCAN CEO, Teresa Corbin.

TPG and Vocus have said they are looking into the issue. At the time of publication there have not been any further updates from these providers. ACCAN urges any consumers who think they might be affected by this issue to get in touch with their provider.

AUDIO DESCRIPTION NEEDED ON TV

The Audio Description Working Group, set up by the Minister for Communications and the Arts, Mitch Fifield, will deliver a report on its findings by 31 December 2017.

The Working Group, which was established in April 2017, has brought all the stakeholders together for the first time to discuss audio description (AD) in the context of Australian television.

Members of the group include ACCAN Disability Policy Advisor, Wayne Hawkins, as well as representatives from Australian Blindness Forum, Blind Citizens Australia, Vision Australia, Royal Society for the Blind and the Centre for Inclusive Design.

"Consumers are hopeful that the outcome from this engagement with industry, audio description providers and the government will result in the introduction of a permanent service

on Australian television," said Mr Hawkins.

Over the past five years there have been two audio description trials on TV, yet there is still no ongoing AD service in Australia.

"Despite these trials of audio description run on the ABC, Australia remains the only English speaking OECD country that has no AD service on TV," added Mr Hawkins. "The group will recommend the introduction of 14 hours of audio described content per week on free-to-air TV in Australia."

"ACCAN looks forward to further engagement with all stakeholders to progress the introduction of audio description after the working group concludes and the Department delivers its report to the Government."

Lifting the NBN fog



The debate about the National Broadband Network (NBN) seems to be never ending. It can be hard to stumble your way through all the conflicting information and advice out there.

There is a lot consumers need to know and general statements they have to decipher.

For some, the switchover experience is seamless and the new service over NBN has opened up a range of new opportunities and benefits through greater online access. Others however, can get lost in the fog without any chance of escaping on their own.

Even the most informed consumers are getting lost and hitting road blocks. The paths that consumers need to take are not clear. The choices and steps taken by one consumer don't seem to be transferable to others. The current level of confusion, mistrust and volume of complaints demonstrates the negative impact on consumers.

Consumers need better signals on how to navigate the new world of NBN.

There does, however, appear to be some light coming with a number of inquiries, investigations and programs under way.

The big areas that will provide consumers with a better experience and greater transparency are:

- Migrating to the NBN
- Advertising and delivery of speeds
- Service Standards
- Improved resolution of escalated complaints

With 5 million premises expecting to connect in the next three years it is vital that these deliver improved experiences, and soon. Industry as a whole needs to take responsibility for laying out clearer paths for consumers.

MIGRATING TO THE NBN

Switching services over to NBN has to be easy. The process to date has flaws which need to be addressed. The ACMA

has been tasked to investigate what issues are arising and how to overcome them.

Following consultation with members, ACCAN has pinpointed four overarching principal areas we hope the ACMA and industry will concentrate on improving. These are:

1. Ensuring that consumers have access to a working service.

Too many consumers are too often left waiting for a connection or left without a fully working service. Internet and phone services are too vital to not have any. Focus needs to ensure that each service is connected right.

2. Providing accurate, clear and consistent information.

The switchover is driven by the consumer; therefore consumers need to have easy access to the required information. However, there are often many variations in the answer to the same question. Some questions never seem to fully have answers. All consumers should easily be able to access the range of information that is required for them and should not have nasty surprises waiting for them after switching.

3. Providing assistance to consumers when needed

Telecommunications networks are also vital for emergency services and medical alarms. There are now many steps in connecting and delivering internet services, for which a number of consumers would be unable to negotiate. Where needed, added assistance should be provided to ensure these services are maintained.

4. Appropriate avenues for consumers to seek assistance, get answers and raise complaints.

Not everyone follows the same path in migrating; some face unusual challenges and have additional requirements which can make it a difficult experience. Avenues to deal with all issues need to be clearly established.

WHAT'S HAPPENING IN THE NBN SPACE

Migration

Who is examining: ACMA

When improvements might be seen: Currently investigating the customer experience. Likely to report to Minister for Communications on findings in early 2018.

Advertising Speeds

Who is examining: ACCC

When improvements might be seen: New guidelines to industry released in August 2017. Expect that they will be implemented by January 2018. Measuring Broadband Australia program is expected to release first results in early 2018.

Service Standards

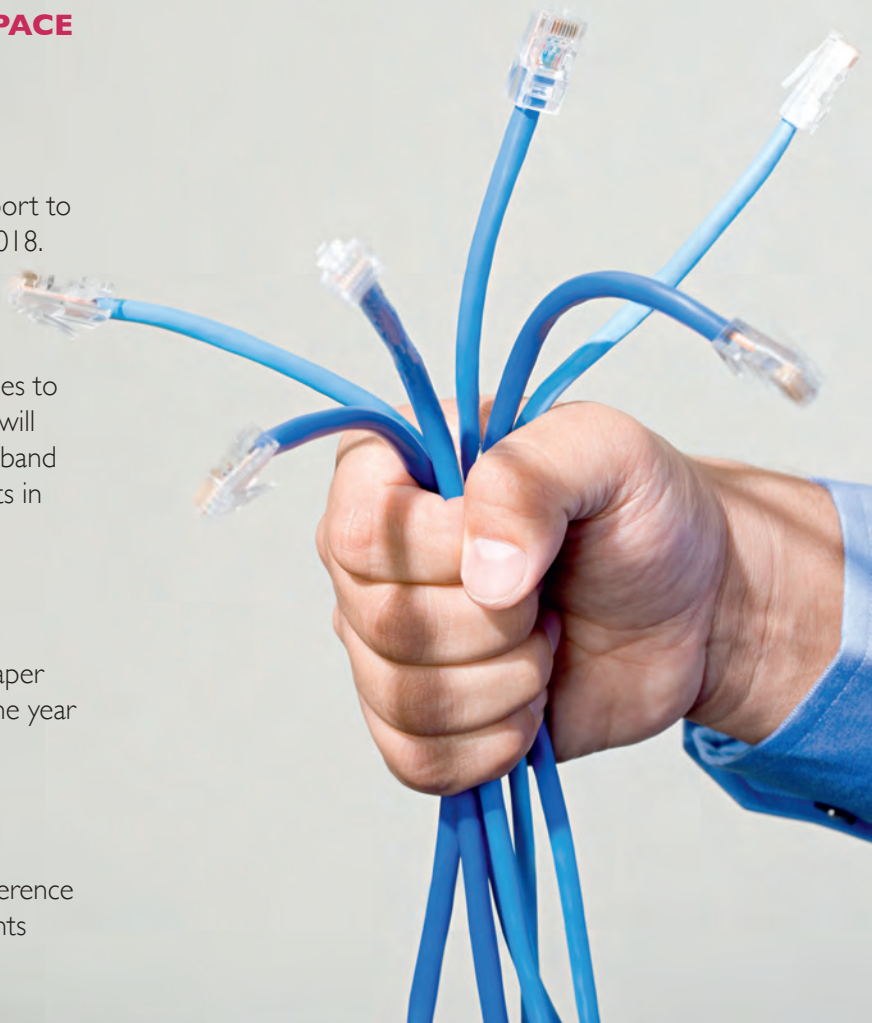
Who is examining: ACCC

When improvements might be seen: Discussion paper to be released in December 2017. Likely to take one year for inquiry to conclude.

Complaints escalation

Who is examining: TIO

When improvements might be seen: Terms of Reference revised in October 2017. Future escalated complaints should experience an improved outcome.



ADVERTISING AND DELIVERY OF SPEEDS

There are over 100 RSPs that most consumers can choose from over the NBN. While consumers often do have a list of things they want from their service, it can be impossible to identify which provider and plan can deliver on these. At the moment you're probably just as likely to pick a good plan by picking at random then from spending hours reading each offering. Clearly consumers need some help in this area.

New guidelines and threatened regulatory action by the ACCC is likely to improve this situation. Plans will need to be clearer on what level of speeds they are offering during peak hours and the maximum speed, which may vary significantly.

As a result, it will be easier for consumers to compare between plans and compare what they are promised to what

they are receiving. Ultimately, this should make it easier for consumers to enforce their rights if the service is stuck on the buffer screen.

SERVICE STANDARDS

Internet and phone services are used every day. Consumers want certainty that they will work, be fixed when they break and be compensated when they don't deliver.

What consumers can expect at their premises with NBN is opaque and consumers often have to fight to get what they are entitled to.

The ACCC has recently announced an inquiry into whether the current commercial arrangements are appropriate or if regulation is necessary.

ACCAN has previously called for service standards for broadband to ensure connection timeframes, repair timeframes,

reliability and compensation mechanisms. We hope that these will come from the ACCC inquiry and ensure that the services that consumers pay for are delivered.

COMPLAINTS ESCALATION

Consumers have a direct relationship with their retailers but often other companies, such as the wholesaler (nbn) also play a role in delivery of service, a positive consumer experience and resolution of complaints.

To help assist the Telecommunications Industry Ombudsman (TIO) increase the speed and efficiency with which they resolve complaints, they recently amended their Terms of Reference to allow them to require action and information from all members. We hope this will shed some light on issues experienced and ensure quicker solutions.



Complaints show need for stronger TCP Code

The Telecommunications Industry Ombudsman (TIO) Annual Report 2016-17 showed that complaints had increased by a huge 41.1 per cent. Complaints were up across the board for mobiles, landlines and internet.

The biggest complaint issues for 2016-17 were customer service and billing and payments. Complaint handling and credit management were also in the top ten issues.

The Telecommunications Consumer

Protections (TCP) Code, which sets out community safeguards for areas including: sales, service and contracts, billing, credit and debt management, changing suppliers, and complaint handling, is currently under review. ACCAN is engaging closely with the review to ensure that safeguards are strengthened and not watered down.

In this article we look at a range of issues that are affecting consumers in the context of increasing complaints to the TIO.

CUSTOMER SERVICE

With customer service the number one complaint issue, we think this area of the Code needs careful review. This is particularly relevant given the switchover to NBN, which requires consumers to engage intensely with retail service providers (RSPs).

Customers need clearer, more frequent and timely information from RSPs to better make decisions and problem-solve issues about their contracts. ACCAN research from last year on con-

sumer decision making suggested that after signing a contract, RSPs should follow up with their new customers after three billing cycles to see if the customer has any questions or needs further assistance understanding their obligations.

The usefulness of the Critical Information Summary (CIS) also needs consideration. As the complexity of telecommunications products and services increase, so does the complexity of the CIS. With more information crammed into summaries, alongside difficult technical language, consumers are finding it harder to interpret and use these as a tool for deciding what products and services to buy.

Sales practices is another area that ACCAN has highlighted in the review. Upselling and opportunistic sales practices is a huge issue. This is particularly so for vulnerable consumers, such as those facing financial hardship. ACCAN has heard countless reports of consumers being roped into post-paid contracts and being persuaded to buy products that they will never be able to pay off.

CREDIT AND DEBT MANAGEMENT

To ensure that vulnerable consumers are not left open to hard sell tactics by RSPs and are sold products and services appropriate to their circumstance, there is a critical need to update the credit assessment process used at the point of sale.

Currently, the credit assessment undertaken by RSPs checks only if a consumer has a default credit listing, with no further checks relating to income or other circumstances that could impact their ability to pay their bills. Improving the credit assessment provisions in the TCP Code would put the onus on RSPs to guarantee appropriate sale of products and services.

Similarly, debt management and financial hardship practices used by RSPs fail



to accommodate for the needs and circumstances of vulnerable consumers. A key recommendation from the Financial and Consumer Rights Council Rank the Telco Report pointed to the weak protections afforded to consumers facing hardship and the need to strengthen hardship provisions in the TCP Code to allow consumers in vulnerable circumstances to stay connected to essential telecommunications services. ACCAN will aim to make these issues a key focus during the current review.

BILLING AND PAYMENTS

Unexpectedly high bills are still an issue. ACMA research in 2016 found one in four consumers are experiencing this problem and that nearly one in three complained to their provider in the last 12 months.

One in 10 people who made a complaint about a mobile service said it was due to unauthorised charges for mobile phone apps/services appearing on their bill. Research shows many more are experiencing this but not complaining. ACCAN believes the Code should include specific rules about third party billing and asserts that the default should be switched from opt-out to opt-in, so the account holder needs to activate third party billing by specifically requesting it.

Consumers using pre-paid services don't receive itemised billing, so they don't know exactly where their money is going. The Code should be amended to address this.

The Code allows for bills to be provided free of charge through one medium. We question whether this adequately addresses the concerns of consumers who wish to receive paper bills, and have to pay \$2 to do so. This is an issue frequently raised with ACCAN, particularly by older people. Similarly, the Code allows for payment by direct debit to be the 'free' payment option, but this means consumers who are unable or unwilling

to use direct debit have to pay.

Low-income consumers struggle the most using direct debit. If there is no money in their account they can get charged a dishonour fee by their bank and then late fees from their provider. These consumers prefer to pay by other means, but they are usually charged for all other means. There should be a free method to pay that is not direct debit and does not require a bank account.

COMPLAINT HANDLING

It is possible that the timeframes for complaint handling set out in the Code could be shortened given technical advancements. It would also be helpful for consumers if the provider let them know what went wrong rather than being left in the dark about the problem.

It should not cost a customer any money to make a complaint about their service. There should be a free way to call the provider's complaints line or lodge a complaint online or by mail. The contact details for the complaints handling process also need to be easily accessible and widely promoted by the RSP.

As recommended by the Joint Parliamentary Committee on the NBN recently, consumers must specifically be told about external dispute resolution options including the TIO at the time of lodging a complaint. Currently this only happens when the complaint is escalated internally.

ACCAN believes that support and complaint handling staff require better training on consumer rights and legislation around complaint handling escalation. The complaint handling process needs to have benchmarks so that consumers aren't forced to go to the TIO.

We will be engaging closely with our membership for feedback on the Code and encourage our members to give their feedback on the updated Code when a public consultation is held early next year.

All we want in 2018 is **#BetterBushComms**

Anyone who lives in a rural or regional area knows the pain of poor telecommunications services. We often hear stories of parents pulling their hair out trying to run businesses and educate their kids on small data allowances and unreliable connections.

We heard your concerns and in November 2016, we formed the Regional, Rural and Remote Communications Coalition (RRRCC) with the goal of making 2017 the year to improve connectivity in the bush. In the past year, we have certainly made significant headway to achieve #BetterBushComms.

The commitment shown by our members has been incredible. We've met fortnightly, and while the connections on our conference calls haven't always been reliable, over the past year we have managed to have significant input and influence in a number of areas:

- Parliament is currently considering legislative guarantees that ensure all consumers have access to a network capable of delivering 25Mbps download and 5Mbps upload for all areas;
- nbn has doubled monthly data limits for Sky Muster satellite users
- nbn local team launched to work directly with rural, regional and remote consumers;
- Significant progress has been made in developing digital literacy tools;
- The ACCC's Measures to address regional mobile issues Paper was released following calls by RRRCC members for more to be done to address mobile coverage; and
- We attended nearly 90 meetings with Federal MPs.



The good news is the RRRCC is now considered to be the go to authority on bush telecommunications issues by government and major telecommunications providers.

The RRRCC has grown from the 14 organisations, to now include 21 members representing agriculture, health, education, women, community and consumers.

It is significant that so many organisations have operated with a single voice over the past year and there is no sign of letting up. This is for good reason – there is still much work to be done.

Taking a positive approach

The intention of the RRRCC was never to complain about the state of telecommunications. Considering the issues, this would have been easy to do.

If you ask any member of the RRRCC why they joined, they would say it is because they want the chance to access the significant economic and social benefits of connectivity.

And the economic benefits are significant - a recent report from the Precision to Decision Project estimated that unrestrained connectivity could bring an extra \$20 billion value to agriculture alone, with a flow on benefit of \$24 billion to GDP. This of course does not take into account the added value of other sectors such as health and education.

2018 and beyond

2018 is shaping up to be even more

pivotal with the much anticipated plan for Universal Service Obligation reform, another Regional Telecommunications Review and the Department of Communications' Consumer Safeguards Review. The RRRCC will also continue its efforts advocating for the continuation of the Mobile Black Spot Program and the passing of the Telecommunications Reform Package.

Regardless of all these processes there is something more fundamental at the heart of the RRRCC – the need to raise awareness and shine a light on these issues. Next time a decision-maker develops a policy that relies on internet connectivity or mobile coverage, we hope that through our efforts they stop and consider that these may not be available to everyone, even though they should be.

It is time for change. With current services, some of the simplest applications such as internet banking or online tutorials are not possible for rural and regional Australians.

With improved services, rural and regional Australians could do so much more. This proportion of the community punches well above its weight in terms of its economic contribution to the country. Imagine the possibilities that improved connectivity would bring.

If you're interested in helping the cause, get in touch with your local MP and tell them you want better telecommunications services in rural and regional areas.

You can learn more about the RRRCC's policy objectives by visiting the ACCAN website: accan.org.au/rrcc-coalition