



Members Advisory Forum Meeting Report

Australian Communications Consumer Action Network

17 June 2020, 2:00 – 4:00pm (EST) by videoconference

PRESENT:	Deirdre O'Donnell	Chairperson (ACCAN Board Director)
ATTENDEES:	David Vaile	Australian Privacy Foundation
	Paula Manning	Broome CIRCLE
	Brigitte Rose	Consumer Action Law Centre
	Gordon Renouf	Consumers' Federation of Australia
	Jill Moran	Council on the Aging
	Tanya Cameron	Country Women's Association of Australia
	Mohammed Al-Khafaji	FECCA
	Julie Barrow	Financial Counsellors Australia
	Catherine Liddle	First Nations Media
	Toni Cork	HK Training & Consultancy
	Jane Hutchison	Hobart Legal Centre
	David Spriggs	InfoXchange
	Kristen Coggan	Isolated Children's & Parents Association
	Robyn Nolan	National Council of Women of Australia
	Adrienne Ryan	National Farmer's Federation
	Sue McGrath	The Benevolent Society
	Jane Stratton	Think + Do Tank Foundation
	Greg Ogle	South Australian Council of Social Service
	Sarah Biordi	WESNET
	Tess Matthews	WEstjustice
	Helen Campbell	Women's Legal Service NSW
	Kate Munro	Youth Action Network

ACCAN:	Teresa Corbin	Chief Executive Officer
	Una Lawrence	Director of Policy
	Stephanie Whitelock	Policy Officer
	Kelly Lindsay	Consumer Engagement and Membership Officer
OBSERVERS:	Jim Wellsmore	Energy Consumers Australia
	Jo Root	Consumer Health Forum
APOLOGIES:	Erin Turner	CHOICE
	Diane Hayes	Financial Counsellors WA
	Rohani Mitchell	Queensland Council of Social Service

The purpose of the Member's Advisory Forum (MAF) is to discuss the most important issues from the perspective of ACCAN's members and the people they represent, with a view to incorporating these into ACCAN's future policy priorities for the 2020-21 year.

The following meeting report provides an overview of the main issues raised and discussed. MAF participants are welcome to use this document in reporting back to their organisations. This report will also be sent to invited representatives who were unable to attend.

Prior to the meeting ACCAN provided an Environment Scan background document, to provide attendees with an overview of the communications landscape in Australia and an indication of issues we see on the horizon for consumers of telecommunications.

1. Overview of current communications context, ACCAN activities and emerging issues by members

ACCAN provided a high level update of the current communications context and recent developments including ACCAN's work on affordability, the government review of consumer safeguards in telecommunications, the ACCC Digital Platforms Inquiry, and the passage of the Telecommunications Reform Package.

Members identified the following additional current issues:

Digital Exclusion

Educational materials to assist people in older age groups and from CALD and Indigenous communities are inadequate to facilitate digital inclusion of these cohorts. In particular:

- The materials available that have been translated into various languages are inadequate for the needs of the CALD community
- Better digital skills-building for people 50+ is needed, particularly in the context of online learning during COVID-19 lock-down when grandparents may have been required to assist with homeschooling

- Clarification is needed re the current status of the Indigenous Digital Inclusion Plan which was announced by the Federal Government a year ago.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Targeted CALD and Indigenous language information about digital technology to increase digital inclusion
- Targeted digital skills training for people 50+ to improve digital literacy

Complaints and dispute resolution

There are ongoing problems with the effectiveness of complaints processing and dispute resolution procedures with only 48% of consumers are satisfied with complaints resolution outcomes.

The number of complaints has increased in the context of the COVID-19 lock-down where the majority of the population has been required to work from home or engage in online learning, putting unprecedented strain on the NBN.

Action for ACCAN:

- ACCAN to continue to advocate for improved complaints resolution practices with the Telecommunications Industry Ombudsman (TIO) and Office of the Australian Information Commissioner (OAIC).

3G Closure

There are ongoing concerns about the closure of 3G networks in country Australia and Tasmania, where they have had bad experiences in the past when earlier generation mobile networks were closed down.

For residents who do not have the latest devices and technology, 4G and 5G networks will not be accessible and will result in digital exclusion.

Action for ACCAN:

- ACCAN to continue to liaise with telecommunications providers to raise awareness of the fact regional and rural consumers continue to be reliant on 3G technology and will need to be offered viable solutions.

2. Response to COVID-19

COVIDSafe

A number of issues have arisen with the rollout of the COVIDSafe tracing app, designed to control the spread of COVID-19. In particular:

- Although the government addressed many of the privacy issues raised by ACCAN and signatories in the joint letter to government in the legislation controlling use of the app, technical issues continue to be of concern.

- Seniors who have older technology are unable to download the app, which is an issue because they are a key vulnerable group that is susceptible to the virus, leading to consumer distress.
- Even for people who have technology compatible with the app, for many it is of limited value due to operational design issues (e.g. ineffectiveness of the app on iPhones).
- Education about the use of the app and its purpose needs to be more specifically targeted to older age groups according to effective avenues of communication, rather than targeting education at a homogenous 60+ category.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Redevelopment of the app to make it compatible to larger range of devices owned by a diversity of consumers.
- More targeted education about the purpose and use of the app directed at specific age groups, in particular those aged 60+.

Education

A number of concerns related to the increased use of WiFi networks due to online schooling in the context of COVID-19 lock down and homeschooling arrangements have been identified. In particular:

- The artificial constraints imposed on WiFi networks minimize the number of people who can access WiFi. What proposals could be developed for local government to maximise community access to WiFi?
- The sustainability of NBN education relief packages post-COVID in light of ongoing need due to the impending economic downturn, recession and predicted high level of unemployment.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Local governments to remove artificial constraints on WiFi network access to maximise the number of people able to use the network for homeschooling and work-from-home purposes.
- Telcos to extend NBN education relief packages in light of the predicted high unemployment and consequential lack of affordability of NBN packages set at pre-COVID prices.

Affordability

Affordability of internet and mobile services has been the focus of ACCAN's ongoing NALO campaign for a number of years. The COVID-19 lockdown proved a point of leverage for consumers to be afforded a range of price-relief packages by many telcos, but there is concern about the impact of the withdrawal of these packages on consumers and the broader impact of enforced work-from-home policies. In particular:

- For the waged poor, the implications of working from home and cost-shifting from workplace to home have created a whole new set of affordability challenges which has taken a toll on household budgets.
- While the telco response has been quite good, with provision of COVID-19 relief packages comprising bonus data plans, unlimited calls, and suspension of late fees, affordability issues around financial hardship remain.
- Telcos have absolute discretion to decide whether a consumer merits being placed on a financial hardship plan, and customer service helpline issues and lack of transparency around availability of financial relief means consumers who were not placed on financial hardship plans have been disconnected in some cases.
- Industrial law issues remain unaddressed. Who is responsible for the expenses associated with work from home arrangements – employee, employer or government?

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Ongoing financial relief for consumers who are working from home and dependent upon broadband and mobile networks.
- Improved information transparency and customer service capability in the provision of financial hardship plans to consumers in need.
- Leniency by telcos in disconnecting consumers for lack of payment in light of the current unprecedented social and financial circumstances.

Joint Statement of Principles

Although the Minister for Communications/industry Joint Statement of Principles was well-intentioned, it has a number of limitations. In particular:

- The Principles did not provide many additional protections for consumers beyond existing *Telecommunications Consumer Protections (TCP) Code* obligations.
- Early industry commitments not to disconnect people were not incorporated. Instead the Principles require customers to be in financial hardship to avoid disconnection which is problematic, especially if customer service fails and hardship arrangements can't be accessed.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Adequate additional protections for consumers to supplement the TCP Code in the post-COVID environment.

Telehealth and Seniors

Telehealth services need to be accessible to seniors as they are a particularly vulnerable sector of the community, but there are a number of potential barriers affecting seniors' access to telehealth services. In particular:

- Affordability of broadband for seniors restricts their ability to access telehealth services which in the context of the COVID-19 pandemic is a potentially life-threatening situation.
- Access to digital communications and the internet is fast becoming an essential service, but often within residential aged care there is no broadband access in individual rooms. Residents in institutional environments need to be able to access the internet as an essential service.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Broadband affordability for seniors.
- Individual room access to the internet as an essential service in residential aged care and other institutional environments.

Public Access

During the COVID-19 pandemic lockdown period people without home internet access were unable to access the internet at libraries and other public access points, cutting them off from many essential services only available online.

Although NBN Co's \$150 million financial relief and assistance fund aimed at keeping residential and SME customers online during the pandemic was welcome, there needs to be greater investment in public access such as libraries to minimize digital exclusion for those without home internet access.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Increased government investment in public internet access for the benefit of those without home broadband access.

Customer Service

Customer service has been very poor in responding to people's issues, especially Belong, during the COVID-19 pandemic. This issue has been raised with the ACCC, ACMA, and the Department of Communications.

Action for ACCAN:

- ACCAN to continue to advocate for improved customer service for telecommunications customers.

3. Impact of Natural Disasters – Floods and Bushfires

Resilience

The 2019-2020 bushfires and floods had a catastrophic impact on telecommunications services in some areas. During natural disasters, telecommunications networks assume even greater importance as a means to contact emergency services and loved ones, particularly in light of the recent reduction in government funding for the ABC which has historically

played a crucial role in communications with residents during natural disasters in remote and regional areas.

In early 2020 the Communications Minister called a roundtable to address key issues, including continuity of service, how quickly people who lost network connectivity as a result of fires and floods were reconnected and accessibility for people with disabilities. A number of issues were identified which need to be addressed to minimize the impact of natural disasters on consumers going forward. In particular:

- Better coordination between electricity providers and telco providers to ensure continued network connectivity.
- Improved backup power (e.g. backup batteries, solar power) for towers in the case of natural disasters, and recognition of telecommunications an 'essential service' to ensure telecommunications providers have priority access to diesel fuel as a backup power source.
- Expedited council approval processes to enable people to rebuild their homes and clear the way for installation of new NBN network infrastructure.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Recognition of telecommunications as an 'essential service' to give telecommunications services priority access to diesel fuel.
- Increased use of solar power as a backup power source in emergency situations.
- Backup on mobile towers – technology exists to keep towers powered through solar but government has said this is expensive. Energy Consumers Australia could potentially engage with telcos re increased use of solar in backup during emergency situations.

4. Remote & regional communications issues

Regional Communications Program and Mobile Blackspots Program

The rollout of the Regional Communications Program and Mobile Blackspots Program Round 5A is intended to improve broadband and mobile access for consumers in regional, rural and remote areas.

The Department of Infrastructure, Transport, Regional Development and Communications has engaged London Economics to conduct research into the rural and remote consumer experiences of broadband and mobile services. Outstanding issues which might need to be addressed include:

- Will the needs of communities be met by the Regional Communications Program and Mobile Blackspots Program and, if not, what is outstanding?
- The long rollout period for the Regional Communications Program has meant there hasn't been much change in regional communities' connectivity to date.
- Impact of Universal Service Guarantee and Voice Service Trials.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Improved broadband and mobile connectivity in remote, regional and rural areas, including innovative use of new technologies and network sharing.

NBN Skymuster

The Skymuster data limit was increased during COVID-19 to accommodate the increased demand for broadband given sudden home schooling and work-from-home requirements in regional, rural and remote regions. There are concerns about how rural and remote communities will react to the reduction in data available when this program ends, particularly in Queensland. In particular:

- Network and data capacity have now been proven to be higher than the government and telcos have previously asserted and regional, rural and remote communities will want the increased data limit to continue.
- Many Qld boarding school children are still studying from home and there is no guarantee that in Term 3 boarders will return to school, so they will continue to need increased data capacity.
- Consumers pay the same amount for Skymuster as metropolitan consumer pay for the NBN but the service isn't as good.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Ongoing increased data capacity for regional, rural and remote communities.
- Improved Skymuster services for regional, rural and remote communities.

5. Affordability

NBN Concessional Service

NBN is supportive of a concessional service for low income households in principle, but whether a concessional service will be rolled out without government support is uncertain. NBN will be offering a concessional service for older people, and ACCAN is hopeful a broader concessional service for low income households will be rolled out by the end of 2020.

However, post-COVID the expectations of consumers re a concessional service have changed, and other barriers to equal access to telecommunications services persist. In particular:

- At least 6,000 families to date have taken up the concessional service rolled out during COVID-19, but this service will end and families who can't afford broadband will be left out in the cold.
- Issues of accessibility of devices for low income households and schools in economically deprived regions are still a big problem that needs to be addressed.
- Cheap mobile services do not always provide good network coverage, and many people on limited incomes live in rural areas or on the outskirts of metropolitan areas where network coverage is poor.

Action for ACCAN:

ACCAN to continue to move forward with the following initiatives:

- Research into the needs of older Australians in relation to an NBN service.
- Running roundtables with consumer group in collaboration with NBN to inform NBN staff about affordability issues and the challenges faced by rural, regional and remote communities.

COVID-19 Relief Packages

COVID-19 relief packages offered by telcos have been welcome, but there are concerns about the rollback of the programs. In particular:

- There will need to be a consumer education campaign when the free extra data and bandwidth provided during COVID-19 are rolled back so consumers can prepare for a change in circumstances.
- Questions remain about whether the extra data and bandwidth is being rolled back due to issues of cost or capacity.

There have also been issues regarding the speed of provisioning of COVID-19 relief packages and how quickly people are being connected after entering into a contract. In particular:

- Case studies have shown that consumers have had to wait for more than a month to be connected.
- People have signed up to relief packages for a specific reason – COVID-19 – and if it hasn't been provided quickly it doesn't serve its purpose.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Speedy connections for consumers who have signed up to relief packages.
- Ongoing provision of extra data and bandwidth post-COVID.
- A consumer education campaign informing customers of reduced data and bandwidth capacity post-COVID.

TCP Code

The *Telecommunications Protections Code's* financial hardship section is an improvement but there is a need to continue to press the regulator -the ACMA- for data.

Action for ACCAN:

ACCAN to continue to engage with the ACMA to obtain more data about financial hardship arrangements.

Public Housing

Telecommunications networks need to be included in new builds of public and community housing to ensure equity of access by low-income households. ACCAN and TasCOSS have already started engaging with public housing providers re these issues.

Action for ACCAN:

ACCAN to continue to liaise with community and public housing providers to advocate for telecommunications being an integrated part of the construction phase.

6. Telecommunications Privacy Issues

Consumer Data Right

The Consumer Data Right (CDR) has now been rolled out to the financial services industry and the energy sector is next. The rollout of the CDR to the telecommunications industry has been delayed for another two years and there is a push from the telco industry to not introduce it on the basis that it is not as important for telco consumers as in financial services. Consumer equity issues around the rollout of the Consumer Data Right include:

- CDR is quite technical, and many people won't have the skills to engage with it so it will primarily benefit people with high-level technical skills.
- CDR will primarily benefit middle class, well educated people.
- Consumer protections will need to be developed around third parties and how they use the CDR system.
- Implementation of the CDR in the energy sector is currently looking quite clunky with fine details and approvals still to be confirmed.

Action for ACCAN:

ACCAN to continue to advocate for development of consumer protections around third parties and how they use the CDR system.

Privacy

There is increasing potential for breach of privacy with the rise of apps and use of online platforms. Many consumers don't have a good understanding of privacy issues but when they are explained to consumers they are concerned. Issues regarding consumer privacy protections include:

- Potential infringement of consumer's privacy rights is considerable in the current climate.
- Limited rights for consumers exist under the *Privacy Act* to redress privacy infringements.
- Cost-based jurisdiction means loser pays, and so there needs to be a pro-bono service for people so that they can recover their costs.

Action for ACCAN:

ACCAN to continue to advocate for improved consumer privacy protections in the context of the Digital Platforms Inquiry.

7. Other communications issues

Streaming services

The widespread use of streaming services is increasingly making access to these services a requirement for inclusion in cultural life. This is especially the case in the context of COVID-19 lockdown, where access to streaming services has become an essential part of home schooling. The barriers to equity of access to these services include:

- Poor broadband networks in regional and rural Australia means these communities can't access streaming services and are excluded from this aspect of society.
- Low income families confined during COVID-19 lock down may face affordability issues around broadband and streaming services, adding another dimension to consumer rights.

Action for ACCAN:

ACCAN to continue to advocate for the following:

- Improved broadband networks in regional and rural Australia capable of supporting reliable streaming services.
- Affordable broadband for low income families to ensure access to streaming services is a consumer right.

8. Research focus 2020-21

Ideas flagged for future ACCAN research were:

COVID19

Proposed research re COVID-19 includes:

- Research around access to communications during the COVID lockdown
- What are the main barriers for older Australians being able to participate in society due to inability to access telecommunications (i.e. affordability, literacy)? This information could inform better targeting of education materials.

Indigenous

Proposed research includes investigation of the lack of access remote Indigenous communities have to basic online schooling, telehealth services and online work from home opportunities in the context of COVID-19.

Digital Inclusion

Proposed research re digital inclusion includes quantifying the social costs of digital exclusion.

Domestic Violence

Proposed research re domestic violence includes investigating the responses of service providers in facilitating a digital separation for women escaping domestic violence situations.

Next Meeting

ACCAN CEO, Teresa Corbin, thanked the MAF participants and Deirdre O'Donnell, the Chairperson, for their time and valuable contributions.

The Chairperson closed the meeting at 4.00pm.