



Australian Communications Consumer Action Network

Members Advisory Forum

Meeting Report

Thursday, 24 March 2022, 2:00PM – 4:30PM
by videoconference

PRESENT:

Geoff Buchanan	ACT Council of Social Service
Veronica Johnson	Broome CIRCLE
Jess Kirby	CHOICE
Yelena Nam	CHOICE
Brigette Rose	Consumer Action Law Centre
Ben Martin Hobbs	Consumer Policy Research Centre
Toni Cork	HK Training & Consultancy
Alana Moller	Isolated Children's Parents' Association of Australia
Greg Ogle	South Australian Council of Social Service
Dr Robin Gregory	Regional Development Australia – Northern Territory
Joel Pringle	The Benevolent Society
Tess Matthews	WEstjustice
Helen Campbell	Women's Legal Service NSW

ACCAN:

Deirdre O'Donnell	Chair
Wayne Hawkins	Director of Inclusion
Meredith Lea	Policy Manager
Megan Ward	Economic Adviser
Rebekah Sarkoezy	Policy Adviser
Kelly Lindsay	Consumer Engagement and Membership Officer

APOLOGIES:

Duncan Steward	Australian Federation of Disability Organisations
Gerard Brody	Consumers Federation of Australia
Alexi Boyd	Council of Small Business Organisations Australia
Wendy Hick	Isolated Children's Parents' Association of Australia

Robyn Nolan	National Council of Women of Australia
Kate Munro	Youth Action Network
Andrew Williams	ACCAN Acting Chief Executive Officer
Sam Kininmonth	ACCAN Policy Officer

The purpose of ACCAN's Member's Advisory Forum (MAF) is to identify the most important telecommunications consumer 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 2022-23 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.

ACCAN distributed the following documents prior to the meeting to provide background for the discussions:

- ACCAN Environment Scan
- Policy Priorities for 2021-22

1. Overview of current communications context

ACCAN Policy Manager Meredith Lea outlined the current external communications context within which ACCAN is working. This was set out in the ACCAN Environment Scan, circulated to attendees before the Forum. This context setting included discussion regarding:

- The upcoming Federal Election, and anticipated impacts that may have on ACCAN's work and workload in the coming months.
- ACCC Compliance and Enforcement Priorities for 2022-23.
- ACMA Compliance Priorities for 2022-23, which were being consulted on at the time of the Forum. ACCAN offered to send a copy of our draft submission to members for their input or endorsement.
- Communications Alliance Works Program, noting ACCAN's engagement with the Local Number Portability Code Working Committee, and interest in the development of the Online Safety Act Codes.
- Communications Compliance, noting ACCAN's presence on their Advisory Committee, and their desire to ensure consumer advocates are aware of the role they play in ensuring providers are meeting their TCP Code obligations.
- DIGI, including our engagement with them in relation to the Online Safety Act Codes. ACCAN Director of Inclusion, Wayne Hawkins, gave an update on the progress of the Codes, and encouraged members to contact ACCAN if they would like to join the consumer consultation roundtable to be convened regarding those Codes.
- An update on Government consultations and programs was taken as read.

Members provided feedback on the issues and impact that natural disasters will continue to have on communications services, in terms of reliability, but also in the allocation of funding for recovery programs after disasters have hit certain regions. Feedback was also provided regarding the issue of Buy Now Pay Later services, with some members also concerned about the impact of using Buy Now Pay Later services to pay for essential services, including how that

might mask the extent of financial hardship consumers are experiencing. The importance of financial counsellors was also discussed.

ACCAN Policy Manager Meredith Lea gave an overview of ACCAN's current commissioned research project. ACCAN is working alongside the Public Interest Advocacy Centre (PIAC) on research into payment issues in the telco and energy sectors. There will be three main phases to the research, starting with desktop research, which has already provided interesting findings; then qualitative research with consumers and service providers; and then a quantitative survey. The final report is expected to be published around May-June 2022. Forum attendees were encouraged to contact ACCAN if they wanted more information about the research project.

2. Discussion about 2021-22 policy priorities and future activities

ACCAN reported on previous action against each of its existing policy priorities, and welcomed feedback from members on whether these priorities continue to reflect the phone and internet issues experiences of those they represent, or are issues of importance to their work.

Affordable telecommunications for all

Areas ACCAN has focused on in relation to affordability in the 2021 calendar year included NBN pricing, the NBN Special Access Undertaking (SAU) Variation, commissioned research into low income telco programs and offers, and an analysis of mobile affordability. ACCAN explained its intention to, amongst other things, continue work in 2022 in relation to the NBN SAU, advocacy regarding a concessional NBN offering for people on low incomes, and work in relation to device affordability.

Members provided the following feedback:

- The importance of looking at the energy sector to consider whether things like default pricing mechanisms could be implemented in the telecommunications sector.
- Support for ACCAN looking at mobile affordability in more detail, particularly in relation to questions about value for money for cheaper mobile plans. Some members commented that although mobile infrastructure might be more cost-effective in regional, rural and remote areas than other options, there must be consideration of whether that will result in the best outcomes for consumers.
- The need to address digital literacy at many levels, including for consumers to be aware that mobile-only internet access can be quite expensive and might not be their best option.
- The importance of device affordability, in terms of needing to have cheaper mobile devices for people on low incomes, while recognising that these cheaper devices may not do everything that consumers need them to do, especially online, and may not last as well as more expensive options (especially in remote communities or situations where devices are shared amongst a household). Members outlined it is critical that all consumers have affordable, reliable access to a phone/device that is capable of everything all levels of government expect consumers to do online. Members also explained the additional costs that consumers in regional, rural and remote areas often bear to extend their coverage or otherwise make devices usable.

Members suggested ACCAN consider advocacy in relation to the Productivity Commission's Right to Repair inquiry.

Members suggested ACCAN consider research on the consumer's journey of how long devices last and how much consumers spend during the course of a telco contract, or on repairing devices.

A fairer telco market

Areas ACCAN has focused on in relation to fairness in the 2021 calendar year included the development of a retail registration scheme policy position, work in relation to consumers experiencing vulnerability, numbering issues, and analysis and monitoring of telco complaints. ACCAN explained its intention to continue its work in relation to all of these areas in 2022 and identified a few areas where further policy position development is planned.

Members provided the following feedback:

- Consumer vulnerability is an important continued focus area, particularly in relation to people experiencing domestic and family violence. Telcos require specific expertise to deal with consumers experiencing domestic and family violence.
- Telstra's Enforceable Undertaking in relation to mis-selling means that mis-selling cases can be sent to the Telstra special assistance team to look into, regardless of whether the mis-selling happened outside of the dates or areas covered by the Enforceable Undertaking.
- ACMA annual hardship data is limited in comparison to energy, for which regulators produce quarterly data on numbers of consumers in hardship and resolution of hardship programs, levels of debt etc. Accurate and more frequent data would be helpful, including regarding disconnections and how disconnections are discussed in telco more generally.

Some members reported difficulties in getting cases recognised as unconscionable conduct or systemic issues by the ACCC, ACMA and TIO. The definition of systemic issue in telco can cause major problems when consumer advocates are trying to get positive outcomes for consumers but the cases aren't being appropriately recognised as requiring a systemic response.

Members suggested ACCAN consider research into the referral process of the TIO, particularly in relation to the TIO classifying complaints that don't return to the TIO as resolved. Members reported that this was not their experience nor the feedback they receive as consumer advocates, and that consumers often interpret the TIO's referral back to the telco as an indication that the TIO is not going to help them with their complaint. Members also reported that strict adherence to TIO procedures often meant TIO staff were ill-equipped to understand the lived experience of their clients, particularly those experiencing vulnerability.

Better infrastructure

Areas ACCAN has focused on in relation to infrastructure in the 2021 calendar year included submissions relating to improved transparency and reporting requirements, work on a Future of Broadband policy position, and participation in the Alternative Voice Services Trial Stakeholder Reference Group. ACCAN explained its intention to continue this work in 2022, including by publishing a policy position on the Future of Broadband, and possibly preparing one in relation to Public Wi-Fi services. ACCAN also plans to monitor NBN upgrades, continue to work with its Indigenous Steering Committee on the needs of First Nations communications consumers, and continue to advocate alongside the Regional, Rural and Remote Communications Coalition (RRRCC) to improve communications for the bush.

Members provided the following feedback:

- Black spots continue to exist in various areas, such as the Kimberley, where people have had car accidents and were unable to get help until someone else drove past. Coverage maps are not being referred to at point of sale, so often people get back to community and realise their phone service doesn't work.
- Public Wi-Fi is an important way of keeping people online, particularly in remote and very remote communities.
- It is important for local communities, including health, education and other bodies, to be involved in decision making regarding telecommunications infrastructure.
- The Regional Connectivity Program (RCP) can be difficult for local communities to engage with. For instance, smaller remote communities might not be considered from a cost-benefit perspective, despite having real need for telecommunications improvements. Small local governments might not be able to contribute financially. Community members might also not know what solutions they should be asking for, which can lead to risks of the technical partners taking advantage of the local community. If the RCP guidelines or criteria are to be reviewed it would be important to consider how effective the program has been for those in remote and very remote areas.

Growing consumer confidence

Areas ACCAN has focused on in relation to consumer confidence in the 2021 calendar year included the Consumer Data Right (CDR), the development of an Internet of Things policy position, work on the Digital Identity system, privacy issues, and online safety and content. ACCAN explained its intention to continue this work into 2022, in addition to working with its Indigenous Steering Committee in relation to digital inclusion and continuing to call for a consumer organisation to be funded in relation to digital platforms work.

Members provided the following feedback:

- There has been a huge amount of consumer advocate involvement with the CDR in other sectors, with limited changes made to the initial roll out proposals in banking and energy. It might be a good idea to reconsider how ACCAN and consumer advocates more broadly are engaging with CDR processes moving forward given these past learnings. Consideration must be given to whether CDR will bring benefits for consumers experiencing financial disadvantage and vulnerability.
- Support for ACCAN's thinking regarding an independent plan comparison tool so consumers can get free and easy information about different products and services that might work for them.
- There is a need for a specific focus on technology facilitated abuse and stalking, security of data, privacy, and identity theft. Consumers get referred to a range of agencies, all of whom don't think it's their responsibility to deal with these issues. While the eSafety Commissioner can deal with some things relating to this, it doesn't capture all of it, and pathways to solutions and supports must be clearer. Telecommunications providers must respond better, and an industry wide domestic violence code would be a good way to start.

Members encouraged ACCAN to start thinking about the TCP Code review process and how to ensure consumers have a strong voice throughout that process, including from the earliest possible stages of drafting.

Improved accessibility

Areas ACCAN has focused on in relation to accessibility in the 2021 calendar year included holding a forum for people with disability to discuss pain points regarding engaging with telecommunications providers, the ongoing provision of the Accessible Telecoms service, and work on access to television and subscription services. One issue that came up in the forum was around identity verification for people with disability. ACCAN explained its intention to publish a revised policy position regarding the procurement of accessible information and communications technology in 2022, as well as to continue to engage with telecommunications providers regarding accessibility, and continue working on the accessibility of broadcast and subscription television.

Members provided the following feedback:

- Identity verification processes are an ongoing issue, for First Nations consumers in particular. Members believed some telcos were doing work in this space using a form that superannuation companies have been using, whereby they accept a signed and witnessed form as a full 100 points of ID for those without other forms of ID.
- Support for ACCAN's anticipated participation in the advisory committee relating to the continuation of free-to-air TV and subscription services.

Members encouraged ACCAN to continue its broader inclusion work, in relation to the experiences of older people and people from culturally and linguistically diverse communities.

Increased reliability

Areas ACCAN has focused on in relation to reliability in the 2021 calendar year included working with the RRRCC, including a submission to the Regional Telecommunications Independent Review Committee, work in relation to standards, rules and benchmarks for Statutory Infrastructure Providers, and publishing a policy position regarding Priority Assistance. ACCAN explained its intention to continue this work in 2022, particularly in relation to improvements to wholesale broadband service standards, and through the drafting of a policy position regarding the essentiality of communications services.

Members provided the following feedback:

- Telecommunications is an essential service but isn't necessarily treated as such in terms of funding and infrastructure commitments. Legislating telecommunications as an essential service is important, and members encouraged ACCAN to continue its work on the policy position in relation to this. Members argued that more work needs to be done before natural disasters hit, to encourage telecommunications preparation and activities to be worked into disaster management plans.

Members also commented that while deregulation rhetoric is still prominent in the telecommunications sector, now is a good time to revise that approach, particularly given that the COVID-19 pandemic clearly identified that there is a role for governments to play in ensuring people have access to telecommunications and other essential services.

3. Sum up and meeting close

The feedback and suggestions made at the Members Advisory Forum will be used to inform ACCAN's future policy priorities and research activity plan. These will be circulated to members of the Forum when finalised.

ACCAN Chair, Deirdre O'Donnell, thanked the MAF attendees for their time and valuable contributions.