



Joint Standing Committee on the National Broadband Network

Submission by the Australian Communications Consumer Action
Network

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Australian Communications Consumer Action Network (ACCAN)
Australia's peak telecommunications consumer organisation

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About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified consumer voice to industry and government. As a consumer organisation ACCAN works towards availability, accessibility and affordability of communications services for all Australians.

ACCAN promotes better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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Contents

1. Executive Summary.....	4
1.1. Background	4
1.2. List of recommendations	5
2. Guaranteed access to broadband services	7
3. Establish Customer Service Guarantees and Safeguards.....	9
4. Complexity of switching and the need to be informed	10
4.1. Requirement for Retail Service Providers to get informed consent.....	10
4.2. Consistent switch off process	11
5. Complaints and proposals for improving systemic issues	12
5.1. Faults and slow speeds	12
5.2. Customer Experience	13
5.3. Information on outages	13
6. Sky Muster	15
6.1. Greater plans.....	15
6.2. ADSL to Satellite	15
7. Affordability and digital literacy barriers	17
7.1. Review Centrelink Telephone Allowance	17
7.2. Program for building digital capacity and support	18
8. Non – nbn networks.....	19
9. International Comparative statistics.....	21

1. Executive Summary

ACCAN strongly believes that all premises should have access to data and voice services. Additionally, consumers should have access to information needed to make purchasing decisions and that robust consumer protections should be in place.¹ These foundation blocks are vital for essential services. Without these, complaints are likely to arise and be difficult to resolve.

The last few years has seen a number of improvements to the NBN rollout process. However, we believe that more could be done. In particular, it is important that consumers are thoroughly informed and the process to switch is consistent. To address some of the complex problems that consumers are facing, technical and digital literacy support is required.

All effort and resources should be aimed at ensuring that the network delivers for consumers and small businesses. Access to faster and more reliable services has the potential to significantly benefit everyday life, improve business productivity, reduce socio-economic divides, empower and enhance personal development, well-being and economic livelihood. Consumers should be able to afford, use and trouble shoot any issues that arise to ensure the optimal use of broadband services.

1.1. Background

Access to a broadband service has only been a dream for some consumers, and for most, the quality of services is currently low.² The establishment of the National Broadband Network (NBN) and nbn, the primary company delivering the NBN, reflects the need to rollout and prioritise broadband connections.³

It is fair to say that for a number of consumers the rollout has not been 'seamless'. As the Joint Committee members will be aware, consumers have reported confusion and encountered problems at every stage. From understanding how and when they will be affected, to choosing providers and plans, arranging connection, overcoming difficulties of complex connections⁴, using the service, to finding causes and solutions to faults and outages; the span of issues is vast. Most of the concerns are not standard complaints about services, which would fall under the jurisdiction of the Telecommunications Industry Ombudsman (TIO). These are often problems that consumers are unsure who to go to for answers, or are unaware that there are answers. Consumers end up searching for answers from multiple sources or are passed between nbn, RSPs, local councils, federal and state parliamentarians, community groups and complaint handling bodies.

¹ ACCAN, *Our Broadband Future, What Consumers Want* policy position paper 2014.

https://accan.org.au/files/Position_Statements/Our%20Broadband%20Future%202014.pdf

² See the Department of Communications and Arts, *Broadband Availability and Quality Report*

<https://www.communications.gov.au/publications/broadband-availability-and-quality-report>

³ Statement of Expectations, 24 August 2016. <http://www.nbnco.com.au/content/dam/nbnco2/documents/soe-shareholder-minister-letter.pdf>

⁴ For example non-standard installations, Service Class 0 premises or locations with addressing issues.

While the primary goal at this stage must be focused on providing access to the remaining eight million premises, consideration must now be given to the next stage. The policy and networks need to be run and operated so that they deliver long term benefits for end-users. This creates a difficult combination of tasks; of rolling out, connecting and delivering broadband services. Each of these presents its own challenges.

ACCAN has engaged with the many policy reforms over the last number of years. We have worked with our members to identify gaps and solutions in policy to protect consumers.⁵ Our submission and recommendations are based on this work.

1.2. List of recommendations

Recommendation 1: Network access should be enshrined in legislation. All premises should have guaranteed access to broadband services. The protection that NBN provides may need to be examined further as access to a network may not be sufficient, in itself, for a competitive retail market to deliver services to all consumers.

Recommendation 2: Broadband standards should be established to protect services. This needs to include wholesale service obligations, arrangements to deal with tension between wholesale and retail obligations and incentives for compliance. Customer Service Guarantees and safeguards should be updated.

Recommendation 3: An additional statutory determination that RSPs gain informed consent is required to ensure all consumers are thoroughly informed of the effect of switching to nbn.

Recommendation 4: The Government should be encouraged to work with Optus to standardise the switchover process over their legacy network. All consumers in the fixed line areas should be given 18 months to switch.

Recommendation 5: Sufficiently resource the ACCC to carry out the Broadband Performance Monitoring and Reporting Program across all nbn technologies.

Recommendation 6: Require nbn to release Net Promoter Scores and congestion issues in an attempt to identify causes of problems and encourage better services.

Recommendation 7: Require nbn to provide information on outages that are being experienced across its network and expected repair timeframes.

Recommendation 8: Sky Muster plans should be increased to reflect the residential, educational and business needs of rural and regional Australia.

Recommendation 9: Only those with a genuine need for the service, without alternative options, should be put on Sky Muster.

⁵ ACCAN, *Connected Consumer: The future of consumer focused communication services*. 2016 <http://accan.org.au/our-work/policy/1245-the-future-of-consumer-focused-communication-services>

Recommendation 10: Review the Centrelink Telephone Allowance to address affordability barriers.

Recommendation 11: Establish a grants program for independent digital technical support and capacity building.

Recommendation 12: Support the proposed clarification of the level playing fields rules policy that aim to ensure consistency across all networks delivering superfast broadband network access.

Recommendation 13: Require nbn to provide clarity about areas and networks which it intends to overbuild.

Recommendation 14: Supplying information to the Departments Telecommunications in New Developments map should be a mandatory requirement for all networks. Consideration could be given to extend the resource to other non-nbn networks operating in existing estates.

Recommendation 15: International comparisons should reflect consumer experience and use of services.

2. Guaranteed access to broadband services

Broadband is now an essential service for consumers. The Government is ensuring that there will be network access through the establishment of the nbn and the Statement of Expectations. However, this needs to go further. A Statement of Expectations is just that, an expectation. It does not guarantee access. Furthermore, nbn is only responsible for a part of the chain in a service⁶. It does not deliver a broadband service in itself. ACCAN believes that more must be done to ensure that consumers are guaranteed access to a broadband service.

Firstly, access to a network must be guaranteed in legislation. This is currently being drafted by the Department of Communications.⁷ ACCAN supports legislative access to a network. This should ensure that all premises, regardless of geographical location and level of competition, should be guaranteed access to a broadband network.⁸ The legislation should also ensure that the network is superfast (i.e. capable of speeds of 25Mbps and above) and that there is oversight on the level of network offered. It is important that this legislative protection is put in place.

Secondly, network access is only one part of a service. It does not ensure that a service will be delivered or available. Recently we have been involved with a group of unconnected residents which demonstrates the need for further protections. For these consumers, nbn was responsible for providing network access.⁹ Due to delays in nbn's local network build, the residents have been left months without any connection, no services and in the dark about what was happening.¹⁰ This situation is not satisfactory and results in obvious questions:

- If nbn cannot provide network access (delay / fault), who is responsible for providing an alternative interim broadband service?
- If there is a problem accessing an underlying network, who do affected consumers talk to when they are unable to place an order with a retailer, and they have no direct relationship with nbn?

The extent that retail telecommunication services needs to be supported by Government is being examined separately.¹¹ However, we consider that more work is needed regarding the protection

⁶ Bill Morrow, *Understanding the nbn network model*. <http://www.nbnco.com.au/blog/the-nbn-project/understanding-the-nbn-network-model.html>

⁷ Department of Communications and the Arts, Statutory Infrastructure Provider provisions in the Telecommunications Reform Package. <https://www.communications.gov.au/have-your-say/consultation-telecommunications-reform-package>

⁸ ACCAN submission to the Department of Communications of the Arts, Telecommunications Reform Package Consultation. <http://accan.org.au/files/Submissions/ACCAN%20submission%20to%20Telco%20Reform%20Package.pdf>

⁹ SMH, *NBN finally steps in to save stranded Belmond estate after safety nets fail*. 29 March 2017 <http://www.smh.com.au/business/nbn-finally-steps-in-to-save-stranded-belmond-estate-after-safety-nets-fail-20170328-gv86y4.html>

¹⁰ Cranbourne News, *Belmond gets a wrong number*. 17 March 2017. http://cranbournenews.starcommunity.com.au/news/2017-03-17/belmond-gets-a-wrong-number/?utm_source=newsletter_127&utm_medium=email&utm_campaign=webnews374

¹¹ Productivity Commission, *Inquiry into the Telecommunications Universal Service Obligation*. <http://www.pc.gov.au/inquiries/current/telecommunications/terms-of-reference>

that nbn does provide to consumers. Access to a network may not be sufficient, in itself, for a competitive retail market to deliver services to all consumers.

Recommendation 1: Network access should be enshrined in legislation. All premises should have guaranteed access to broadband services. The protection that NBN provides may need to be examined further as access to a network may not be sufficient, in itself, for a competitive retail market to deliver services to all consumers.

3. Establish Customer Service Guarantees and Safeguards

A communication service is made up of many elements; the network access, service reliability, plan inclusions, customer support etc. Without any individual element the service can become useless. The policy to deliver broadband access to all premises only addresses one element - network access. Other elements are the responsibility of network providers, RSPs or a mixture of both. The networks also have responsibility for how the network operates, for example when it is connected, how reliable it is, when it is repaired. This is confusing for consumers. When services do not work consumers may be passed between retailer and wholesaler, and left with faulty services.

There are currently no standards for how networks work. There are contractual arrangements between RSPs and nbn, but these do not provide a safeguard for consumers and their services.¹² There needs to be clear lines of responsibility and standards which set out acceptable levels of network operations and services. Creating lines of accountability between the wholesale provider and a consumer is more likely to create a network responsive to consumer needs. Policy needs to address this gap preferably through a universal safety net on telecommunications networks.

In order to support the delivery of reliable voice and broadband services for the future the following is needed¹³:

- Wholesale service obligations setting timeframes for connections, fault repairs, and network reliability benchmarks,
- Arrangements to deal with the tension between wholesale and retail end user obligations, and
- Incentives to comply in the form of end user compensation, penalties and wholesale pricing considerations.

Recommendation 2: Broadband standards should be established to protect services. This needs to include wholesale service obligations, arrangements to deal with tension between wholesale and retail obligations and incentives for compliance. Customer Service Guarantees and safeguards should be updated.

¹² Nbn, *Wholesale Broadband Agreement*, available at: <http://www.nbnco.com.au/sell-nbn-services/supply-agreements/wba2.html>. Other NBN providers, such as TPGs fibre to the basement, OptiComm, OPENetworks, LBN Co., will also have their own contractual agreements with their RSPs.

¹³ ACCAN, *A guarantee for the future - ACCAN's policy position on a customer service and reliability standard*. <https://accan.org.au/election-2016/1228-a-guarantee-for-the-future>

4. Complexity of switching and the need to be informed

Switching services to nbn is not automatic. Consumers have a number of responsibilities placed upon them in the switch over. This includes;

*“Informing themselves of the need to migrate, identifying equipment needed to migrate and arranging and covering costs associated with any additional upgrading of wiring or end user premises equipment that may be required”.*¹⁴

These can be near impossible tasks for some consumers. If a consumer does not understand these responsibilities they may be put in a vulnerable position. They may lose services altogether by failing to switch before the legacy network is switched off. Alternatively they may switch but their services may not work as they expected. Equipment such as handsets and medical alarms may not be updated, putting these services at risk. Updating this equipment can also put additional financial pressure on some consumers, or result in losing services. Nbn has pro-actively established a register where consumers can enter details of medical alarms.¹⁵ However, ACCAN believes two further measures could be undertaken which would ensure that consumers are adequately informed and that the switch over process is streamlined and consistent.

4.1. Requirement for Retail Service Providers to get informed consent

Switching to nbn affects how current services work. Telecommunications outlets throughout the house may no longer work. Services such as medical alarms and security alarms are likely to be affected, requiring updated equipment or a complete change in network. It can be difficult to interpret the messages given about how the switch is likely to affect services. The messaging consumers receive from different parties can conflict. Additionally, advice from family, friends or independent third parties may be accurate at one location but inaccurate at another. Already there are worrying reports consumers do not fully understand the effect of the switch on their medical alarms.¹⁶ When consumers are not made fully aware of the effect on services they are put in a vulnerable position.

There is a code that currently ensures that an informed decision occurs in 20% of the nbn network (FTTP), but not over the remaining network.¹⁷ This code requires RSPs to discuss with the consumer

¹⁴ Department of Communications, Migration Assurance Policy Statement.

<https://www.communications.gov.au/publications/migration-assurance-policy-statement-framework>

¹⁵ Nbn, Medical Alarm Register. <http://www.nbnco.com.au/connect-home-or-business/information-for-home/device-compatibility/medical-alarm-register.html>

¹⁶ See The West Australian, ‘Medical alert fail on NBN’. 23 February 2017. <https://thewest.com.au/news/sound-southern-telegraph/medical-alert-fail-on-nbn-ng-b88381758z>

¹⁷ ACMA, *Telecommunications (Battery Power and Informed Decisions) Service Provider Determination 2014*.

<https://www.legislation.gov.au/Details/F2014L01097/Explanatory%20Statement/Text>

how they use telecommunication connected services and their options in case of medical needs and power outages. As consumers need to order services through an RSP, it is right that responsibility is on the RSP to inform consumers and ensure they understand. A code is needed, as RSPs may not wish to do this themselves, as it may put consumers off purchasing services from them. Requiring RSPs to gain informed consent across all technologies would ensure consumers receive consistent advice and can make informed decisions about their services. Therefore we believe that a determination should be made that requires RSPs to gain informed consent on all services switching to nbn.

Recommendation 3: An additional statutory determination that RSPs gain informed consent is required to ensure all consumers are thoroughly informed of the effect of switching to nbn.

4.2. Consistent switch off process

It is vitally important that the switch over process is as streamlined as possible. Consumers will not engage with what is required of them if it is overly complex. If they are assisting family or neighbours, or moving between locations it also ensures that all switch overs have commonality. Varying processes and information have the potential to cause alarm and lead to periods of no service.

Generally consumers have 18 months to switch to nbn, before the legacy network is switched off. If they fail to switch within this period they lose all services. This timeframe is an easy message to convey to consumers. It gives sufficient time for consumers to consider new services. However, this process is not true for all consumers. Optus HFC customers are given a maximum of 90 days to switch.¹⁸ This is very confusing and conflicts with the information that consumers are given in other public messaging. Already this has led to consumers being disconnected. It is vital that the process for switching is streamlined to the maximum extent possible and all providers and legacy networks follow the same process.

Recommendation 4: The Government should be encouraged to work with Optus to standardise the switchover process over their legacy network. All consumers in the fixed line areas should be given 18 months to switch.

¹⁸ See The Age, Optus threatens disconnection to sign up NBN customers and fast-track HFC cable shutdown; 10th March 2017. <http://www.theage.com.au/technology/technology-news/optus-threatens-disconnection-to-sign-up-nbn-customers-and-fasttrack-hfc-cable-shutdown-20170310-guv5ek.html>

5. Complaints and proposals for improving systemic issues

5.1. Faults and slow speeds

Some of the poor experiences over nbn have resulted in complaints to the Telecommunications Industry Ombudsman (TIO). The top complaint is in relation to faulty services and slow speeds, which can be caused by a range of reasons.¹⁹ ²⁰ Choice of speeds is new for most consumers. It forces them to engage on a technical level, as speeds are a measurement of the maximum capability of the network. It can be hard to translate a technical possibility into what the broadband service can be used for. To add further complexity, the same advertised speed may vary depending on which RSP is chosen. There is no way a consumer can reasonably make a decision on which service and speed is needed with the information currently available. ACCAN research has found that half of consumers believe RSPs do not differ in the level of quality they offer.²¹ Furthermore, 58 per cent believe "You get the same speeds at home as advertised in your plan".²² These are startling findings about how consumers view an important element of broadband services which they are now supposed to be making informed decisions on. It is no wonder that speed complaints are the number one complaint issue raised with the TIO.

In order to address these rising complaints, how services are advertised needs to reflect the level of service that is being offered and the performance of services needs to be independently tested and monitored. Both of these are currently being examined by the ACCC's proposed Broadband Speed Claims and Broadband Performance and Monitoring Program.²³ It is vital that these pieces of work are undertaken and adequately resourced. If implemented, these initiatives will make advertisements about plans reflect expected experience and verify what performance average consumers are receiving. This type of information will help consumers to choose the provider that meets their needs. Additionally, it will help to pinpoint why services are not performing,²⁴ and incentivise better performance overall.

¹⁹ Telecommunications Industry Ombudsman, 2016 Annual Report. <http://annualreport2016.tio.com.au/>

²⁰ ACCAN, 'What affects the quality of my broadband?' infographic and tip sheet. <https://accan.org.au/tip-sheets/what-affects-the-quality-of-my-broadband>

²¹ ACCAN, Broadband Performance and Consumer Decision Making. <https://accan.org.au/our-work/research/1159-broadband-performance-consumer-decision-making>

²² ACCAN, Broadband Performance and Consumer Decision Making. <https://accan.org.au/our-work/research/1159-broadband-performance-consumer-decision-making>

²³ See ACCC for further information. <https://www.accc.gov.au/regulated-infrastructure/communications/compliance-anti-competitive-conduct/broadband-speed-claims-information-papers/consultation-outcomes>, <https://www.accc.gov.au/regulated-infrastructure/communications/monitoring-reporting/broadband-performance-monitoring-reporting-program>

²⁴ For example if nbn technology or RSP provisioning is to blame for faulty services.

Recommendation 5: Sufficiently resource the ACCC to carry out the Broadband Performance Monitoring and Reporting Program across all nbn technologies.

5.2. Customer Experience

nbn surveys all customers on their experience of switching and using the network. They previously released this 'Net Promoter Score' information on a technology basis, but do not release it regularly.²⁵ If nbn named areas, technologies or RSPs which scored below 7 on the Net Promoter Score it would provide visibility about those that are not having a good experience connecting and using services.

Additionally, some consumers may be impacted by localised congestion on the network caused by RSPs. Their services may be slow or unusable. Switching to another provider may result in better services. Information on the level of congestion by RSP is not available to consumers. However, nbn has visibility over this. If nbn published information on RSPs which were congested, it would allow consumers to actively switch to another provider which could offer a higher level of service.

Recommendation 6: Require nbn to release Net Promoter Scores and congestion issues in an attempt to identify causes of problems and encourage better services.

5.3. Information on outages

When the nbn network experiences outages or faults, RSPs are notified. Ideally, RSPs would pass the information on to consumers. However, this information is not always passed on or there may be delays in doing so. On the other hand consumers are often, possibly inaccurately, told by RSPs that poor services are the fault of nbn. RSPs can fail to address issues, saying they are unable to fix faults that are in the nbn network, leaving consumers in a difficult position trying to determine why services are not working and who is responsible. Consumers do not expect that services will always work, no service is perfect. However, having clear information on faults and likely repair times allows them to plan around the outage. It saves time having to trouble shoot.

Many companies provide information on their websites of any faults that they are aware of and estimate when services will be functioning again. nbn does not do this. nbn recently introduced a voice recorded system, IVR, to inform Sky Muster consumers about outages. This is an excellent first step and resource for consumers. It also aids RSPs in being able to help consumers who need assistance rather than answering questions about service issues. ACCAN believes that even greater transparency on faults and outages would be beneficial for consumers.

²⁵ Nbn, 2016 Half year results. <http://www.nbnco.com.au/corporate-information/media-centre/media-releases/Strong-result-continues-nbns-momentum-to-full-year-targets.html>

Recommendation 7: Require nbn to provide information on outages that are being experienced across its network and expected repair timeframes.

6. Sky Muster

nbn Sky Muster services have been the focus of considerable attention in the last few months. When services do work consumers are happy. Often they report the service having significantly higher inclusions at better value than the previous interim services. However, there are a range of issues faced by consumers on these services:

- initial problems with the satellites which have caused instability and unusable services,
- limited data allowances which restrict the use of broadband plans,
- the need and cost for multiple networks and services (landline, mobile, Sky Muster) in order to maintain the level of reliable connectivity needed, and
- limitations on the use of some content and websites, for example farming auction websites.

ACCAN has two recommendations for consideration by the Committee in relation to Sky Muster.

6.1. Greater plans

There are some limitations in the nbn design which are preventing consumers from getting full benefit from Sky Muster services. Limitations in the plans, namely the Fair Use Policy (FUP) and one plan per location restriction, are limiting the use by regional, rural and remote consumers and businesses. These severely limit consumers who are trying to run their businesses, offer employees and tourists' data services, and possibly study for tertiary education qualifications as well as general residential use, all from one limited plan. A guarantee is needed that additional Sky Muster capacity is used to increase data allowance to current users. Further plans should be allowed per location for business use and by students, in addition to the existing school age distance education allowance. This will ensure that those who rely on Sky Muster are able to make use of it.

Recommendation 8: Sky Muster plans should be increased to reflect the residential, educational and business needs of rural and regional Australia.

6.2. ADSL to Satellite

There are a number of premises which previously had fixed line technology (such as ADSL) that are being designated as nbn Satellite customers. There could be tens to hundreds of thousands of consumers in this situation.²⁶ These consumers may have reduced levels of broadband service as a result. Additionally, limited Sky Muster capacity will be used by these consumers, rather than by rural consumers who have no other technical options for delivery of broadband services. Sky Muster should be reserved for those that really need the service. Alternative technology to Sky Muster should be provided by nbn to deliver services in the current ADSL footprint.

²⁶ Itnews, *The 4,013 urban premises to receive nbn satellite*. 30 March 2017. <https://www.itnews.com.au/news/the-4013-urban-premises-to-receive-nbn-satellite-456437>

Recommendation 9: Only those with a genuine need for the service, without alternative options, should be put on Sky Muster.

7. Affordability and digital literacy barriers

Consumers can face a range of barriers in accessing broadband services, other than availability of a network. Age, income, location and living arrangements are known factors in take up of internet services. Nationally the rate of households with internet is currently 86%, with access falling to just 66% for households in the lowest income bracket.²⁷ Consumers may be unable to purchase services or equipment (e.g. suitable devices or required software). The ABS found that “For households with children under 15 years, the most common reason given for not accessing the internet was cost (43%)”.²⁸ Current indications are that broadband affordability will become an increasing concern.²⁹

Telecommunication services and the NBN are, and will increasingly be, an enabler for other services, such as education and government services. This method of delivery is seen as a better and more cost effective method to interact with citizens. Deloitte estimates that digitising customer transactions in government will result in a net lifetime present value benefit of \$20.5 billion.³⁰ To deliver these, however, households need to have a level of connection and confidence in using the service. This is not always the case. It is important that known factors that lower the take up of broadband services are monitored and addressed. ACCAN believes the following would help to address some of these barriers:

7.1. Review Centrelink Telephone Allowance

There is limited financial assistance available to consumers in accessing broadband services. Primarily, this is through a Centrelink Telephone Allowance and low income measures from Telstra. The Centrelink Telephone Allowance is only available to a limited number of beneficiaries and the rate does not reflect the cost of services.³¹

ACCAN and SACOSS research found that many low income consumers are struggling to pay their telecommunications costs. 62 per cent of respondents either experienced difficulty paying, having to cut back or stopping using one or more telecommunications services for financial reasons in the last 12 months.³² ACCAN believes that the Centrelink Telephone Allowance needs to be reviewed, with

²⁷ ABS, Household Use of Information Technology, Australia 2014-2015.

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/8146.0Main+Features12014-15?OpenDocument>

²⁸ ABS, Household Use of Information Technology, Australia 2014-2015.

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/8146.0Main+Features12014-15?OpenDocument>

²⁹ NBN products last year showed a real price increase of 4.4%. ACCC, 2015-2016 Changes in the Prices Paid for Telecommunications Services

https://www.accc.gov.au/system/files/ACCC%20Telecommunications%20reports%202015%E2%80%9316_web.pdf

³⁰ Deloitte Access Economics 2015. Digital government transformation.

³¹ ACCAN. *Affordable Communications Policy Position*. <http://accan.org.au/election-2016/election-issues/1179-affordable-communications>

³² ACCAN and SACOSS Connectivity Costs, June 2016. <http://accan.org.au/our-work/research/1257-analogue-entitlements-in-a-digital-age>

the criteria broadened and the rate re-examined to reflect the increasing cost and need of communication services.³³

Recommendation 10: Review the Centrelink Telephone Allowance to address affordability barriers.

7.2. Program for building digital capacity and support

Lack of confidence or knowledge is often given as the reason for not accessing the internet.^{34 35} As with all new technologies, consumers need to be informed and educated about the benefits and uses of broadband services. nbn connected homes are more likely to make greater use of the internet and more likely to engage in more sophisticated online activities.³⁶ Raising digital literacy through education programs and showcasing uses and innovative applications is required. It is important that consumers realise the benefits of communication services for national benefits and the future of nbn. The minor cost in building the capacity now is minimal in terms of the longer term benefit that will be realised. All of society and the Australian economy stand to gain from the benefits of having consumers and small businesses connected - from productivity efficiencies to reduced call on face to face Government health and social welfare, to greater social cohesion and integrated communities.

Recommendation 11: Establish a grants program for independent digital technical support and capacity building.

³³ ACCAN, Affordable Communications Policy.

<http://accan.org.au/ACCAN%20Affordable%20Communications%20Policy.pdf>

³⁴ CSIRO, 2013. *Broadband Impact and Challenges, realising the benefits from the digital economy.*

<https://publications.csiro.au/rpr/download?pid=csiro:EP1312215&dsid=DS1>

³⁵ 22% of consumers without internet at home reported lack of confidence or knowledge as the reason. ABS, Household Use of Information Technology, Australia 2014-2015.

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/8146.0Main+Features12014-15?OpenDocument>

³⁶ Nansen, B., Arnold, M., Wilken, R. and Gibbs, M. 2012, Broadbanding Brunswick – High-speed Broadband and Household Media Ecologies: A Report on Household Take-up and Adoption of the National Broadband Network in a First Release Site, Australian Communications Consumer Action Network, Sydney. https://accan.org.au/files/Broadbanding_Brunswick.pdf

8. Non – nbn networks

One of the biggest areas that ACCAN receives queries on is non-nbn networks (such as TPG FTTB, OptiComm, LBN Co, Clublinks, Telstra Velocity and South Brisbane etc.). These network operators may be used to connect existing premises or new developments. There are expected to be in the region of 300,000 to 500,000 premises that will be connected to a broadband network other than nbn.³⁷ As these networks are often small, they tend to have a limited number of RSPs selling their services. Consumers express frustration about the limited choice of RSPs available to them. Some consumers also report services are slower than expected or that are available over nbn. Other concerns are higher costs and lower included allowances.³⁸ It is important that these consumers are not forgotten in an analysis of the NBN policy.

Operation rules, transparency and protections need to apply across all networks, not just nbn. ACCAN supports clarifying the rules governing these networks.³⁹ Consumers cannot choose the network that they are connected to, so the rules governing how the networks should operate need to be clear and consistent. Additionally, ACCAN supports the regulation of these networks, proposed by the ACCC.⁴⁰ This regulation could have an important role in ensuring prices are consistent with nbn prices and might positively affect the level of retail competition that exists over these networks.

Recommendation 12: Support the proposed clarification of the level playing fields rules policy that aim to ensure consistency across all networks delivering superfast broadband network access.

Consumers who find themselves served by these networks are often unsure if nbn will provide access to them (i.e. overbuild in the estate / development). Nbn is not supposed to overbuild unless there are commercial reasons to do so, and only with the Shareholder Ministers approval.⁴¹ Often this information is commercial in confidence or unknown. For example, when (if) Telstra's South Brisbane network will transfer to nbn has yet to be confirmed. ACCAN believes that where other networks do not meet comparable standards, nbn should be required to overbuild and step in as the Statutory Infrastructure Provider. Where the other network is meeting comparable standards, the reason to overbuild should be publically available and reviewed by the ACCC.

³⁷ Bureau of Communications Research, Inquiry into nbn non-commercial services funding options.

<https://www.communications.gov.au/have-your-say/final-consultation-nbn-non-commercial-services-funding-options>

³⁸ ACCAN submission to ACCC SBAS and LBAS consultation. <https://accan.org.au/our-work/submissions/1168-superfast-broadband>

³⁹ ACCAN submission on level playing fields rules in the Telecommunications Reform Package.

<http://accan.org.au/files/Submissions/ACCAN%20submission%20to%20Telco%20Reform%20Package.pdf>

⁴⁰ ACCAN, SBAS and LBAS access determination. <http://accan.org.au/our-work/submissions/1330-superfast-broadband-pricing>

⁴¹ Department of Communications and the Arts. *Telecommunications in New Developments policy*.

<https://www.communications.gov.au/policy/policy-listing/telecommunications-new-developments>

Recommendation 13: Require nbn to provide clarity about areas and networks which it intends to overbuild.

The Department of Communications and the Arts provides a useful map of its website of all new developments and the networks providing access.⁴² The map can help consumers understand what network is serving their new property and expected date that it will be available. However, it is not always up to date as it is voluntary for networks to supply this information to the Department. Not having a resource that consumers' can turn to can make finding information on services even harder. The onus is placed on consumers to check what network is connecting their new property. It is important that the information is available for them to do this. Providing data for the map should be mandatory for all networks in new developments. This information would be useful for consumers as it would identify the network, show when services will be available and provide a link to the appropriate site that displays information about what retail providers are, or will be, selling services to the premises. Additionally, ACCAN believes that any network which is operating as a competitor to nbn in existing estates and areas should upload data to this map. This way it would be a one stop shop for consumers to check what network, and ultimately services, they can expect.

Recommendation 14: Supplying information to the Departments Telecommunications in New Developments map should be a mandatory requirement for all networks. Consideration could be given to extend the resource to other non-nbn networks operating in existing estates.

⁴² Department of Communications and the Arts, Telecommunications in New Developments Map.
<https://www.communications.gov.au/what-we-do/internet/competition-broadband/telecommunications-new-developments-map>

9. International Comparative statistics

Most comparative statistics compare the maximum ability of the network in a country, either in terms of reach to consumers (percentage of population that could access the network) or performance capabilities (the highest technical performance capabilities of the network). These can often be flawed measurements as they often do not represent consumers' experience of the services. Additionally, they mask the social divide that may prevent consumers from taking up services.

ACCAN suggests that if the Joint Committee is examining comparative statistics that it uses those that reflect consumers' and businesses' experience. This would compare how affordable, accessible and available the network is.⁴³ For example the International Telecommunications Union measures 11 different indicators across access, use and skills.⁴⁴ It is important for Australia to measure the use and skills elements. These elements are often the categories that are scored lowest in international comparisons. This will provide an indication of where potential benefits from access to services can be found. Indicators such as low provisioning on the network, low median data usage or high number of disconnected moments will help identify network barriers that prevent the optimal use of services. Indicators such as a low number of low income consumers purchasing services over nbn or high expenditure on communication services may indicate nbn affordability barriers.

Recommendation 15: International comparisons should reflect consumer experience and use of services.

⁴³ The Global Innovation Index measures a range of indicators. Global Innovation Index 2016 <https://www.globalinnovationindex.org/gii-2016-report>

⁴⁴ ITU Measuring the Information Society 2016. <https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2016/MISR2016-w4.pdf>