

SPEECH BY TERESA CORBIN TO COMMS DAY CONGRESS

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INTRODUCTION

Thank you to Graeme Lynch and CommsDay for the opportunity to address you all again this year.

By now most of you will be familiar with ACCAN – the Australian Communications Consumer Action Network. For those of you who aren't – ACCAN is the peak body representing consumers on telecommunications, broadband and emerging new services. Our priorities are the availability, accessibility and affordability of communications services for all Australians.

As a peak body, we have a diverse group of member organisations and individuals, representing different types of consumers – typically those who are underrepresented or vulnerable in some way. Our member organisations include community legal centres, disability advocates, farmers' federations, financial counsellors, regional and remote groups, Indigenous groups, seniors' organisations and research bodies. Of course our representation also focuses very much the mainstream consumer experience and we are pleased to have groups such as CHOICE and the Consumers Federation of Australia among our membership.

ACCAN is responsible for administering a \$250,000 grant scheme for projects that produce research about segments of communications consumers' experiences or education tools.

In the last 12 months we have been engaged in a range of diverse issues and activities that will give you a clearer idea of what we do. We've campaigned successfully to make 13, 1300 and 1800 calls more affordable from mobile phones, a change we will see implemented by the start of 2015. We've also produced a simple guide for consumers on their rights as phone and internet customers based on the new TCP Code – a Code that we worked with industry to improve over an 18-month period. We've successfully campaigned for better quality television captioning for people who are blind or vision impaired, and we've helped thousands of consumers through a range of tip sheets on

everything from how to avoid bill shock, create a safe password and choose an ISP.

NATIONAL SURVEY

One other activity I would like to tell you more about is ACCAN's recently completed National Consumer Perceptions Survey 2012.

This is the inaugural survey in what is hoped will be an annual project to capture the consumer experience and consumer views and attitudes in the telecommunications space as they change over time.

For this major project, ACCAN contracted with Ipsos Social Research Institute to conduct a phone survey across a nation-wide representative sample of 800 people aged 18 years and over.

The idea is we will repeat many of the questions at the same time next year and see what is changing.

A key finding from the survey is that currently a lot of consumers don't actively participate in the market.

46% have been with the same provider on their main communications service for five or more years. It's even higher at 65% for those aged 55 and over.

It emerges that almost a third (31%) have never changed providers on any service or at least can't remember ever having done so.

These people are consuming telecommunications as a utility but in terms of doing what you do in a market – shopping around, comparing prices, changing providers, they're not doing it. They are just sitting with whoever has always supplied them – largely Telstra. And that means they are probably paying more than they should for legacy products which don't give them the best deal.

Whether the resistance to shopping around is a generational thing or has to do with perceived risks, hassles and nightmares involved in switching providers, it is something we will devote some further attention to.

We will be publishing the data from the survey in the next few months, and I hope that when we do, the insights that it reveals can help all of the industry to refine and improve customer service and relationships with consumers.

TCP CODE

One of the reasons we think it is important to do a survey to track changes in the telecommunications market over time is that we have a new industry code, the Telecommunications Consumer Protections, or TCP Code.

It took two years to develop and on paper at least contains quite a few much tougher protections for consumers. ACCAN will be researching and monitoring the telecommunications market as these new measures are rolled out to see if the TCP Code translates into better outcomes for consumers in the real world.

Regarding the Code itself, I am very pleased by the gains for consumers that have been achieved. The telecommunications industry, and in particular Communications Alliance, should be congratulated for the extensive consultation process which it undertook in developing the new Code. We look forward to the TCP Code goals being achieved through clearer advertising, easier comparison of products, better information about contracts, and better tools to help consumers avoid bill shock.

I am also encouraged that Communications Alliance has established an Industry Consumer Advisory Group. The aim of this industry self-regulatory body is to build on the momentum that we already have created in the TCP process, and to improve the level of industry compliance with consumer related codes. This is a laudable move. It is good to see industry stepping up to take responsibility for better compliance.

Communications Compliance, as many of you will be aware, was the body that has been set up following the registration of the new TCP Code to monitor industry compliance with the Code. While we retain our earlier reservations about the overall model of CC, we recognise we are now in an implementation phase, and we want to ensure that Communications Compliance is given every opportunity to show that it can build a better culture of compliance.

At the same time, we welcome Minister Conroy's proposed new powers for the ACMA to be able to swiftly implement service provider rules if required. We would also welcome changes to regulation to enable Codes to be amended in part, so that changes can be implemented in a targeted way and there wouldn't always need to be an entire consultation on a whole Code.

Consumer awareness is also key to the ultimate effectiveness of the Code. We have already published a plain English guide for consumers called Making the Right Call – which lays out in simple language consumers' rights as telco customers including the new rights under the Code.

While the new Code does appear to address key areas of concern like advertising and bill shock, if it does not translate into real reductions in the number of complaints to the TIO, we will be asking for action from the regulators in the form of enforceable rules like Industry Standards and service provider rules.

GLOBAL ROAMING

I'd like to say a few words about global roaming. As you might expect, global roaming costs are one of the areas that attract a lot of anger and frustration from consumers, especially when people experience bill shock on smartphones despite them going out of their way to do the right thing and change their handset settings when they go overseas.

We welcome the Minister's announcement of an Industry Standard on global roaming. We do believe that consumers need better information and better alerts on roaming. Some providers are already doing SMS alerts upon arrival in the overseas country, and that is excellent, but consumers need consistent, clear information sent to them by all providers when they go overseas.

ACCAN will continue to work closely with you in the industry and the ACMA to ensure effective implementation of this Industry Standard.

But information alone will not be enough.

The coordinated moves by the Australian and New Zealand governments to actually reduce roaming rates, we think is a good model that can be followed for other countries that Australians travel to frequently.

Based on the significant weight of research demonstrating the high cost of roaming and a lack of market pressure to reduce these costs, ACCAN believes that intervention to correct this market failure is justified.

Based on an assessment of each option put forward in the Draft Report into Trans-Tasman Roaming, we believe that:

- The Australian and New Zealand governments should take immediate action to reduce roaming costs by implementing price caps with pass through requirements and plan to review the effectiveness of this measure after five years.
- The Australian and New Zealand governments should take action to ensure the decrease of roaming prices in the long-term by requiring pricing transparency and enhancing regulators' powers.

We have also suggested an additional measure, the removal of fees for the unlocking of mobile handsets. This will greatly assist Australian and New Zealand consumers in accessing more affordable call, SMS and data services while overseas in any country, not just in the Trans-Tasman market.

NEW AREAS

I just want to mention some of the new areas in which ACCAN is currently engaged – privacy and copyright.

Privacy

The implementation of privacy law reform will be a focus in the coming months. One piece of reform that was recommended by the Law Reform Commission back in 2008 and on which we are yet to see action is silent line charging. This is the practice that sees consumers being charged an ongoing monthly fee for the privilege of not having their number or number and address listed in the phone book or online.

On this issue of silent line charging -- the message is coming to us loud and clear from consumers that expectations have changed around phone numbers – and that the community no longer accepts that it is legitimate for their telco to charge them on an ongoing basis for exercising their individual right to privacy.

The industry should not underestimate the frustration this issue generates in the community generally, not just among people who really need their number to be unlisted such as those who have been affected by domestic violence for example.

Silent lines should be free. None of the reasons I have seen advanced for it being otherwise are convincing. We want to see the implementation of the ALRC recommendation as soon as possible.

Copyright

I'd like also to say a few words on copyright – a contentious space, and one where ACCAN believes it is important that consumers are well represented. It is also one of several issues on which we and the telecommunications industry seem to be largely on the same page.

ACCAN's Strategic Plan commits us to work towards clear and fair arrangements for consumers in relation to digital content, and to entrench consumer rights at the centre of communications policy.

To the extent that it relates to communications consumers, a key dimension of clear and fair arrangements for digital content must be clear and fair rules for consumers on copyright.

ACCAN has already been participating since mid-2012 in the Attorney-General's Department talks, which include of course both telecommunications industry and rights holders. The talks are about a potential trial of a graduated response notice scheme, aimed at curbing peer-to-peer downloading.

Consumer representation in this area is becoming more important as a result. Today, we are making public our position statement on copyright that will guide our work on the issue.

In essence, our position is that in the era of user-generated content, social networking and smartphones, increasing numbers of people are creating and publishing online – whether it is videos, photos, words and music. In this environment, it is more important than ever that there exist clear and fair rules that consumers can follow.

Accordingly, ACCAN believes that copyright rules should not criminalise people or place people at risk of financial penalties when they engage in these kinds of activities or when they record or copy from one format to another for non-commercial use.

In addition, we all agree now that access to the internet is practical necessity in everyday life. Many government and business services are delivered in a way that assumes universal access.

Both internet and phone services are often delivered over the same infrastructure and bundled into one account.

Accordingly, penalties for copyright infringement must not result in any person being disconnected from a phone or internet service. Disconnection from an essential utility service on the basis of copyright infringement is both disproportionate and inappropriate.

The provisions in the Copyright Act which offer incentives for service providers to disconnect people who have infringed copyright should be abolished.

The explosion of online services has changed the way we live and work. Increasingly, services of all kinds are delivered online. Even our favourite television programs can be recorded online, stored remotely, and viewed by us through an online service.

While the law allows people to record television programs for their own personal use, there is uncertainty over whether the rules are keeping pace with the new delivery technologies.

Accordingly ACCAN believes the time has come for changes.

What we want to see:

- More fair dealing or fair use exceptions to copyright which are technology-neutral and recognise the legitimacy of consumer activities such as sharing user-generated content.
- A right for consumers to record and format shift content that has been acquired lawfully, for non-commercial use. The rules must be simple, technology-neutral and easy for consumers to understand.

We look forward to making these arguments to the Law Reform Commission in its current inquiry into copyright.

Audio description

And finally I want to briefly mention of Audio Description for television. Part of what we do is to advocate for people with disabilities to have improved access to the communications technologies that the rest of the community enjoys. To their credit, the government and the ABC have been conducting a trial of audio description for ABC television. Audio description means that an audio narration is provided of what is happening on screen. This instantly makes ABC TV accessible for over 600,000 Australians who are blind or vision impaired, who could not fully enjoy television until now.

ACCAN has joined with Blind Citizens Australia and Vision Australia to urge the ABC to keep audio description going and to make it permanent.

Our campaign, **It's As Easy As ABC**, will coordinate thousands of Australians to send postcards to ABC Managing Director Mark Scott and to Minister Conroy, requesting the service be made permanent beyond the trial's scheduled end date of 4 November. We sincerely hope that the postcards will get the message across of how fantastic this service is and how much the community wants it to continue.

CONCLUSION

To conclude, ACCAN is working to enhance its engagement with industry by expanding the range of formal consultation mechanisms we have. We have this year set up regular dialogues not just with Communications Alliance but also with AMTA and a range of industry bodies in order to build relationships and find ways of working together on issues of mutual interest, such as copyright.

Despite the fact we have different objectives, we share one common interest – supporting take up of services and participation of consumers in the communications market place. It's been a pleasure to address you all this afternoon and I look forward to discussing any of these issues with you over the next day or so. My contact details are behind me. Thank you.