



Telecommunications (NBN Consumer Information) Industry Standard 2018

Submission by the Australian Communications Consumer Action Network to the Australian Communications and Media Authority

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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 voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote 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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1. Introduction

ACCAN thanks the ACMA for the opportunity to submit on the draft Telecommunications (NBN Consumer Information) Standard 2018 (the Standard).

ACCAN welcomes the introduction of the Standard. The telecommunications industry is currently experiencing rapid and significant change alongside increasing use of communications technology in more areas of consumers' lives. The abundance of options available has made it increasingly difficult for consumers to make well-founded decisions about choosing a telecommunications service that is appropriate to their needs.

The rollout of the NBN has further exacerbated consumer confusion and frustration with the telecommunications industry. In ACCAN's 2017 Migration Statement¹ we argued that greater focus needed to be given to providing accurate, clear and consistent information to consumers. ACCAN is concerned about the lack of messaging and information from the nbn and Retail Service Providers (RSPs) about switching to the NBN. Further to this, the lack of coordination in providing information has created further confusion for consumers who receive information from multiple sources and are unsure of who and where to go to with questions.

It is thus fair to say that the consumer experience of switching to the NBN has been fraught with systemic issues that have left many consumers feeling far from positive about the new network. ACCAN is pleased that the Consumer Information Standard will place an obligation on RSPs to provide key information to consumers about their NBN services, particularly regarding how fundamental changes can impact service functionality. Placing this obligation on RSPs will hopefully help to centralise the source of NBN information available to consumers so they are better able to make decisions that reflect their needs.

¹ ACCAN 2017: <http://accan.org.au/Migration%20Statement.pdf>, p.4

1.1. List of recommendations

- Recommendation 1: Numerical information and descriptions about speeds should be complimented with graphics to aid consumer comprehension.
- Recommendation 2: A definition of 'peak times' should be included under Section 8.
- Recommendation 3: The implementation of the Consumer Information Standard should not exceed three months.
- Recommendation 4: The CIS and Key Facts Sheets should be separate documents.
- Recommendation 5: RSPs should be required to include information about both download and upload speeds in the Key Facts Sheets.
- Recommendation 6: The Key Facts Sheets should include a short explanation about its purpose and a link to the corresponding CIS.
- Recommendation 7: The Standard should include a requirement that information in the Key Facts Sheets be in plain language, should include minimal technical terms, and should be presented in a simple format.
- Recommendation 8: Section 10 should include a requirement that a link to nbn's webpage about device compatibility be included in the Key Facts Sheets.
- Recommendation 9: Section 10 should include a requirement that a link to nbn's medical alarms brochure be included in the Key Facts Sheets.
- Recommendation 10: Section 12 of the Standard should repeat the provisions under 12(1) for email addresses, to obligate RSPs to advise consumers whether they will be able to keep an email address that is provided by a RSP.
- Recommendation 11: Division 2 of the Standard must require RSPs to include their contact details, including both online and phone contact details.
- Recommendation 12: Section 8 must require RSPs to state in the Key Facts Sheets that a consumer can request a speed test if they experience speed issues with their NBN service.
- Recommendation 13: Division 2 should include a new section that obligates RSPs to provide links to further information that is considered key for some consumers.

2. Responses to consultation questions

2.1. Question 1

What is the most useful way to explain data and speed needs to consumers so they can purchase a service suitable for their online needs? The draft Standard requires CSPs to provide a description of the number of connected devices and the kinds of online applications that can be used in a household at the same time. Is this the most useful information to help consumers understand whether a service is suitable? Are there other approaches that would better assist consumers to choose a suitable service?

A 2016 survey² undertaken by ACCAN to measure broadband literacy demonstrated that when it comes to choosing an internet provider, consumers feel least confident in making a decision about which speed is appropriate for their needs. 20% of respondents said they are not confident in deciding which speed they need (this was 26% for females). 17% also responded that they are not confident in understanding the terminology used by their provider. Further to this, when asked about the most important factors in deciding on an internet service provider, 14% said the single most important factor is 'best quality internet service', whilst 42% ranked 'download speed' as one of their top three considerations³.

This research demonstrates a need to provide clear, descriptive and accurate information to consumers about broadband speed to ensure they are able to choose a service suitable to their needs. ACCAN thus welcomes the obligations under Section 8 that require RSPs to provide, via the Key Facts Sheet, essential and descriptive information about the speed that every NBN broadband service can reach, both during peak and off-peak times.

2.1.1. Speed descriptions should be accompanied by graphics

Regarding the representation of speed information, ACCAN supports the ACMA's proposed approach to provide a description of the number of connected devices and kinds of online applications that the service can support during peak times. There is however scope to improve this approach by including a provision requiring RSPs to include graphics and illustrations alongside these descriptions. ACCAN's 2016 Confident but Confounded report⁴ found that by including graphics and imagery that depict the details of text, comprehension by readers is likely to improve.

In a 2017 submission⁵ to the Joint Standing Committee on the National Broadband Network, ACCAN noted the need to minimise the complexity of choosing a speed tier so that consumers can make more informed decisions about their broadband service. Having the ability to choose speeds is new for many consumers and requires a certain level of technical literacy.

² ACCAN 2016 'Broadband Literacy': <https://accan.org.au/files/Reports/Broadband%20literacy%20Jan%202016.pdf>, p.9

³ Ibid. p.11

⁴ Harrison, Paul, Hill, Laura, and Gray, Charles, 2016, Confident, but Confounded: Consumer Comprehension of Telecommunications Agreements, Australian Communications Consumer Action Network, Sydney, pp.17-18.

⁵ ACCAN 2017: <http://accan.org.au/files/Submissions/ACCAN%20Joint%20Committee%20nbn%20rollout%20submission%20April%202017.pdf>, p.12

Feedback from members on the draft Standard indicated that, similarly to the results of ACCAN's broadband literacy survey, understanding speed can be difficult for consumers, especially those with low technical and/or English literacy. Many stressed the need to include imagery and icons alongside the numerical information about speed.

ACCAN thus proposes that under **8(c)** there be an additional provision that requires RSPs to use icons or imagery to compliment the numerical information about speeds and the information about the number of devices and online activities supported by the service. An example of this is the labels proposed by the ACCC⁶ as part of its 'Broadband speed claims: industry guidance'. These clearly indicate typical speeds on different plans, accompanied by a short, simple description of what can be achieved by each speed tier. RSPs should be urged to adopt these labels to create consistency in advertising and product information across the industry. This will better enable consumers to compare providers and choose a plan best suited to their needs.

Recommendation 1: Numerical information and descriptions about speeds should be complimented with graphics to aid consumer comprehension.

2.1.2. Include a definition of 'peak times'

Section 8 should also include a provision, after **8(a)** that requires the Key Facts Sheets to include a definition of 'peak times' and a short explanation of why speeds vary during this timeframe. For example: 'Peak times are typically between 7-11pm. This is when there are increased numbers of people using the internet and this can cause speeds to slow down.'

Recommendation 2: A definition of 'peak times' should be included under Section 8.

2.2. Question 2

Are there any elements of the draft Consumer Information Standard that cannot be implemented or complied with for technical, operational or other reasons? For example, does the Standard include any obligations that you consider could not be implemented within three months of its commencement?

ACCAN understands the need for RSPs to have adequate time to implement this Standard, particularly in light of there being multiple new instruments in play. However, the timeframe should certainly not exceed the proposed three months and where possible implementation should occur immediately.

The development of a key facts sheet should not present much difficulty given the Standard, once finalised, should offer clear rules about how the Facts Sheet should be compiled. Further, the information to be included in the Key Facts Sheet should be easy for RSPs to pull together and should not take long. The Standard will not require significant change to internal and sales processes as the rules relating to the provision of the Key Facts Sheet are very similar to the provisions in the TCP Code relating to the provision of the CIS.

⁶ ACCC 2017: <https://www.accc.gov.au/consumers/national-broadband-network/broadband-speeds>

Recommendation 3: The implementation of the Consumer Information Standard should not exceed three months.

2.3. Question 3

Would it be preferable to combine the information requirements for NBN retail plans (specified in Chapter 4 of the TCP Code) with the minimum information requirements for NBN services (specified in Part 2 of the Consumer Information Standard) into a single document? If so, what is the best way to achieve this?

ACCAN has consulted with many of its members on the draft Consumer Information Standard, particularly regarding the question of whether or not to combine the requirements for the Critical Information Summary (CIS) set out in the TCP Code, with the Key Facts Sheets outlined in the draft Standard. Whilst we have received varied responses from members about this, on balance we consider greater impact and benefit for consumers will be achieved by keeping the documents separate.

The problems encountered by consumers in switching to the NBN are often unique and specific to the process of switching, provoking many questions by consumers that are often left unanswered. This is further exacerbated by the number of parties involved in switching a consumer, including nbn, their disconnecting network, their current retail provider, their chosen retail provider, and device suppliers.⁷

We consider it will be clearer and easier for consumers if the Key Facts Sheets for NBN services remains separate to the CIS. Consumers signing up to an NBN service can then refer to this stand-alone document for NBN-specific information that may be unrelated to the key features of the service, located in the CIS.

Further, information overload is a very real concern for communications consumers. ACCAN sees the potential for consumer detriment if the CIS and Key Facts Sheets are combined as the document could become overly complex, too lengthy and crowded with information that is categorically different. This could create and/or add to information overload experienced by many consumers. The information regarding essential service elements and NBN specific elements are distinct and thus best understood separately.

For some categories of consumers it will be particularly important that the CIS and Key Facts Sheet remain separate and uncluttered to maximise their value as a communication tool. For example, older Australians have a wide range of literacy abilities (particularly those from a non-English speaking background) and technical comprehension, and it is fundamentally important when they are required to switch to an NBN service, that they understand what this will mean. This age group has a higher dependency on devices that will be affected by the network switch (such as medical alarms), and also is more accustomed to using legacy voice services with residual network power in energy network outages so will assume an NBN service has the same performance. Providing this critical information in a simple, brief document, is essential to enhance consumer comprehension about the fundamental changes to broadband service when switching to the NBN.

⁷ ACCAN 2017 Migration Statement: <http://accan.org.au/Migration%20Statement.pdf>, p.4

In keeping the two documents separate, RSPs should ensure that consumers understand the differences between them and that both are provided prior to purchasing a service. The two documents are complimentary and should thus be read in conjunction.

Recommendation 4: The CIS and Key Facts Sheets should be separate documents.

2.4. Question 4

Should speed tier information that includes both the download and upload information be required information? Is there alternative information that would be more appropriate such as a typical off-peak speed, which some CSPs already provide?

ACCAN believes that both download and upload speed information should be required as part of the Key Facts Sheet. Consumers both require and expect full transparency about a service before purchasing. Upload speeds can be critical for some consumers, for example those who run small businesses and rely on being able to send large files.

We thus propose that **8(b)** reads: Set out numerical information describing the typical download *and upload speeds* that a consumer will experience during peak times for the NBN consumer plan.

Recommendation 5: RSPs should be required to include information about both download and upload speeds in the Key Facts Sheets.

2.5. Question 5

Does the draft Consumer Information Standard require any information be provided to consumers that is not regarded as important to assist in making informed choices about service offering on the NBN and preparing for migration? Conversely, is there other important information about these matters that should be included?

ACCAN supports the requirements for providing information to consumers set out in the draft Standard. We urge the ACMA to keep the information requirements for the Key Facts Sheet to a minimum and include only essential information for an NBN service, to ensure consumers do not face information overload.

To ensure that the Standard delivers the best outcomes to communications consumers, ACCAN makes the following recommendations:

2.5.1. Distinguishing the Key Facts Sheet from the CIS

Some ACCAN members noted that providing two documents with information about a broadband service could be confusing to consumers. They suggested that to avoid confusion, the purpose of each document should be clearly stated so it is easy to distinguish them from each other.

A prominent heading and short sentence at the top of the Key Facts Sheet could achieve this, stating that the information provided is specific to the NBN and should be read in conjunction with the CIS for that service. A link to that CIS should also be provided.

This should be incorporated into the Standard under Division 2, prior to Section 8 Minimum requirements- data speeds and online usage.

Recommendation 6: The Key Facts Sheets should include a short explanation about its purpose and a link to the corresponding CIS.

2.5.2. Information must be clear and simple

The Standard should include provisions that set out requirements for making the information in the Key Facts Sheet clear and simple. For many consumers, understanding information about telecommunications services can be very difficult given the wide range of options and complexity of service information and contracts and make it hard to make decisions⁸. The Confident but Confounded report⁹ noted that providing too much information to consumers can hamper their ability to make well-founded decisions given that it is difficult to ignore unhelpful information.

In light of this, RSPs should be required to keep the information provided in the Key Facts Sheets to a minimum to prevent consumers experiencing information overload. There should also be a provision under **7(1)** requiring that the Key Facts Sheet be in plain language, not use technical, industry-specific, or marketing jargon, and be presented in a simple and easy to read format.

Recommendation 7: The Standard should include a requirement that information in the Key Facts Sheets be in plain language, should include minimal technical terms, and should be presented in a simple format.

2.5.3. Information about device compatibility

Section 10 sets out requirements for providing information about medical alarm services and security alarm services in the Key Facts Sheets. Feedback from ACCAN members to the draft Standard demonstrated a clear need to expand the scope of this section to include other key devices and technology that may be impacted in switching to the NBN.

To achieve this, a requirement to include in the Key Facts Sheets a link to nbn's webpage¹⁰ about device compatibility should be included under Section 10. This will allow people using devices such as EFTPOS and fax machines that may cease to work on the NBN to understand potential impacts and check compatibility. For some consumers and in particular for small businesses, the use of such devices is core to their day-to-day livelihood.

The provisions under Section 10 relating to information about medical alarm services could also be strengthened by including an obligation for a link to be provided on the Key Facts Sheets to nbn's medical alarms brochure¹¹. This brochure provides important information about medical alarms and the NBN, along with instructions about how to register a medical alarm with nbn. Given the

⁸ Harrison, Paul, Hill, Laura, and Gray, Charles, 2016, Confident, but Confounded: Consumer Comprehension of Telecommunications Agreements, Australian Communications Consumer Action Network, Sydney, p.14

⁹ Ibid. p.20

¹⁰ nbn 2018: <https://www1.nbnco.com.au/learn-about-the-nbn/device-compatibility.html>

¹¹ nbn: <https://www1.nbnco.com.au/content/dam/nbnco2/documents/medical-alarm-brochure.pdf>

significant detriment that could be experienced by a consumer whose medical alarm ceases to function when switching to the NBN, it is important to provide guidance to these consumers on where to find more information without overcrowding the Key Facts Sheet.

Simply telling consumers to undertake their own enquiries is not sufficient. A significant issue for consumers during the rollout of the NBN has been confusion regarding where to go for advice or information relating to their NBN service¹². The inclusion of a link to further information is a simple yet effective measure that can be easily incorporated without overcrowding the Key Facts Sheet.

During consultation, ACCAN member COTA raised the issue that should the Key Facts Sheets and CIS be kept separate, then the CIS should direct the consumer to the Key Fact Sheet for information about medical alarms. This could mitigate against a situation where older Australians may be potentially less likely to read both documents and whose focus is on price and other CIS information, so may disregard the Key Facts Sheet. Section 10 should include a requirement that a link to nbn's webpage about device compatibility be included in the Key Facts Sheets.

Recommendation 8: Section 10 should include a requirement that a link to nbn's webpage about device compatibility be included in the Key Facts Sheets.
Recommendation 9: Section 10 should include a requirement that a link to nbn's medical alarms brochure be included in the Key Facts Sheets.

2.5.4. Advice about NBN services

Part 3 should be expanded to include a requirement that RSPs, similarly to retention of a telephone number, must advise a consumer to enquire whether, in switching to a new RSP, they will be able to keep using an email address that is provided by their current RSP (for example a bigpond email provided by Telstra).

ACCAN has heard from many consumers, members and industry stakeholders that the loss of an email address can pose significant detriment to some consumers, particularly those who rely on the email address for business, and can deter them from switching providers. Understanding that switching providers may result in the loss of an email address should therefore be considered key consumer information in the switch to the NBN.

ACCAN proposes that the requirements under **12(1)** be repeated for email addresses.

Recommendation 10: Section 12 of the Standard should repeat the provisions under 12(1) for email addresses, to obligate RSPs to advise consumers whether they will be able to keep an email address that is provided by a RSP.

¹² ACCAN 2017:

<http://accan.org.au/files/Submissions/ACCAN%20Joint%20Committee%20nbn%20rollout%20submission%20April%202017.pdf>, p.4

2.5.5. RSP contact details and speed testing

Consumers need to be able to easily contact a provider with questions and/or a complaint relating to NBN services. The Key Facts Sheets should provide contact details for the RSP, including both online and phone contact details. This should be included as a provision under Division 2- Minimum requirements for information.

Further, the Key Facts Sheets should state that if the consumer experiences issues with the speed of their NBN service, they can contact their provider and request a speed test as provided for in the ACMA Line Testing Determination. This should be included under Section 8.

Recommendation 11: Division 2 of the Standard must require RSPs to include their contact details, including both online and phone contact details.
 Recommendation 12: Section 8 must require RSPs to state in the Key Facts Sheets that a consumer can request a speed test if they experience speed issues with their NBN service.

2.5.6. Links to further/additional information and RSP contact details

Many ACCAN members consider it would be useful if the Key Facts Sheet provided links to or guidance on where to find further and/or additional information and help relating to the NBN service. This information could include:

- Information about where to go/who to contact for further information or help in switching to the NBN. This is particularly important for vulnerable consumers who may be incapable of making the switch on their own (for services that require consumers to self-install) as noted in ACCAN's 2017 Migration Statement¹³.
- Contact details for the National Translating and Interpreting Service (TIS)¹⁴ for consumers with low English comprehension.
- A link to nbn's webpage¹⁵ about the different underlying technologies for the NBN and how they may impact service quality and existing landlines.

The requirement to provide these links should be included in Division 2 under a new Section that could be titled 'Further/additional information'

Recommendation 13: Division 2 should include a new section that obligates RSPs to provide links to further information that is considered key for some consumers.

¹³ ACCAN 2017: <http://accan.org.au/Migration%20Statement.pdf>, p.7

¹⁴ <https://www.tisnational.gov.au/>

¹⁵ nbn 2018: <https://www.nbnco.com.au/learn-about-the-nbn/network-technology.html>