

31 January 2022

The Manager
Telecommunications Performance and Regulation
Australian Communications and Media Authority
By email: haveyoursay@acma.gov.au



Dear Manager,

Re: Telecommunications (Payphone Performance Benchmarks) Record-Keeping Rules 2012

ACCAN thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to provide views on the sunseting and remaking of the Telecommunications (Payphone Performance Benchmarks) Record-Keeping Rules 2012 (**the RKR**s).

As they stand, ACCAN supports the remaking of the RKR's as proposed by the ACMA. However, ACCAN urges that Part 5 (12)(4) of the RKR's, related to limiting payphone record keeping audits, is repealed for the following reason.

ACCAN has concerns about the transparency and accountability of payphone performance information. The information gathered under the RKR's is no longer publicly reported due to changes to ACMA reporting requirements contained in the *Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019*.¹ Previously, S 105 of the *Telecommunications Act 1997* required the ACMA to report on significant matters relating to the performance of carriers and carriage service providers each financial year; this reporting was contained in an annual ACMA Communications Report and featured data about payphone performance.² This reporting requirement was repealed in 2019. Consequently, the following information is no longer publicly available to communications consumers via the ACMA Communications Report:

- The number of payphones in operation, by Telstra and by non-Telstra operators.
- The number of calls made using payphones, including the proportion of calls to 000.
- The proportion of payphones in urban, rural, remote areas and in remote Indigenous communities.
- Distribution of payphones by state and territory.
- Telstra payphone fault repair performance – performance benchmark vs actual performance via geographical category (urban, rural and remote).³

¹ Parliament of Australia 2019, Bills Digest: Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019,

https://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/7049575/upload_binary/7049575.pdf

² ACMA 2019, Communications Report 2018–19, <https://www.acma.gov.au/sites/default/files/2021-02/Communications%20report%202018-19.pdf>

³ Ibid.

The removal of this reporting requirement means that there is no public scrutiny of the availability and performance of payphones. This is a concern because payphones, especially in remote Indigenous communities where there is limited mobile coverage, remain a live issue for communications consumers.⁴ Telstra-operated payphones are now free to use for local and national calls to mobiles and landlines calls, leading to an expected increase in usage by people experiencing vulnerability and payment difficulty.⁵ ⁶ Additionally, ACCAN is routinely contacted by members in regional and remote communities regarding public payphones that are non-operational.⁷ With higher numbers of people experiencing vulnerability expected to use payphones, it is essential that information regarding the availability and performance of payphones is publicly available for accountability and transparency.

In addition to public reporting, it is essential that compliance with the RKR is regularly audited to ascertain the accuracy of a compliance report received by the ACMA from a primary universal service provider (**PUSP**). Part 5(12) of the RKR allow the ACMA to require an audit of a PUSP's compliance with the RKR, but 5(12)(4) states this may only be done if the ACMA forms a view on reasonable grounds that an audit is necessary. ACCAN urges the ACMA to remove Part 5 (12)(4) of the RKR to allow it to undertake regular audits of a PUSP's compliance with the RKR.

ACCAN thanks the ACMA again for the opportunity to provide input on the RKR. Please do not hesitate to contact us if you wish to discuss our submission further.

Yours sincerely,

Rebekah Sarkoezy
Policy Officer

⁴ Dr Daniel Featherstone, 2020, Remote Indigenous Communications Review, for ACCAN, https://accan.org.au/files/Reports/ACCAN_Remote%20Indigenous%20Communications%20Review_.pdf

⁵ 9 News 2021, Telstra payphones made free to help people in crisis situations, 3 August, <https://www.9news.com.au/national/telstra-payphones-now-free-to-use-to-help-people-in-crisis-situations-natural-disasters-domestic-violence-coronavirus-pandemic/a75e9ade-a9da-41df-987f-838e7b8c52a2>

⁶ Department of Infrastructure, Transport, Regional Development and Communications 2021, Review of sunseting payphone instruments, <https://www.infrastructure.gov.au/sites/default/files/documents/review-of-sunseting-payphone-instruments--consultation-paper--december2021.pdf>

⁷ CAYLUS 2021, Submission to the Regional Telecommunications Review 2021, <https://www.infrastructure.gov.au/sites/default/files/documents/rtr2021-submission-no-584-caylus.pdf>