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Submission

30 August 2024

2024 Regional Telecommunications Review

Submission by the Australian Communications Consumer Action Network (ACCAN) to the Regional Telecommunications Independent Review Committee (RTIRC)

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 communications services that are trusted, inclusive and available for all.

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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Contents

Executive Summary

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Regional Telecommunications Independent Review Committee (**RTIRC**) for the opportunity to comment on the 2024 Regional Telecommunications Review (**the RTR**).

Communications services are essential in regional, rural, and remote (**RRR**) Australia. They facilitate individuals' and communities' social connections, employment and economic opportunities, information access, and critical services engagement.[1] Given the increasing importance of communication services throughout Australia, it is imperative that communications access is recognised as both an essential utility and a fundamental human right.[2]

With one of the lowest population densities globally and an expansive landmass, addressing the connectivity needs of RRR Australians presents an exceptional challenge.[3]

Since the last Regional Telecommunications Review, RRR communities' experiences of natural disasters and the cost-of-living crisis have highlighted the importance of affordable, reliable, and resilient communications services. However, there continues to be a significant disparity in digital ability, access, and affordability for RRR Australians compared to those living in major cities.[4]

Addressing the needs of RRR communications consumers requires a holistic approach. As Australia's peak communications consumer body with a diverse membership base and stakeholder community, ACCAN engaged in a significant period of consultation from May – July 2024, building off a previous round of discussions from November 2023 – March 2024 to inform our submission to the *Better delivery of universal services* consultation.[5]

While these rounds of consultation have contributed to our understanding of the issues raised in this consultation, ACCAN notes that the views and opinions expressed in the submission are those of ACCAN and do not necessarily reflect the views of all stakeholders.

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[1] For the purpose of the consultation, ACCAN will use the term 'communication services' to collectively refer to data and voice services.
[2] Shade Nathaniel-Ayodele and Tom McGrath, *Internet access: essential utility or human right?* (Report, Good Things Foundation, April 2023) 3.
[3] Jack Haddon, '5 big ideas that will shape the Australian Market in 2023' (Web page, 30 January 2023) <https://www.towerxchange.com/article/2blg3ts98jmkyo6ybkyrk/5-big-ideas-that-will-shape-the-australian-tower-market-in-2023#:~:text=TowerXchange%3A%20From%20late%202020%20until,%3A%20Amplitel%2C%20Indara%20and%20Waveconn>.
[4] Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Indigo Holcombe-James, Lyndon Ormond-Parker and Lauren Ganley, *Measuring Australia's digital divide: Australian digital inclusion index: 2023* (Report, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023) 9.
[5] ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024).

List of Recommendations

Recommendation 1: Transfer the Universal Service Obligation (**USO**) to NBN Co and establish fit-for-purpose governance arrangements that ensure NBN Co is accountable and transparent.

Recommendation 2: Adopt a capabilities-led approach to communications services, such as access to healthcare services, education, economic opportunities, government services, and social connections.

Recommendation 3: Adopt a technology-neutral approach to the delivery of a standard communication service.

Recommendation 4: Establish minimum standards that reflect contemporary service needs and a framework that provides for uplift in service capability and standards as technology and community expectations evolve.

Recommendation 5: Directly regulate consumer safeguards for communications services including the Telecommunications Consumer Protection (**TCP**) Code to protect consumers from harm.

Recommendation 6: Modernise and strengthen the powers of the Australian Communications and Media Authority (**ACMA**) through reforms to enforcement arrangements.

Recommendation 7: Increase penalties available to the ACMA and the Australian Competition and Consumer Commission (**ACCC**).

Recommendation 8: Reform the ACMA Act to require the ACMA to have members with RRR and First Nations consumer experience.

Recommendation 9: Explore legislative and governance arrangements for mandatory First Nations representation on government, regulatory, and industry boards.

Responses to 2024 Regional Telecommunications Review

Response to question 1

What initiatives or tools could be implemented by the telecommunications industry or government to improve connectivity literacy, and make it easier for regional consumers and businesses to understand their connectivity options and help them to choose affordable services that meet their needs?

Connectivity literacy, which involves the knowledge and skills required to establish connections with digital devices and broadband, is essential.[6] Both the government and the communications industry have a significant role in developing and implementing tools and initiatives that enhance the connectivity literacy of consumers and businesses in RRR areas.

ACCAN stakeholders and members have expressed that both the government and the communications industry need to have more responsibility in bolstering the connectivity literacy of RRR communities. They specifically emphasised the need for the government and the communications industry to gain a deeper understanding of, and address the challenges encountered by RRR consumers and businesses, especially those who are digitally excluded.

Considering the varied connectivity literacy needs of RRR consumers and businesses in Australia, ACCAN suggests that the RTIRC consider adopting place-based and proactive information strategies. These information strategies should assist with selecting services that are not only affordable but also cater to their specific needs.

Place-based and proactive approach to establishing connectivity literacy tools and initiatives

ACCAN encourages the RTIRC to adopt a proactive, place-based approach in developing connectivity literacy tools and initiatives for consumers and businesses in RRR areas. This method will aid in devising customised solutions to assist these communities in overcoming connectivity hurdles.

In the interest of fostering inclusivity and equal opportunity, we propose the expansion of digital literacy initiatives to encompass not only older Australians, as currently targeted by the Be Connected program,[7] but also other vulnerable groups in RRR Australia. These include low-income households, individuals with disabilities, culturally and linguistically diverse communities, and First Nations peoples. By broadening the scope of these initiatives, we can ensure that all Australians, regardless of their circumstances, have the necessary skills to navigate the digital world.

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[6] ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Standing Committee on Public Administration, 26 April 2024) 4; Amber Marshall, Rachel Hay, Allan Dale, Hurriyet Babacan and Michael Dezuanni 'Connectivity Literacy for Digital Inclusion in Rural Australia' in Danica Radovanović (ed), *Digital Literacy and Inclusion: Stories, Platforms, Communities* (Springer, 2024) 145, 146.

[7] Australian Government, *Be Connected* (Web Page, 3 October 2017) <https://beconnected.esafety.gov.au/>.

Australian Bureau of Statistics (ABS) Census Questions

To enhance our collective understanding of the digital divide affecting individuals in RRR Australia, ACCAN proposes that the RTIRC consider recommending the reintroduction of questions related to household internet usage from the 2016 ABS Census. Furthermore, we recommend the inclusion of questions concerning the types of internet connectivity available to individuals and households. The data gathered from these inquiries will provide invaluable insights into the opportunities and challenges of digital inclusion across RRR Australia and allow for a comparison with other Australian households.[8]

Regional Tech Hub

ACCAN stakeholders underscored the significance of the Regional Tech Hub in aiding RRR consumers and businesses to understand their connectivity options and select services that are affordable and fulfill their needs. However, they pointed out the absence of sustained funding for this initiative, which is crucial for broader consumer education in RRR communities.

Independent Plan Comparison Tool (IPCT)

To assist RRR consumers and businesses in selecting cost-effective services that cater to their requirements, ACCAN proposes that the government establishes an IPCT.[9] ACCAN further recommends that the RTIRC investigate ways to create an IPCT that offers comprehensive and unbiased information about voice, data, and broadband products and services, ensuring it is free, accessible, and user-friendly for consumers and businesses.

No Australian Left Offline (NALO)

ACCAN stakeholders also emphasised the government's role in regulating industry practices, such as guaranteeing affordable connectivity options in RRR Australia. ACCAN urges the RTIRC to endorse the development of a concessional broadband product, like ACCAN's NALO policy position, to enable RRR consumers and businesses to access services that are affordable and meet their needs.[10]

ACCAN's NALO policy is a holistic proposal for the Australian Government to provide affordable broadband internet through a subsidy of NBN Co's wholesale pricing. This would facilitate the development of a broadly defined concessional NBN service, aimed at enabling low-income households to access broadband. With this subsidy, NBN Co could offer a wholesale price of $20 per month to retailers. These retailers could then supply an unlimited 50mbps broadband connection to households that receive government financial assistance.[11]

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[8] ACCAN, *2026 Census Topic Consultation* (Submission to the Australia Bureau of Statistics, 27 April 2023); ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024) 2.
[9] ACCAN, *Independent Plan Comparison Tool* (Policy position, April 2023).
[10] ACCAN, 'No Australian Left Offline' (Web Page, 2019) <https://accan.org.au/accans-work/no-australian-leftoffline>.
[11] Ibid.

This policy position is crafted to aid over a million low-income households in accessing the internet by providing a solution for digital inclusion. The NALO policy position aims to bridge the digital divide and foster equal opportunities for all households, irrespective of their income brackets. Eligible households would be required to pay approximately $30 per month at retail cost, a price point that still allows NBN Co and retailers to meet their expenses.[12]

[12] Ibid.

Response to question 2

What further initiatives can be implemented to support First Nations communities in developing and leading their own digital inclusion solutions while ensuring cultural appropriateness?

Digital inclusion is vital in empowering First Nations peoples and communities in RRR Australia. It provides access to education, online services, employment, healthcare, and helps maintain social connections. However, the 2023 Australian Digital Inclusion Index indicates a significant digital gap, with First Nations peoples in Australia scoring 7.5 points lower than non-First Nations Australians.[13]

ACCAN believes that establishing the First Nations Digital Support Hub and a network of digital mentors to offer culturally sensitive support is crucial for achieving a balance between a place-based approach and enhancing digital inclusion on a national scale.[14] ACCAN endorses the 2024-2025 Budget announcements, which will allocate support over a four-year period starting from 2023-2024, and also facilitate the provision of free community Wi-Fi in remote areas.[15]

Furthermore, it is crucial to investigate the obstacles that hinder digital inclusion for First Nations individuals and communities. This is to ensure they have sufficient access to services and eliminate the need for First Nations peoples to leave their communities due to issues related to affordability, access, or digital skills.[16]

To further support First Nations communities in creating and leading their own digital inclusion solutions while ensuring cultural appropriateness, ACCAN recommends that the RTIRC explore governance and legislative channels to require First Nations representation on government, regulatory, and industry boards.[17] In addition future Regional Telecommunications Reviews should require the representation of First Nations peoples and communities on the RTIRC.

First Nations representation on RTIRC, government, regulators, and industry boards

To ensure that digital inclusion solutions are tailored to the needs of First Nations peoples, ACCAN advocates for the RTIRC to explore legislative and governance strategies that bolster the representation of First Nations peoples across government, regulatory, and industry boards. We suggest that the RTIRC initiates this process by investigating ways to mandate the inclusion of First Nations representation within the RTIRC, the ACMA, the ACCC, and NBN Co.[18]

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[13] Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Indigo Holcombe-James, Lyndon Ormond-Parker and Lauren Ganley, *Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023* (Research Paper, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023) 5.
[14] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).
[15] National Indigenous Australians Agency (NIAA), *Budget 2024-25: Delivering better outcomes for First Nations people* (Media Release, 14 May 2024).
[16] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).
[17] Ibid.
[18] Ibid 2.

This approach will aid both industry and government in creating culturally sensitive programs, products and services that address the needs of First Nations consumers and businesses.

First Nations digital inclusion roadmap and plan

ACCAN recommends the RTIRC support the First Nations Digital Inclusion Advisory Group's initiative to establish a digital inclusion roadmap for First Nations peoples and communities. We consider the First Nations digital inclusion roadmap as vital to supporting First Nations communities in developing and leading their own digital inclusion solutions while ensuring cultural appropriateness.[19]

ACCAN further recommends the RTIRC explore opportunities to further align with the First Nations digital inclusion plan 2023-2026 developed by the National Indigenous Australians Agency (**NIAA**). The First Nations digital inclusion plan is designed to guide Australian Government agencies in collaborating with First Nations people to boost their digital inclusion up to 2026. It offers strategic direction and suggests initiatives to amplify opportunities for First Nations people to reap the advantages of engaging in the digital realm.[20]

ACCAN views the First Nations digital inclusion roadmap and plan as crucial instruments for advocating progress towards the targets set under the National Agreement on Closing the Gap (**the National Agreement**).[21] In particular, these initiatives underscore Outcome 17 of the National Agreement, which aspires to achieve equal levels of digital inclusion among First Nations peoples by 2026.[22]

Meaningful data sharing arrangements

ACCAN stakeholders and members underscored the necessity of establishing effective data sharing arrangements between the government, industry, and communities. They noted that there has been a persistent lack of substantial changes in how governments share data, carry out data-related tasks, and engage First Nations peoples in data-related matters.[23] Furthermore, ACCAN stakeholders highlighted the importance of Indigenous Data Sovereignty when formulating data-sharing agreements that recognise and benefit First Nations peoples and communities.

In the realm of communications, ACCAN stakeholders noted that effective data sharing arrangements between the industry, government, and communities could enhance connectivity maps in RRR Australia. They also identified a need for information that employs a place-based

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[19] ACCAN, *A roadmap for First Nations digital* inclusion (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024); First Nations Digital Inclusion Advisory Group, *Initial Report* (Report, 2023).
[20] NIAA, *First Nations digital inclusion plan (2023-2026)* (Report, July 2023) 3.
[21] Department of the Prime Minister and Cabinet, '17: People have access to information and services enabling participation in informed decision-making regarding their own lives' *Target* (Web Page, 2024) <https://www.closingthegap.gov.au/national-agreement/targets>.
[22] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024) 7; Department of the Prime Minister and Cabinet, '17: People have access to information and services enabling participation in informed decision-making regarding their own lives' *Target* (Web Page, 2024) <https://www.closingthegap.gov.au/national-agreement/targets>.
[23] See also, Productivity Commission, *Review of the National Agreement on Closing the Gap* (Study Report Volume 1, January 2024) 69; ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).

approach to determine the most suitable infrastructure, products, and services for First Nations peoples and communities in RRR Australia. [24]

Ensuring the affordability of services in First Nations communities

As noted in ACCAN's response to the First Nations digital inclusion roadmap,[25] First Nations peoples typically earn less than non-First Nations Australians, and in certain regions, the poverty rates among First Nations peoples are alarmingly high.[26] ACCAN advocates for a place-based strategy to overcome the economic obstacles to digital inclusion for First Nations communities. For instance, the Queensland Government's investment in Low Earth Orbit Satellite (**LEOSat**) technology for 17 specific Indigenous Councils appears to be an effective example of providing connective services to communities experiencing digital exclusion.[27] Additionally, ACCAN suggests that the RTIRC investigate if the NALO policy position of ACCAN could assist low-income First Nations communications consumers in accessing affordable broadband.[28]

Furthermore, ACCAN endorses the expansion of free community Wi-Fi in RRR First Nations communities. We support the creation of the First Nations Digital Support Hub and digital mentors to assist in managing the financial aspects of connectivity.[29] ACCAN also supports the First Nations Digital Inclusion Advisory Group's initial report recommendation to increase the Telephone Allowance, administered by the Department of Social Services, to reflect the current costs of communications services.[30] ACCAN notes that the Allowance, created in 1992, was last amended in 2009, rendering it significantly out of step of current community communications usage.[31]

Additionally, industry plays an important role in proactively identifying where costs are prohibitive for First Nations consumers and finding solutions. ACCAN stakeholders noted the importance of working with industry to better understand the challenges and solutions to getting and staying connected for First Nations consumers.

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[24] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).
[25] Ibid.
[26] Australian Institute of Health and Welfare (AIHW), 'Income and finance of First Nations people' (Web Page, 7 September 2023); Francis Markham, *Inquiry into the extent and nature of poverty in Australia* (Submission to the Senate Standing Committees on Community Affairs', 31 October 2023).
[27] Queensland Government, *Starlink satellite initiative bringing immediate relief to digitally excluded First Nations communities* (Media Release, 5 June 2024).
[28] ACCAN, 'No Australian Left Offline' (Web Page, 2019) <https://accan.org.au/accans-work/no-australian-leftoffline>.
[29] NIAA, 'Budget 2024-25: Delivering better outcomes for First Nations people' (Media Release, 14 May 2024).
[30] First Nations Digital Inclusion Advisory Group, *Initial report* (Report, October 2023) 24.
[31] Australian Government '1.2.7.70 Telephone allowance (TAL) – description' *Guides to Social Policy Law Social Security Guide Version 1.319* (Web Page, 12 August 2024) <https://guides.dss.gov.au/social-security-guide/1/2/7/70>.

Supporting economic growth

Digital inclusion holds significant potential for bolstering economic growth among First Nations peoples.[32] Enhancing digital inclusion could foster learning and employment opportunities on Country, while also broadening the scope of First Nations businesses at both national and international levels. This expansion could lead to increased opportunities for First Nations procurement. Not only would this improve economic prospects for First Nations Australians, but it would also increase the chances of culturally safe employment for First Nations peoples.[33]

Moreover, First Nations Australians residing in remote and very remote areas stand to gain from improved digital inclusion. This would enable them to access online services, such as government, health, and banking services, which might not have a permanent physical presence in their communities.[34]

Reflecting these considerations, ACCAN recommends that any policies aimed at expanding digital inclusion and stimulating economic growth should adopt a place-based approach that recognises the diversity within and among First Nations peoples and communities in RRR Australia.

Digital connectivity and literacy

ACCAN stakeholders and members have noted that the connectivity literacy of First Nations individuals and communities can be enhanced by aiding them in understanding the variety of available plans, products, and services, and guiding them in selecting the ones that best suit their needs. They observed that many communities are uninformed about how to access services like NBN Co's Sky Muster satellite internet service or post-paid mobile phone plans and are often unaware to the changing risks associated with fixed-term contracts or excess data.[35]

ACCAN stakeholders underscored the necessity for local digital mentors who are well-versed in the available options and can assist individuals in making suitable choices. They proposed that information regarding the cost differences between pre-paid and post-paid data plans should be easily accessible in stores that sell communication services and products, along with access facilities. A resource centre, akin to the First Nations Digital Support Hub, can aid service providers and communities in deciding what is suitable at a community-wide level.[36]

Moreover, ACCAN stakeholders emphasised that consumer protections necessitate a distinct level of literacy, encompassing financial and English literacy. They suggested that the accessibility of complaint mechanisms is vital, and there should be an option for a mediated approach for First

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[32] First Nations Digital Inclusion Advisory Group, *Inquiry into economic self-determination and opportunities for First Nations Australians* (Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, 2024) 3.
[33] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024) 7; First Nations Digital Inclusion Advisory Group, *Inquiry into economic self-determination and opportunities for First Nations Australians* (Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, 2024) 3-4.
[34] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024) 7.
[35] Ibid 5.
[36] Ibid 5.

Nations individuals and communities. Furthermore, they recommended the provision of culturally appropriate consumer education materials, such as workshops on digital literacy, as well as the development and enforcement of consumer protections that cater to the needs of First Nations communities.[37]

Consumer education

The role of industry and government is crucial in ensuring their products and services are accessible to those with limited English proficiency. ACCAN suggests that the RTIRC should endorse the creation of Easy English terms and conditions for services and products, while also acknowledging the significant role of local digital mentors in comprehending service agreements and product details.[38]

ACCAN stakeholders underscored the necessity of engaging with the local community to ensure that industry and government offerings are inclusive for community members with low English literacy levels.[39] Consumer education can be instrumental in this regard, as demonstrated by ACCAN's initiative 'Our Phones, Our Rights: Translated and community-appropriate telecommunications resources for remote Indigenous communities', which provided fact sheets, posters, and audio segments in Arrernte, Luritja, Pitjantjatjara, Torres Strait Island Creole, Warlpiri, and English.[40] The importance of educational resources and videos delivered through National Indigenous Television (**NITV**) and Indigenous Community Television (**ICTV**) was also highlighted by ACCAN stakeholders.[41]

Moreover, ACCAN advocates for the development of culturally sensitive consumer education that provides information about the recent *Telecommunications (Financial Hardship) Industry Standard 2024*.[42] This could help First Nations peoples and communities to better understand their consumer rights when dealing with financial hardship.[43]

[37] Ibid 5.
[38] Ibid 6.
[39] Ibid 6.
[40] ACCAN and Queensland Remote Aboriginal Media, 'Our Phones, Our Rights: Translated and community-appropriate telecommunications resources for remote Indigenous communities' (Web Page, 2015) <https://accan.org.au/grants/completed-grants/1127-our-phones-our-rights>.
[41] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).
[42] See ACCAN, 'New Telco Financial Hardship Protections: A guide for financial counsellors' (Web Page, 18 March 2024) <https://accan.org.au/media-centre/hot-issues-blog/2280-new-telco-financial-hardshipprotections-a-guide-for-financial-counsellors>.
[43] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).

Response to question 3

How can government and industry address any misleading and inaccurate information surrounding telecommunications services in regional, rural and remote areas, to ensure consumers and businesses have access to reliable and unbiased information when making decisions about their connectivity options?

Addressing misleading and inaccurate information in RRR areas requires a multi-faceted approach from both government and industry. ACCAN stakeholders consistently stress that the current communications market is complex and difficult to navigate. This can lead to risks for consumers and businesses, who may be influenced by dishonest sales practices and experience unconscionable business conduct.[44]

Communications services in Australia are essential utilities, and consumer safeguards should be up-to-date, efficient, and adhered to by industry.[45] ACCAN proposes that the government should have a more active role in directly regulating the practices of service providers and NBN Co to address misleading and inaccurate information in the communications sector. ACCAN recommends the RTIRC explore opportunities to:

- Support the direct regulation of communications services, beginning with the TCP Code.
- Modernise and strengthen the powers of the ACMA through reforms to enforcement arrangements.
- Increase penalties available to the ACMA and ACCC.

Direct regulation of consumer safeguards

ACCAN holds the view that the existing TCP Code falls short as a protective measure for consumers of communication services. This is attributed to the voluntary adherence to the TCP Code, delayed enforcement, and its inability to cater to the requirements of Australian consumers. ACCAN members and stakeholders expressed a lack of confidence in the TCP Code's effectiveness in providing appropriate community safeguards against issues such as domestic and family violence and irresponsible sales practices, which are especially prominent in RRR Australia.

For example, research conducted by Cartwright and McAuliffe on telecommunications debt in rural and remote Central Australian First Nations communities uncovered a trend of near-predatory sales practices. A significant number of individuals were sold mobile devices, accessories, and plans that

[44] See also ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024) 12-13.
[45] See also ACMA, *What consumers want – consumer expectations for telecommunications safeguards: A position paper to the telecommunications sector* (Position paper, July 2023) 18.

were unnecessary and unaffordable, tied to contracts they couldn't comprehend.[46] The scale of this practice was such that the retailer involved accepted a $50 million fine in penalties.[47]

ACCAN advises the RTIRC to consider advocating for the direct regulation of communications services to more effectively counter consumer harm resulting from deceptive and incorrect information. ACCAN further proposes that the powers of the ACMA should be enhanced and updated via enforcement arrangement reforms to aid in encouraging and ensuring industry compliance. Additionally, ACCAN recommends that the ACCC and ACMA should have access to increased penalties that reflect the vital role of communication services in Australia. To realise these objectives, ACCAN supports an increase in the dedicated resources allocated to the ACCC and ACMA for these issues.

As part of directly regulating the communications sector, ACCAN further acknowledges the important role of accessible contracts in Plain English. We recommend that information on communication services need to be available in a range of accessible formats (including Easy English, plain English, braille, large print and Auslan resources). We also suggest that the government and industry help develop plain English information for consumers to assist them in better understanding the add-ons that may be present in their telecommunications services.[48]

[46] Carolyn Cartwright and Chanelle McAuliffe, *Telecommunications Debt in Rural and Remote Indigenous Central Australian Communities: Loans & Phones Project Phase 3* (Final Report, Money Mob Talkabout, November 2020) 5.
[47] ACCC, *Telstra to pay $50m penalty for unconscionable sales to Indigenous consumers* (Media release, 13 May 2021).
[48] ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024) 13.

Response to question 4

Deploying and maintaining telecommunications infrastructure in remote areas requires a skilled workforce. What initiatives can be implemented to ensure there is a skilled workforce in regional and remote Australia capable of supporting the construction, maintenance and operation of futureproof telecommunications infrastructure?

ACCAN recommends the RTIRC undertake a holistic approach to exploring opportunities that ensure there is a skilled workforce in RRR Australia, which can support the construction, maintenance, and operation of futureproof communications infrastructure. ACCAN stakeholders highlighted that retaining a skilled workforce in RRR Australia is an incredibly complex issue. In particular, they noted the importance of leveraging the existing population to upskill and provide ongoing employment opportunities to futureproof the construction, maintenance, and operation of communications infrastructure.

For instance, a recent report by the Agri-Tech Expert Working Group noted the need for local ecosystems of digital skills across numerous technical capabilities, such as, connectivity options, installation and selection of agri-tech solutions, data aggregation and integration, and digital agronomy/farm management decisions.[49] They highlighted that these skills and capabilities are often unavailable locally, with farmers needing to wait for a technician to drive long distances to fix a critical agri-tech application, which can impact crop and livestock value. ACCAN supports their recommendation that:

> *Building these ecosystems will require efforts at the state/territory and national level, as well as the delivery of vocational education and training (VET) and university courses education services and digital demonstration farms aimed at developing and attracting digital capacity in and to regional and rural areas.*[50]

ACCAN stakeholders further illustrated the importance of taking a holistic approach to ensuring a skilled workforce is available in RRR Australia, such as adequate accommodation, educational options, and health care facilities. Taking a holistic approach is essential to ensure the construction, maintenance and operation of communications infrastructure is sustainable in the long-term.

[49] Australian Broadband Advisory Council, *Agri-tech expert working group* (Report, June 2021) 6-7.
[50] Ibid 7.

Response to question 5

Could the NBN fixed wireless network or other alternative networks be used to provide reliable and affordable voice services in remote areas? Are there any consumer safeguards or guarantees that need to remain or be changed under reformed universal service arrangements?

ACCAN suggests that the RTIRC adopt a technology-neutral and capabilities-led approach for delivering dependable and cost-effective voice services in RRR Australia.

A technology-neutral strategy enables consumers to utilise a range of technologies, including fixed wireless, various satellite systems, and Direct-to-Device (**D2D**) options, for voice services. Similarly, a capabilities-led approach emphasises 'connectability', facilitating an analysis of the obstacles preventing people from realising the social potential of communication services, rather than prescribing consumers a technology-specific solution that may or may not meet their needs.[51]

Importantly, these strategies do not suggest an early departure from existing technologies like Telstra's copper network.[52] Many individuals in RRR Australia still rely on traditional telephony technologies such as payphones for their voice services. ACCAN members and stakeholders consistently stress the importance of acknowledging the ongoing role of these traditional telephony technologies as a crucial safety net for many people in RRR Australia.

To facilitate a capabilities-led and technology-neutral approach, consumers and businesses require communications services to have a guaranteed minimum standard of availability, accessibility, and affordability.[53] As opposed to a blanket implementation of specific technologies, it is responsive to the particular environments and needs of consumers living in different regions, or with differing socioeconomic backgrounds. This requirement may support the USO provider to further prioritise, enhance, and maintain Australia's communications infrastructure in a way all can access. It also encourages the design and implementation of backup solutions for less reliable systems.

ACCAN further recommends the RTIRC support the development of a dynamic institutional framework to guide decisions on which existing USO requirements should be maintained or modified. A dynamic institutional framework should establish minimum standards for current service needs that can enhance service capabilities and standards. It should also allow for periodic reviews and updates to benchmarks, sanctions, and incentives as needed. This approach would ensure that the delivery of voice services, whether through the NBN fixed wireless network or other alternative networks, remains reliable, affordable, and up to date with evolving consumer needs and technological advancements.[54]

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[51] Nicholas Garnham, 'Amartya Sen's capabilities approach to the evaluation of welfare: Its application to communications' (1997) 4(4) *The Public* 25, 34.
[52] ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024) 8.
[53] Ibid 7.
[54] Ibid 17.

Response to question 6

In modernising universal service arrangements, should access to public phone infrastructure continue and are there particular areas of need? Could technologies beyond traditional payphones be explored to meet this need?

In the pursuit of modernising universal service arrangements, ACCAN strongly believes in the continued access to public phone infrastructure. ACCAN stakeholders and members have underscored the importance of public phones as a vital component of RRR infrastructure, especially in relation to emergencies and public safety.

As highlighted in ACCAN's submission to the consultation on *Better delivery of universal services*, we advocate for the expansion of the USO to encompass all public and community phones across Australia, with a particular emphasis on First Nations communities.[55]

ACCAN further proposes that the efficient deployment of public phone infrastructure should consider the economic benefits and user requirements of public phones for vulnerable consumers. This can be achieved through place-based consultations on usage and future demand.

As we explore technologies beyond traditional payphones to meet these needs, these considerations will be crucial in ensuring that Australia's communications infrastructure remains inclusive and accessible to all.

Public phones are a vital fallback for people experiencing distress

ACCAN stakeholders and members have consistently illustrated the continued importance of public phone infrastructure especially in RRR Australia.[56] The ACMA highlights that since public payphones have become free of charge there has been a significant rise in usage with 23 million calls made in the 12 months to August 2023.[57] This data demonstrates that public phones continue to provide essential telephony access, a service that has become increasingly crucial amidst the current cost of living crisis.

Furthermore, the nature of the calls made from these payphones underscores specific areas of need within our community. There has been a marked increase in calls to vital services such as Lifeline (up 30%), The Salvation Army (up 15%), emergency services (up 15%), police (up 34%), and the Centrelink reporting line (up 31%).[58] This trend indicates that public phones serve as a lifeline for many Australians, particularly those in vulnerable situations.

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[55] ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024).
[56] Ibid.
[57] ACMA, *Trends and developments in telecommunications 2022-23 (*Communications and media in Australia series, December 2023) 8.
[58] Teresa Corbin, 'Free payphones have become a lifeline for Australians in need', *Telstra exchange* (Web Page, 10 August 2023) <https://www.telstra.com.au/exchange/payphone-usage-is-surging-with-nearly-two-million-free-calls-bei>.

Considering these findings, ACCAN advocates for the continued provision of access to public phone infrastructure as part of any modernised universal service arrangements. However, we also recognise the potential benefits of exploring technologies beyond traditional payphones to meet these needs. ACCAN encourages the RTIRC to explore opportunities to undertake a comprehensive review of alternative technologies that could potentially provide more efficient and effective access to public phone infrastructure.

Internet connection availability at public phones is no longer optional

In addition to the traditional telephony services, Wi-Fi enabled public phones have emerged as a crucial backup option for internet connectivity. With 99% of Australian adults now online, any disruption to connectivity has broad implications.[59] This is particularly relevant in the context of Federal, State and Territory policies that encourage digital transformation.[60]

Universal access to the internet is a necessity in our modern world, including for those residing in RRR areas. Public phones, particularly those with Wi-Fi capabilities, should continue to be a part of the infrastructure that enables this access and there is a pressing need to expand public Wi-Fi hotspots. For individuals who lack a home connection but possess a device, public hotspots serve as a valuable failsafe.

However, it is important to note that a Wi-Fi hotspot is of no use without a device. In the process of modernising universal service arrangements, ACCAN recognises the importance of addressing the issue of device access and affordability for communication consumers. Therefore, ACCAN supports initiatives that provide devices to those in need.[61] This includes the establishment of a National Device Bank, which aims to provide a solution to the challenge of device accessibility.[62]

In keeping with these aims, ACCAN has developed the 'Affordable Devices' resource. This is a pioneering initiative that offers the first-ever database of suppliers who provide free, subsidised, and affordable devices in Australia. It serves as a valuable tool for consumers, particularly those facing financial constraints.[63]

The broad needs of RRR public phone users need to be consulted with and considered

ACCAN suggests that all future public phone design and deployment should be fully accessible for people with disabilities. This includes considerations for the phone's physical space and its use of digital technology. For instance, a payphone equipped to provide real-time captioned telephony and access to the Video Relay Service would be invaluable in situations of Domestic and Family Violence

[59] ACMA, *How we communicate – executive summary and key findings* (Communications and media in Australia series, December 2022) 1.
[60] Australian Government, '2030 vision', *The data and digital government strategy* (Web Page, 2024) <https://www.dataanddigital.gov.au/strategy>.
[61] Australian Digital Inclusion Alliance (ADIA), *A digital inclusion approach to device donation and reuse* (Report, March 2024).
[62] Work Ventures, *National Device Bank* (Web Page, 2024) <https://workventures.com.au/national-device-bank/>.
[63] ADIA, *A digital inclusion approach to device donation and reuse* (Report, March 2024); ACCAN, 'Affordable devices', *Your money saving guide* (Web Page, 2024) <https://accan.org.au/consumer-information/talking-telco-tip-sheets/your-money-saving-guide/affordable-devices>.

(**DFV**). This is particularly relevant for Deaf women, who are disproportionately affected by DFV, and often face restrictions or confiscation of custom communication equipment, making a usable public phone critical.[64]

Furthermore, we emphasise the need for an intersectional approach to public phone design, which necessitates the application of Universal Design principles. This includes considerations of the environment, such as weather, physical access, and safety while using the public phone. These considerations of technologies beyond what traditional payphones have offered will be crucial in ensuring that our communications infrastructure remains inclusive and accessible to all.

[64] Vanessa Letico, *Deaf women are twice as likely to experience domestic violence. How perpetrators weaponise disability* (The Conversation, 11 July 2024).

Response to question 7

What should the minimum internet speed guarantee be (currently a peak speed of 25/5 Mbps) to meet modern needs? Should minimum data download/upload allowances be regulated? What other factors are important, like latency, reliability and affordability?

In today's digital economy, access to online services and connectivity is a necessity for everyone. Factors such as speed, latency, reliability, and affordability are all crucial components of this equation. ACCAN advocates for the implementation of a dynamic institutional framework to reflect that as technology continues to advance, offering faster speeds and more data across a variety of platforms will be essential. This framework would regularly adjust minimum speed, data, latency, and reliability requirements to mirror user needs, within the limitations of the available technology.

ACCAN supports the use of direct regulation via the Statutory Infrastructure Provider (**SIP**) regime to achieve this improvement, which includes the regulation of minimum data download/upload allowances.[65] The data usage requirements in RRR areas vary widely across different contexts – from health and farming to access to services and education. Therefore, it is imperative for Australia to provide guaranteed fixed minimums that are fit-for-purpose to cater to these diverse needs.

Minimum speed guarantees need to be fixed, and linked to capability requirements

ACCAN recommends minimum internet speed guarantees that are determined through a dynamic institutional framework and capabilities-led approach, including assessing user requirements and available technologies. Minimum speed plans must be priced so that they are affordable using concessions as needed, to avoid excluding people from the digital economy, and must be clear to specify exactly what speed they provide and actually provide the speeds promised.

Minimum data download allowances need to enable consumers

The ACCC's 2023 Internet Activity Report shows an overall pattern of growth relating to data usage across Australia. Data downloads jumped 11% from 2022 to 2023, and this trend is unlikely to slow down.[66] Data usage is directly linked to the speed of the connection. However, even though NBN customers on higher speed tiers download more than those on lower speed tiers, there has also been an overall net increase in data usage across the 12 Mbps and 25 Mbps services since 2021.[67]

Broadly, communications consumers expect that the speeds stated on their plan will be available and the data is usable for any purpose, at any time, including during peak times. This expectation is also true for fixed, wireless, and satellite solutions.

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[65] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Statutory Infrastructure Provider Regime' (Web Page, n.d) <https://www.infrastructure.gov.au/department/media/publications/telecommunications-new-developments/sip>.
[66] ACCC, *Internet activity reporting* (Report, December 2023) 1.
[67] Ibid.

Affordability is critical for communications consumers

As mentioned in Question 1, ACCAN has long advocated for the establishment of a concessional broadband product through the NALO policy position.[68] In the context of current cost of living pressures, this is more important than ever for consumers.

Programs such as NBN Co's School Student Broadband Initiative (**SSBI**), offering a free broadband service of 50 Mbps to unconnected households, have been a welcome initiative which ACCAN has supported. However, the program's scope has been narrower than the extent of current community needs, with only half of the total 30,000 earmarked plans being fulfilled.[69] Limited-place programs with specific technologies and connection speeds also may be limited in their efficacy, as households with higher occupancies and device numbers may require greater speeds than 50 Mbps when multiple users are relying upon the same connection.[70]

Without affordable and capable internet for all, there are broad risks in Australia for:

- Children learning and engaging in education.
- Job seekers looking for work.
- Adults staying current in their field of education and capable of studying remotely.
- Business owners operating their business and embracing innovative technologies.
- All people accessing information, social connection, and forming social cohesion.
- All people accessing essential services like telehealth, government services, and banking.

Given the substantial cost of the NBN,[71] it is necessary to ensure that the network is delivering its core policy objectives of delivering affordable, accessible high-speed internet across Australia. To help achieve this, ACCAN recommends the RTIRC supports the development of a broadly defined concessional broadband service for low-income communications consumers.[72]

In addition, we encourage greater consumer representation and engagement with NBN's proposed expenditure plans, as required under the economic regulations of NBN Co's 2023 Special Access Undertaking. Such engagement will give consumers a greater voice in ensuring that the public investment in NBN goes towards meeting the needs of all Australians.

There are unique RRR requirements for speed, latency and reliability

ACCAN stakeholders highlighted that with the shift to cloud-based computing and the digitisation of farming, healthcare, business, and education a reliable internet connection in RRR areas is more essential than ever and is fit for purpose.

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[68] ACCAN, 'No Australian Left Offline' (Web Page, 2019) <https://accan.org.au/accans-work/no-australian-leftoffline>.
[69] Prime Minister of Australia, *Free broadband hits major milestone as digital gap shrinks for thousands of families* (Media Release, 1 August 2024).
[70] See, for example the lack of HD streaming capacity for 25/5 plans. ACCC, *Measuring Broadband Australia Program* (25th Report, June 2024) 5.
[71] Michelle Rowland MP, *NBN will now cost $57 Billion, Department admits* (Media Release, 21 October 2020).
[72] ACCAN, 'No Australian Left Offline' (Web Page, 2019) <https://accan.org.au/accans-work/no-australian-leftoffline>.

For RRR heath, the evolution of IoT health devices poses a substantial opportunity to bridge the health divide. From remote controlled operating robots that can draw on expertise from surgeons elsewhere in the country[73] to AI driven scan analysis[74] and telepresence robots[75], these emerging technologies require stable, reliable and fast internet.

In addition, primary producers are often substantially sized businesses with staff living on-site in permanent or temporary accommodation, where banking, payroll, procurement, and other functions occur on-line. Rural properties are also currently deploying always-connected technology like:

- IoT sensors for weather, livestock monitoring, and water level measurement.
- Automated machinery, for example irrigation, mowing, spraying, and surveillance.[76]

These examples illustrate the importance of recognising the unique requirements of RRR consumers and businesses, in addition to the significance of the RTIRC using a proactive and place-based approach to ensure RRR communications consumers have adequate speed, latency, and reliability.

[73] For example, the suite of robotics from Intuitive Surgical, see Intuitive, *Intuitive* (Web Page, 2024) <https://www.intuitive.com/en-us>.
[74] Ramesh Paudyal, Akash D. Shah, Oguz Akin, Richard K. G. Do, Amaresha Shridhar Konar, Vaios Hatzoglou, Usman Mahmood, Nancy Lee, Richard J. Wong, Suchandrima Banerjee, Jaemin Shin, Harini Veeraraghavan, and Amita Shukla-Dave, 'Artificial Intelligence in CT and MR Imaging for Oncological Applications' (2023) 15(9) *Cancers (Basel)* 2573.
[75] Teleln, *Teleln* (Web Page, 2023) <https://www.telein.com.au/telepresence-robots-for-the-future-of-healthcare>.
[76] For example, Australian IoT farming equipment like Swarmfarm. Swarmfarm, *Swarmfarm* (Web Page, 2024) <https://www.swarmfarm.com/technology/>.

Response to question 8

How can we achieve equity with respect to mobile services (voice, data and SMS) in regional, rural and remote communities and on regional and remote roads?

To achieve equity in mobile services (voice, data, and SMS) for RRR communities, as well as on RRR roads, it is crucial to recognise Australian's growing reliance on mobile connectivity. Currently, 97% of Australians use mobile phones primarily for voice calls and SMS, with 84% also utilising mobile apps for video and voice calls over the internet.[77] This shift is further emphasised by 63% of Australians moving away fixed lines, relying solely on mobile phones for voice communication.[78]

Ensuring equitable access to these essential services in less urbanised areas is vital for bridging the digital divide and fostering inclusive connectivity. ACCAN recommends the RTIRC:

- Recognise access to mobile services as an essential service and recommend the incorporation of mobile services into future USO arrangements.
- Adopt a technology-neutral approach to providing mobile services, exploring alternative technologies.
- Expand the Mobile Black Spot Program (**MBSP**) to support more regions and communities.
- Prioritise MBSP investments that offer roaming or sharing capabilities.
- Support legislation for infrastructure sharing arrangements to ensure mobile coverage, especially during provider outages and disaster events.

Mobile services are essential services

ACCAN supports the Telecommunications Industry Ombudsman's recent call to classify mobile services as essential for Australians.[79] This step is crucial for advancing communication access in Australia, as discussed in ACCAN's response to the *Better delivery of universal services* consultation.[80]

To achieve this, ACCAN recommends that legislative arrangements should be technology-neutral, allowing flexibility for communications consumers to utilise D2D, LEOSat capabilities, and other emerging technologies. Furthermore, any solution must be compatible with current mobile devices and exceed existing service quality and standards.

Mobile blackspot programs need to benefit all consumers

Unfortunately, commercial incentives for investment in regional mobile infrastructure remain poor. The ACCC's *Regional mobile infrastructure inquiry 2022-23* found that mobile coverage will likely

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[77] ACMA, *Trends and developments in telecommunications 2022-23 (*Communications and media in Australia series, December 2023).
[78] ACMA, *How Australians make voice calls at home* (Web Page, 20 October 2022) <https://www.acma.gov.au/publications/2022-10/report/how-australians-make-voice-calls-home>.
[79] Bransen Gibson, 'Telecommunications ombudsman calls for change to make mobile phones an essential service' (Media release, ABC Midwest and Wheatbelt, 17 July 2024).
[80] For more detail, see ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024).

only expand further into regional areas, through additional government investment, whether through the MBSP or other initiatives.[81]

Therefore, ACCAN advocates for expanding the MBSP to enhance mobile connectivity across more regions and roads, with the specific caveat that funding should prioritise projects that enable neutral hosting, allowing multiple providers to co-locate on the same site. This addresses a key concern from ACCAN stakeholders who are worried about a lack of choice due to being restricted to a single provider in their area.

Furthermore, future funding must be adaptable to local community needs and evolving technologies. For instance, with the potential for nationwide LEOSat mobile coverage via D2D technology.

Therefore, ACCAN recommends that Australian Government investments should focus on areas prone to natural disasters, to develop local backup infrastructure using traditional mobile networks. This would improve infrastructure resilience, expand mobile coverage and service quality, and ensure that RRR Australians have greater access to local infrastructure without being tied to specific communications technology or service providers.

Roaming during outages and disasters is critical

With the increased usage of hazard apps,[82] messaging, social media and streaming to share information about natural disasters and other significant outage events, it is essential that arrangements are made that enable roaming of voice and data during these events.

This issue was highlighted most recently with the Optus outage of 8 November 2023, where consumers were left with no connectivity and limited access to information. Implementing a roaming arrangement during outages and emergencies is in the best interests of both the provider and the consumer, and essential to improving public safety.

The technological capability exists to implement domestic roaming and ACCAN urges the RTIRC to recommend the negotiations and regulatory options stemming from the ACCC's *Regional mobile infrastructure inquiry 2022-23* are expedited.[83] ACCAN further recommends the RTIRC engage with the Triple Zero Custodian Framework and associated Steering Committee, developed as part of the Australian Government's response to the Bean Review.[84]

[81] ACCC, *Regional Mobile Infrastructure Inquiry,* (Final Report, July 2023) 72-79.
[82] See, for example the Hazards Near Me app from the New South Wales Government. NSW Government, *Hazards near me app* (Web Page, 2024) <https://www.nsw.gov.au/emergency/hazards-near-me-app>.
[83] ACCC, *Regional mobile infrastructure inquiry* (Final Report, July 2023).
[84] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Australian Government Response to the Bean Review Final Report - Review into the Optus outage of 8 November 2023 - April 2024* (Report, 30 April 2024).

Response to question 9

How can we ensure regional, rural and remote areas have access to the networks, equipment and capacity they need for improved household connectivity and to foster innovation and efficiency across regional industries, including for IoT applications?

To ensure RRR areas have access to the networks, equipment, and capacity needed for improved household connectivity and to foster innovation across regional industries, including IoT applications, it is crucial to focus on delivering reliable, high-quality services that meet communications consumer's needs.

Focus on delivering what people want and need, including access to reliable high-quality services

NBN Co recently completed upgrades to the fibre network and noted the utility for consumers and the shifting nature of Australian households as:

> *Full fibre is our most reliable connection – perfect for gamers, virtual reality, big families, cloud storage, YouTube uploaders, and 360 video and more. […] It's also our most responsive technology for making video calls, uploading photos, videos, big files or streaming box sets and gaming online all at the same time – with less stuttering, buffering or dropouts.*[85]

But for some people in RRR areas, this represents a substantial widening of the ever-present digital divide, particularly in light of NBN Co's proposal to drastically increase speeds on the fibre-to-the-premises (**FTTP**) and hybrid-fibre coaxial (**HFC**) networks.[86] NBN Co's flagged and underway investments in 2024-2025 in Fixed Wireless including substantial speed upgrades could be an important part of this solution, albeit at times lagging private operators.[87]

Regardless, NBN Co's continued investment in high-speed fixed wireless across RRR areas as indicated in 2025-2026 is an essential opportunity to leverage existing fibre to get fast internet to RRR areas and provide equivalence of access to households, businesses and IoT deployments.[88]

Leverage private backhaul networks that locate through RRR areas

Aside from NBN Co's network, there are planned private investments which could continue to improve fibre equity - for example, Telstra's intercity fibre network which is slated to enhance the bandwidth capability between major cities. It is worth noting that some of the more rural encompassing routes planned - a west coast link from Perth to Darwin, an east coast link between Brisbane and Darwin via Far North Queensland and from Melbourne to Hobart are flagged as

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[85] NBN Co's Chief Strategy and Transformation Officer, quoted in NBN Co 'Millions more Aussies ready for 18x faster NBN' (Media Release, 13 December 2023).
[86] NBN Co 'Australians feel the need, the need for speed: nbn reveals plan to turbo-charge high-speed tiers' (Media Release, 5 March 2024)
[87] See for example, Swoop's fixed wireless in Mt Baw Baw, subsidised by the Victorian Government. Swoop, *Mt. Baw Baw internet* (Web Page, 2024) <https://www.swoop.com.au/fixed-wireless/mt-bawbaw/>.
[88] As noted in NBNCo's 2025 Annual Service Improvement Plan. See, NBN Co, *NBN Co focuses on reliability and customer experience in annual service improvement plan* (Media Release, 26 July 2024).

'subject to demand'. Feasibly, these routes might enhance opportunities for providing future backhaul to point to point microwave links and fixed wireless deployments in nearby areas.

This opportunity was raised by the Agri-Tech working group in 2021, noting that fast fibre cable services running through regional areas with no local end points is not useful to RRR consumers.[89] For example, one of the known limitations of private wireless solutions that use class licensed spectrum to plug gaps in coverage is a lack of access to high-speed fibre backhaul close enough to the custom solution.[90]

Spectrum availability for innovation

Even in a scenario where fibre-optic cable is available near every RRR location, local solutions would still be required to ensure there is coverage where FTTP deployment is cost prohibitive. The ACMA's recent revision of regulations to include Area Wide Licenses[91] for mid-band spectrum is welcome, as it has potential to enable more localised solutions for consumers including Wireless Internet Service Providers (**WISPs**) for rural and regional towns and worksites.

ACCAN continues to encourage the ACMA to review and support spectrum availability for innovative RRR solutions that are cost effective for consumers, particularly with the advent of faster technologies that can deliver more fibreoptic equivalent services.

Investments in on-property last-mile technologies and advice

Government investments in the connectivity of RRR consumers is essential. ACCAN encourages a continuation and expansion of the On Farm Connectivity Program **(OFCP)** to include subsidies that would enable all consumers to bolster their connectivity and enable the broad suite of requirements of RRR consumers including education, healthcare and economic participation. This investment can support last-mile infrastructure that is cost effective for both government and consumer.

Prior to the OFCP, stories emerged of property owners going to great lengths to extend NBN fixed wireless, something which improved technology will likely reduce the cost of doing.[92] However, the knowledge required about the developments in technology could see even highly knowledgeable RRR consumers investing hours trying to decide on what options will work in their circumstances.[93]

This makes investments in services like the Regional Tech Hub essential and efficient, as a central point of advice for RRR consumers looking to improve their individual circumstances. A combination of an expanded OFCP and Regional Tech Hub (with the capacity to support the funding of last-mile equipment) could drastically improve RRR communications and serve as an ongoing conduit of advice and intelligence for future regional telecommunications reviews.

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[89] Australian Broadband Advisory Council, *Agri-tech expert working group* (Report, June 2021).
[90] Ibid 43.
[91] ACMA, *Regulation Impact Statement – Area-wide licenses in remote areas of the 3.4-4.0 Ghz band* (Report, April 2023).
[92] See, for example the relay station privately built in Southern NSW. See, Liz Wells, *Farmer builds own $9000 on-farm wireless solution* (Media Release, Grain Central, 5 September 2016).
[93] For example, building understandings about the difference between consumer grade building-to-building Wi-Fi extenders or the use cases for a LoraWAN network.

Response to question 10

The cost of building and maintaining telecommunications infrastructure in rural and remote areas can be a barrier to offering better services. What can be done to improve the fixed broadband options available to regional, rural and remote Australians?

Australia's unique geography and low population density present issues in the provision of fixed broadband services. The cost of building, maintaining and uplifting these services for RRR Australia is underpinned by the Regional Broadband Scheme (**RBS**), which acts as a levy on wholesale broadband services in order to fund these services where they would otherwise not be economical.

ACCAN is supportive of further initiatives to expand broadband options for RRR Australians, whilst avoiding disproportionately impacting disadvantaged, vulnerable, and low-income consumers through extensive levies.

As the cost of providing broadband infrastructure in RRR areas may prove to be uneconomical through levies on consumers and wholesale broadband providers, ACCAN considers there to be additional scope for direct Australian Government investment in these regions to ensure RRR consumers are able to access quality and reliable broadband services.

Retain the Regional Broadband Scheme to fund fixed wireless services.

As stated in our submission to the *Funding of universal telecommunications services (RBS Review)*, ACCAN believes that the RBS provides a vital service for fixed-line RRR broadband services:

> *The purpose of the RBS to formalise the cost-recovery of NBN's loss-making commercial services, is an appropriate mechanism for the Australian broadband market to ensure that SIPs operating in commercial areas contribute to the development and upkeep of wholesale broadband services in non-commercial areas.*[94]

Recently the ACCC has expressed its support for expanding the charge base of the RBS, which to date is mainly paid for by NBN Co itself, from fixed-line broadband network providers to including fixed wireless service providers.[95] ACCAN notes that this may have the effect of raising the cost of mobile services for low-income consumers, so should be considered carefully before implementation.

*Expand the Telecommunications Industry Levy (**TIL**) to incorporate digital communication services*

In another suggestion in the *Funding of universal telecommunications services (RBS Review)*, ACCAN has argued that increased funding for universal services and telecommunications infrastructure for RRR areas could come from an expansion in the TIL to incorporate digital communication services:

> *The digital communications market plays an increasingly prominent role in the Australian communications market, yet digital communications services are not faced with the same*

[94] ACCAN, *Funding of universal telecommunications services (RBS Review)* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 7 June 2024) 3.
[95] Rohan Pearce, *ACCC backs expansion of regional levy to 4G, 5G broadband services* (News Article, Communications Day, 29 July 2024).

> *obligations to contribute to the maintenance of shared communications infrastructure services such as the TIL.*[96]

An expansion of the TIL to incorporate digital communications services could lead to a substantial expansion in the available revenue to fund the telecommunications infrastructure in RRR areas.[97]

Deeper consumer engagement with NBN expenditure

NBN Co's Special Access Undertaking (**SAU**), which came into effect on 1 November 2023, contains provisions to ensure that Consumer Advocacy Groups are consulted and meaningfully inform the NBN Co's expenditure proposals.[98] This presents a new opportunity for community engagement and consumer input into NBN expenditure to ensure that consumers across Australia's diverse geography are able to better inform how NBN services are delivered.

As part of the Federal Budget FY24 – 25, the Australian Government made the commitment to:

> *provide funding on a cost recovered basis for the Australian Communications Consumer Action Network to carry out consumer engagement activities to support NBN Co's regulated Special Access Undertaking.*[99]

This expanded role for ACCAN to undertake consumer engagement activities provides an opportunity for consumers, especially RRR Australians, to have greater influence over the way NBN delivers its services to their communities. With stronger oversight and deeper engagement on the cost-benefit relationships and consumer preferences and trade-offs, such consultation would allow NBN to provide a service which better meets the needs of Australian consumers, especially those living in underserved areas in RRR Australia.

[96] ACCAN, *Funding of universal telecommunications services (RBS Review)* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 7 June 2024) 4.
[97] ACCAN, *Joint Select Committee on Social Media and Australian Society* (Submission to the Joint Select Committee on Social Media and Australian Society, 19 July 2024).
[98] NBN Co, *NBN Co Special Access Undertaking* (Report, 16 August 2023) 8: Section 5.7.
[99] Commonwealth of Australia, *Budget Measures Budget Paper No. 2* (Budget 2024 – 25, 2024) 153.

Response to question 11

Have you had experience with new or alternate service providers such as Starlink or WISPs? If not, why not? What additional measures would persuade you to consider new technologies?

ACCAN has received feedback from stakeholders regarding their experience using LEOSats and WISPs. This ranged widely in application, from the connectivity requirements of modern fishing vessels, IoT farms, regional councils and business, and these technologies can feasibly provide high-speed services in places where it is currently lacking.

Primarily, stakeholders advised ACCAN that they use these technologies out of simple necessity, with the existing offerings from NBN Co being insufficient for their needs. ACCAN stakeholders noted that consumers are also at times in a situation of paying a price premium while being exposed to risk from reduced consumer protections. This includes contracts with clauses that specifically note there are no minimum service guarantees or include 'fair use' clauses that restrict free use of a service, meaning if the service doesn't work as hoped there is little recourse.[100] ACCAN recommends the RTIRC support the revision of consumer protection frameworks to ensure that users of WISPs and LEOsats have comprehensive protections, including retail and wholesale service standards.

Ongoing consumer concerns for these new and alternative services

As wireless transmission technology advances, WISPs are likely to remain crucial in providing services to local communities and addressing specific needs. ACCAN stakeholders noted that RRR Australians are often early adopters of any technology that will improve services. However, digital literacy and consumer trust will be potential barriers in the take-up of these services, as several stakeholders noted their lack of familiarity and/or willingness to make use of WISP services.

Regarding LEOSats, ACCAN stakeholders, particularly in RRR areas, have consistently noted that these services require more robust investigation and testing across time, including broadly testing real use applications in Australia, before being deployed as the only or primary option for rural communications. This especially applies for voice services.

Specific regulatory concerns regarding LEOSats

ACCAN also notes that there are substantially unresolved future regulatory, reliability and sovereignty risks surrounding LEOSats as a non-terrestrial service provider. One of the active concerns is about the approach of the Kessler effect, where the volume of orbiting objects increases collision rates, and instigates exponential damage to other orbiting objects.[101]

[100] See, for example Starlink's fair use statement which itemises that stated speeds and uninterrupted services are not guaranteed. See, Starlink, *Starlink fair use policy* (Web Page, 2024) <https://www.starlink.com/legal/documents/DOC-1469-65206-75>.
[101] Leonard David, *Space junk removal is not going smoothly* (Media Release, The Scientific American, 14 April 2021).

The 1966 Outer Space Treaty requires the avoidance of harmful contamination of space, however, was primarily developed as an instrument that focused on state ownership and responsibility.[102] This set of evolving circumstances lends to the likelihood of an international push-and-pull policy situation emerging between competing interests, where the seemingly exponential capacity of LEOSats could be constrained in the future.

As a potentially substantial beneficiary of LEOSat technology with a vast geography, Australia has a part to play in the regulatory conversation relating to the technology, including seeking options to better protect and enable consumers in the short term, while seeking a more stable and managed non-terrestrial environment within the context of multinational communication service providers.

[102] United Nations Office for Outer Space Affairs, *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies* (RES 2222 (XXI), General Assembly 21st Session, 19 December 1966).

Response to question 12

What can be done to maximise access to multiple connectivity options in case of outages?

During a natural disaster, it is important that communications consumers in RRR areas have access to multiple connectivity options. ACCAN stakeholders emphasised the importance of RRR communications consumers having access to both terrestrial and satellite connectivity options that are affordable. Therefore, ACCAN suggests the RTIRC:

- Explore a capabilities-led approach that draws on technology neutrality to universal service to support access to multiple connectivity options.
- Investigate the role of mobile roaming during a network outage.

Maximising access to multiple connectivity options in case of outages ensures RRR communities remain connected and safe during anthropogenic and natural disasters.

Capabilities-led approach and technology neutrality to universal service

To help maximise access to multiple connectivity options in case of outages, ACCAN recommends the RTIRC implements a capabilities framework that emphasises technology neutrality for universal services. This approach prioritises the services delivered (i.e., access to data and voice, which facilitates communication, information exchange, and service provision) rather than the means of delivery (i.e., payphones and landlines).[103]

Crucially, a capabilities-centric approach does not suggest an early departure from existing technologies, such as the 184,000 voice services currently provided over Telstra's copper network as part of the USO.[104] As long as existing technologies allow everyone to stay connected, they can be used throughout their lifespan, until reliable alternatives emerge.[105] Moreover, by emphasising the capabilities and outcomes that consumers derive from communication services, ACCAN is confident that these communities will benefit from services that better cater to their future needs.

Mobile roaming during a network outage

Mobile roaming in RRR Australia can serve as a valuable redundancy measure during outages. ACCAN supports the current initiatives underway across the government, TPG, Optus, and Telstra to develop a temporary disaster roaming solution that supports mobile devices to maintain

[103] Lucy Cradduck, *Telecommunications Universal Service Obligation* (Submission to the Productivity Commission, 2016).
[104] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Better delivery of universal services* (Discussion paper, 2023) 7; David Braue, 'Govt to 'modernise' Universal service obligation: As landlines fade, new technologies will be tested in 2024' *Information Age* (Web Page, 2 November 2023) <https://ia.acs.org.au/article/2023/govt-to--modernise--universal-serviceobligation.html>.
[105] ACCAN, *Better delivery of universal services* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024) 8.

connectivity by switching to a different network that is operational.[106] This ensures that critical services, such as emergency communications, remain accessible even when the primary network is down.

Mobile services play a crucial role in ensuring community safety during natural disasters and other emergencies. As part of their disaster management strategies, governments are increasingly leveraging mobile apps to communicate with citizens during crises such as bushfires and floods. The reliability and redundancy of mobile networks are vital to maintaining uninterrupted connectivity for users during emergencies and unexpected network outages. Considering this, ACCAN has previously advocated for the implementation of domestic mobile roaming services during network disruptions.[107]

However, concerns have been raised by ACCAN stakeholders regarding the efficacy of emergency warning messages disseminated via text by fire and emergency departments. It has been noted that these messages must consider that individuals without mobile coverage will not receive these alerts during a disaster, whether natural or anthropogenic.[108]

[106] Telstra, 'Temporary Disaster Roaming: successful simulation shows what's possible' (Media, 6 February 2024) <https://www.telstra.com.au/exchange/telstra-temporary-disaster-roaming#:~:text=We%20get%20how%20important%20connectivity,a%20temporary%20disaster%20roaming%20solution.>.

[107] See, ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 3; ACCAN, *Senate Inquiry on the Optus Network Outage* (Submission to the Senate Standing Committee on Environment and Communications on the Optus Network Outage, 21 November 2023); ACCAN, *Regional Connectivity Program Round 3 (including Mobile Black Spot opportunities) Grant Opportunity Draft Guidelines* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 6 February 2023) 2.

[108] ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 3.

Response to question 13

What can be done to increase capacity and improve the reliability of telecommunications services in regional, rural and remote Australia?

ACCAN considers the investment in capacity and reliability of telecommunications services in RRR Australia to be a key priority for the wellbeing and resilience of RRR communities. More than two-thirds of RRR Australians live in regions prone to natural disasters,[109] with events such as the unplanned Optus Network Outage of 8 November 2023 revealing structural issues that require a coordinated response across government and industry to ensure that Australians are not left without access to essential communications and emergency services.[110]

Implement temporary disaster roaming and greater coordination of triple zero services.

Access to communications services is vital during anthropogenic and natural disasters. The effects of the Optus Network Outage on Australians' access to Triple Zero services are potentially life-threatening and undermine the efficacy of Australia's emergency services.[111] ACCAN supports the recommendations of the Bean Review to create a Triple Zero Custodian and implement temporary disaster roaming to ensure that Australian consumers are not left without access to life-saving communications technology.[112]

In addition, ACCAN encourages initiatives between government, industry and civil society groups, noting our engagement in collaborative efforts such as the Australian National University's Tech Policy Design Centre's work on Telecommunications Sector Risk and Resilience Profile.[113] Such collaboration can produce better outcomes through information sharing and harmonising approaches to uplift consumer outcomes and improve resilience.

Investigate how LEOSats could be incorporated into NBN network

LEOSat services have proved to be increasingly popular among Australians living in RRR areas, with more than 200,000 Australians now accessing Starlink's LEOSat services.[114] The numbers of Australians using LEOSat services, particularly in RRR areas, are likely to increase as Starlink begins

[109] ACCAN, *Select Committee on Australia's Disaster Resilience* (Submission to the Select Committee on Australia's Disaster Resilience, 14 September 2023).
[110] ACCAN, *Senate Inquiry on the Optus Network Outage* (Submission to the Senate Standing Committee on Environment and Communications on the Optus Network Outage, 21 November 2023).
[111] Leonie Thorne and Loretta Florance, 'Optus admits 10 times more people affected by triple-0 failures than previously disclosed' (News Article, ABC News, 23 January 2024).
[112] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Australian Government Response to the Bean Review Final Report - Review into the Optus outage of 8 November 2023 - April 2024* (Report, 30 April 2024). 4-5, 13.
[113] Australian National University, 'Telecommunications Sector Risk and Resilience Profile', (Website on *Australian National University Tech Policy Design Centre,* 2024) <https://techpolicydesign.au/telecommunications-sector-risk-and-resilience-profile>.
[114] Josh Taylor, 'Price, speed and Elon Musk: why some Australians are ditching the NBN' (News Article, *The Guardian Australia*, 12 May 2024).

offering more affordable service plans,[115] and Amazon's Kuiper service begins to enter Australian markets, currently projected for end of 2025.[116]

RRR consumers have increasingly opted out of NBN's Sky Muster service, with total customer numbers declining from 109,549 in March 2022 to 86,080 in March 2024.[117] However, the Australian Government's Low Earth Orbit Satellite Working Group notes that LEOSat technologies may remain unaffordable for disadvantaged consumers in the short-medium term, particularly for First Nations communities living in very remote areas.[118]

As LEOsat services have significant capital costs which increase their installation costs, as opposed to the subsidised NBN services for RRR consumers (see Response to Question 10), ACCAN considers it is unlikely for LEOSat services to fully replace NBN services in RRR areas. Therefore, ACCAN considers it essential for NBN Co as Australia's default SIP[119] to investigate how it can provision LEOSat services to best meet consumer preferences.

Therefore, ACCAN suggests the RTIRC:

- Recommend NBN Co to investigate how it could provision LEOSat services into its network.

Investment in the reliability of mobile communication infrastructure.

As set out in our submission to the *Better delivery of universal services* consultation, ACCAN considers that mobile services will necessarily become a more important part of a modernised universal services framework.[120] However, ACCAN notes that commercial incentives to invest in regional mobile infrastructure remain poor, with the bulk of investment coming from government programmes such as the MBSP.[121]

Therefore, while ACCAN supports continued investment in expanding mobile coverage in RRR Australia, we also suggest the RTIRC consider balancing this investment with the utility of investing further in the reliability and resilience of mobile communications infrastructure, to ensure that consumers living in these areas are able to access these services when they are most needed.

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[115] Graeme Lynch and Tony Chan, '$A70 100Mbps Starlink coming, Musk: "This product will change the world"' (News Article, *Communications Day*, 19 June 2024).
[116] Tony Chan, 'Amazon puts back Kuiper launch as it ramps up satellite production' (News Article, *Communications Day*, 1 July 2024).
[117] ACCC, *March quarter 2024 report* (Report, *NBN Wholesale Market Indicators Report*, 29 May 2024).
[118] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Low Earth Orbit Satellite Working Group—2023 Chair's Report,* (Report, *Department of Infrastructure, Transport, Regional Development, Communications and the Arts*, February 2024) 4-5.
[119] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Statutory Infrastructure Provider Regime' (Web Page, n.d.) <https://www.infrastructure.gov.au/department/media/publications/telecommunications-new-developments/sip>
[120] ACCAN, *Better delivery of universal services* (Submission to the Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024) 14 – 16.
[121] ACCC, *Regional mobile infrastructure inquiry 2022-23* (Final Report, July 2023) 72 – 79.

Response to question 14

How can the energy and telecommunications sectors work more effectively, especially with respect to redundancy?

In the context of improving the effectiveness of the energy and communications sectors, particularly regarding redundancy, it is crucial to recognise that communications are essential services in RRR Australia. ACCAN recommends the RTIRC explore opportunities to:

- Set up a reliability and resilience working group between the energy and communications Ministries, Departments, industry regulators, and consumer groups.
- Develop educational resources that build the digital and connectivity literacy of RRR communities.
- Develop resources to support small businesses maintain business continuity during power outages.

Reliability and resilience working group

To mitigate the impact of power outages that could lead to communication service disruptions, a proactive and collaborative approach between the energy and communications sectors is essential to ensure continuous support for RRR communities. ACCAN recommends the RTIRC explore opportunities to establish a reliability and resilience working group between the communications and energy Ministries and Departments to facilitate effective working relationships, especially with regards to redundancy. We further recommend that the working group should also include representatives from industry, regulators, and consumer groups from across these sectors.

Educational resources on the communications and energy sector's role in maintaining connectivity

ACCAN recommends the RTIRC explore opportunities to develop educational resources aimed at helping RRR communications consumers maintain connectivity during widespread power outages. It is of paramount importance for the Australian Government to collaborate with the communications and energy sectors to enhance digital and connectivity literacy among RRR communities.[122]

The creation of educational materials is essential to educate consumers about the limitations of communication services and provide strategies to stay connected during power outages. It is also important to develop additional resources that inform small businesses and consumers about compensation options available during power outages. These resources play a crucial role in ensuring business continuity during power outages, thereby strengthening the resilience of both the energy and communications sectors.[123]

[122] ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 4.
[123] Ibid.

To further support communications consumers, ACCAN proposes the distribution of these educational resources through online platforms, printed materials, and public service announcements. It is important that these resources are accessible in various languages spoken in Australia, including First Nations languages, and in formats such as Easy English, plain English, braille, large print, and Auslan resources.[124]

ACCAN's engagement with stakeholders underscores the need for adequate funding for organisations tasked with creating educational resources for Australia's diverse population. This strategy promotes a more effective collaboration between the energy and communications sectors, particularly in achieving redundancy.[125]

[124] Ibid.
[125] Ibid.

Response to question 15

What innovative solutions can be explored to ensure telecommunications infrastructure remains operational during and after natural disasters? How could partnerships with local communities improve the maintenance, security and availability of infrastructure?

There are several innovative solutions that can be explored to ensure communications infrastructure remains operational during and after natural disasters. In particular, local communities have an important role to play in the maintenance, security, and availability of infrastructure. ACCAN recommends the RTIRC explore opportunities to support the establishment of auxiliary backup power in RRR Australia.

Backup power in RRR Australia

ACCAN recommends the RTIRC explore opportunities to provide RRR communities with access to 24 hours of backup power through Stand Alone Power Systems (**SAPS**).[126] Thereby ensuring the resilience and reliability of RRR communications infrastructure during power outages.

ACCAN stakeholders have persistently underscored the crucial importance of backup power systems, particularly during both anthropogenic and natural disasters. They advocate for these backup systems to harness renewable energy sources such as solar and wind.

ACCAN's recommendation for backup power in RRR Australia aligns well with the Australian Government's pledge to bolster resilience against anthropogenic and natural disasters. This commitment was notably underscored during the severe floods that impacted the Kimberley region in January 2023.[127]

However, ACCAN stakeholders and members did note some barriers to SAPS and emphasised a user-focused approach is important to managing SAPS in RRR Australia. For instance, an ABC news article points out that SAPS for communication services in the Western Australian Wheatbelt, although located on private lands, are under the ownership and operation of Western Power.[128] This setup, whilst essential for community members' safety, may create barriers to restoring power when the system trips, as consumers cannot simply reset the system as they could if it were their own. Instead, they must wait for an electrician to arrive and restore power. Noting the risk that not being able to access Triple Zero services due to power outages brings, ACCAN recommends the RTIRC

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[126] See, ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 3; ACCAN, *Mobile Black Spot Program improving Mobile Coverage Round Grant Opportunity Guidelines* (Submission to Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 28 November 2022) 2; ACCAN, *Regional Connectivity Program Round 3 (including Mobile Black Spot opportunities) Grant Opportunity Draft Guidelines* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 6 February 2023) 2.

[127] See Prime Minister of Australia, 'Disaster Assistance for Kimberley Shire's Affected by Record-Breaking Flooding' (Media Release, 9 January 2023).

[128] James Purtill, 'Farmers are getting renewable Standalone Power Systems as Western Australia's regional power grid is dismantled' (Who's gonna save us?, 9 November 2022) <https://www.abc.net.au/news/2022-10-02/thousands-of-renewable-standalonepower-systems-to-be-rolled-out/101479136>.

explore opportunities for the licensing of local entities or authorities to undertake basic remedial actions.[129]

[129] Ibid.

Response to question 16

What lessons can be learned from private sector investment in regional telecommunications in closing the digital divide in regional and remote areas?

Private sector investment plays a vital role in closing the digital divide in RRR areas. In thinner markets and low-population density areas, government co-investment has been a primary policy lever to support and encourage private investment. ACCAN encourages continued co-investment with private industry to meet the needs of RRR consumers. However, funding must focus on investments that encourage shared access and consider future integration with the USO provider.

Private sector innovation

The private sector in Australia has a strong history of meeting consumer expectations and needs in the communications sector. For example, there were substantial local start-ups of WISPs in regional towns and cities during the advent of ADSL. These providers built solutions for consumers who were in circumstances where copper was degraded or unworkable, port availability was limited, or pair gains arrangements impeded consumers' capacity to connect.[130] The private sector's ability to quickly respond to consumer demands is a vital aspect of service delivery in Australia and continues to deliver value to consumers in regions.

ACCAN recommends the RTIRC consider options for supporting private providers to continue to innovate, including building last-mile solutions like community Wi-Fi or WISPs in locations that need it or supporting technology trials to help RRR areas harness developments in technology at the earliest possible time.

Multinational LEOSat operators are also entering the Australian market with workable solutions for consumers, and ACCAN encourages the RTIRC to consider the risks and rewards of supporting broad scale deployment of this technology, particularly as it relates to consumer protections.

State government investments

In recent years, state governments have actively contributed additional funds to accelerate the shift toward digital equity, supporting various types of connections and infrastructure to address these issues, sometimes beyond the NBN's scope.[131]

This state co-investment is appreciated. However, ACCAN encourages the RTIRC to consider the potential risks and benefits of using state funds for private infrastructure or infrastructure that could

[130] See, for example the Whirlpool list of WISPs, first emerging 19 years ago. For those still business, many often now resell NBN plans. Whirlpool, *Wireless provider list* (Web Page, 2024) <https://forums.whirlpool.net.au/thread/3prrnx53>.
[131] See, for example the WA Governments co-investment that spans five providers, including NBN Co. See, Government of Western Australia, *Regional Connectivity Program boost to WA's digital network* (Media Release, 13 December 2023).

be deployed under a modernised USO.[132] While rapid private deployments of solutions for RRR areas may address connectivity issues in the short term, they may lead to an incomplete national network and future complexities in consumer protections and pricing in the medium to long term.[133]

Community buy-in and consent during technology upgrades

ACCAN recommends the RTIRC explore opportunities to learn from the 3G mobile network shutdown, so that future private sector investments and transitions support closing the digital divide in RRR Australia. In ACCAN's response to the 3G mobile network shutdown, we recommended investigating how future technological transitions can be learned from the 3G mobile network shutdown to ensure consumers are provided with adequate and appropriate information.[134]

ACCAN suggests that the experiences of RRR consumers during the discontinuation of the 3G mobile network require a thorough and careful evaluation, along with the development of procedures for upcoming technological shifts to bolster consumer and business trust. The evaluation should aim to facilitate future technological transitions driven by industry that allow consumers to smoothly and effectively migrate to subsequent mobile networks with confidence.[135]

RRR consumers have told ACCAN that they are concerned that 4G and 5G coverage will not meet the same distance and coverage availability as they currently experience with 3G. This is concerning for consumers who are unlikely to find out for certain until low-band spectrum is reprovisioned for 5G in RRR areas.[136] A lack of community trust signals poor consultation and community involvement in change, and ACCAN recommends the establishment of place-based trials to reflect community experience.

Provision and availability of services and competition in remote areas

Companies that provide essential communication services such as LEOSats offer data coverage at market prices. This technology has provided new options for RRR Australians, with more than 200,000 Starlink consumers in Australia.[137] However, consumers have consistently been concerned about the existence of a monopoly among service providers across previous RTR's and they continue to look for reliable services at affordable rates. For example, in Tangentyere Council's submission to

[132] See, for example the NSW Government investment in OptiComm fibre infrastructure in Gulargambone and Menindee. See, NSW Government, *Better connection for Gulargambone and Menindee* (Media Release, Minister for Regional NSW, 19 July 2024).
[133] For example, private FTTP suppliers may change commercial arrangements or pricing which impacts consumers who are connected outside of the NBN SAU arrangements.
[134] ACCAN, *Inquiry into the shutdown of the 3G mobile network and telecommunications services accessibility* (Submission to the Senate Standing Committees on Rural and Regional Affairs and Transport, 31 May 2024).
[135] Ibid 7.
[136] See, for example Telstra and Ericsson's reported test case for 850mhz in regional Victoria. See MobileCorp, *Telstra and Ericsson make world record 5G long distance call* (Media Release, 29 June 2021).
[137] Josh Taylor, 'Price, speed and Elon Musk: why some Australians are ditching the NBN' (News Article, *The Guardian Australia*, 12 May 2024).

the 2018 review it was highlighted in the Alice Springs Town Camps had telecommunications infrastructure that was of substandard quality and residents had limited options to remedy this.[138]

Services offered by LEOSat providers have the potential to enable local alternate solutions to existing providers. Nonetheless, these services come at a significantly higher cost than traditional broadband services available in metropolitan areas, making them potentially unaffordable for some consumers in RRR areas and are also subject to fair use clauses that may preclude community distribution.

This means that regulation, government programs (including cost offsets, subsidies such as ACCAN's proposed NALO policy, or NBN Co's wholly subsidised SSBI placements) and private investment need to be supported through a coherent strategy. This approach can ensure that gaps in coverage for consumers in RRR areas can be remedied using the best available solution with the aim that communications services are equally accessible, especially in RRR areas of Australia.[139]

[138] Tangentyere Council Aboriginal Corporation, *2018 Regional Telecommunications Review* (Submission to the RTIRC, 8 August 2018) 7.
[139] ACCAN, *Inquiry into the shutdown of the 3G mobile network and telecommunications services accessibility* (Submission to the Senate Standing Committees on Rural and Regional Affairs and Transport, 31 May 2024) 6.

Response to question 17

What has been your experience as a consumer of Australian Government programs aimed at improving regional communications? What improvements would you suggest?

Investments in communications infrastructure, while economically beneficial, require supplementary policies to address the digital divide and ensure universal access.

Investing in communications infrastructure yields positive economic results. For instance, the adoption of broadband services boosts average incomes by 0.85% of GDP per capita.[140] However, realising the complete advantages of communications infrastructure depends on implementing supplementary programs and policies to address the digital divide. While communications infrastructure plays a crucial role in economic progress, ensuring access and utilisation of the infrastructure is essential for ensuring that everyone can benefit from the economic advantages.[141]

Furthermore, ACCAN appreciates the Australian Government's focus on providing funding for connectivity solutions in First Nations and RRR communities.[142] However, ACCAN's stakeholders have voiced concerns about the existing funding models, such as the Regional Connectivity Program and MBSP, which are frequently driven by industry interests and may not fully address the needs and aspirations of communities.

Considering this, ACCAN advocates for a more inclusive approach, where First Nations communities and RRR consumers are empowered to develop their own proposals for funding programs, thereby ensuring their active involvement and self-determination.[143]

To promote a more inclusive approach, it is crucial for the industry to proactively engage with and obtain consent from the communities for whom they are proposing initiatives. Additionally, First Nations and RRR communities and organisations should be enabled to submit their own proposals. It is also important to ensure that adequate resources, including technical expertise and support with proposal writing, are made available as needed by First Nations and RRR communities and organisations. This will enable a fair and participatory approach to facilitating connectivity solutions in RRR Australia.[144]

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[140] ACCAN, *Regional Telecommunications Review 2021* (Submission to the RTIRC, 30 September 2021) 34.
[141] Ibid.
[142] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Regional Connectivity Program' (Web Page, 2024) <https://www.infrastructure.gov.au/media-communications-arts/internet/regional-connectivity-program>.
[143] ACCAN, *Regional Connectivity Program Round 3 (including Mobile Black Spot opportunities) Grant Opportunity Draft Guidelines* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 6 February 2023) 3.
[144] ACCAN, *A roadmap for First Nations digital inclusion* (Submission to the First Nations Digital Inclusion Advisory Group, 19 July 2024).

Response to question 18

What changes to Australian Government investment programs are required to ensure they are successful, efficient and effective in delivering improved, reliable and equitable telecommunications for regional, rural and remote consumers?

The Australian Government's investment programs play a pivotal role in enhancing communications for RRR consumers. To ensure the success of Australian Government investment programs, ACCAN supports several initiatives that aim to improve the reliability and equity of communications services.

ACCAN recommends the Australian Government explores opportunities to measure the digital inclusion levels of participants before and after their involvement in programs. To maintain the effectiveness of these programs, it is crucial to gather relevant data for assessing the programs. This will facilitate the integration of insights into future versions of the programs and help identify which initiatives are most successful in achieving their objectives.[145]

ACCAN further recommends there should be a unified federal approach to digital inclusion at the national level, as suggested by the Australian Digital Inclusion Alliance. This will facilitate better coordination among the communications industry, various levels of government, and local communities, enabling them to work together toward a shared objective. While most states and territories have plans for digital infrastructure, they could be more effectively utilised and aligned with Australian Government programs if a specific roadmap were established.[146] Therefore, ACCAN recommends the RTRIC explore opportunities for the Australian Government to develop a national digital inclusion roadmap.

[145] ACCAN, *Regional Telecommunications Review 2021* (Submission to the RTIRC, 30 September 2021) 37.
[146] Ibid.

Response to question 19

How could Australian Government programs better align with state, territory and local government planning and funding processes in delivering telecommunications services and infrastructure?

To better align Australian Government programs with state, territory, and local government planning and funding processes in delivering communications services and infrastructure, ACCAN recommends the RTIRC:

- Explore opportunities to review the economic, social, and environmental opportunities and challenges to coordination between Australian Government, state, territory, and local government planning and funding processes.

Strategic framework and plan for future development and investment in RRR communications

ACCAN recommends the RTIRC support the development of an investment and planning connectivity strategy for RRR Australia. This strategy should be developed in collaboration with stakeholders and should prioritise future place-based investments based on the social, cultural, economic, and geographical needs of each community.[147]

To implement this, ACCAN suggests that the Australian Government conduct an independent audit of connectivity infrastructure and allocate funding for the development of a mapping tool. This tool should examine existing infrastructure, identify gaps, and enable the Australian Government, state, territory, and local governments to work collaboratively to strategically target investment in areas where it is most needed.[148] ACCAN's stakeholders stressed the importance of identifying the locations of populations who are particularly vulnerable to power outages in RRR Australia, such as older Australians and people with disabilities.[149]

ACCAN further recommends exploring opportunities to use a data-driven approach to enhance the selection of sites for upgrading the resilience of infrastructure in areas of high natural disaster risk. ACCAN suggests considering system-wide approaches like the System Average Interruption Frequency Index (**SAIFI**) and the System Average Interruption Duration Index (**SAIDI**) used in the Energy sector as examples of reliability data embedded in frameworks.[150] This data-driven approach

[147] ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 5.
[148] Ibid.
[149] Ibid.
[150] SAIDI and SAIFI framework provides service reliability data on a "customers' average performance, assisting with identifying the areas of the network that need improvement, resulting in better customer type performance in clear customer segmentation." See, Energy Networks Association (ENA), *ENA Service Standard Regulatory Policy and National Reliability Reporting Framework* (Report, March 2007) 7; ACCAN, *Mobile Network Hardening Program Round 2 Grant Opportunity Draft Guidelines* (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 22 May 2023) 2; ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 5.

would support governments to enhance the economic and core resiliency of RRR Australia's communications infrastructure effectively.[151]

ACCAN further recommends that any plan for future investment in RRR communications should adopt a technology-neutral approach that accounts for developments in emerging technology, such as LEOSats and the potential of D2D services.

[151] ACCAN, *Inquiry into mobile telecommunication failure during widespread power outages in Western Australia* (Submission to the Western Australian Standing Committee on Public Administration, 26 April 2024) 5.

Response to question 20

What other matters should the Committee consider in its review and why are they important?

Addressing the needs of RRR communications consumers requires a comprehensive approach, which is why ACCAN has consulted with a wide range of stakeholders across geographic, economic, and social lines to ensure that the full diversity of RRR Australians is represented within this submission.

ACCAN recommends that the RTIRC support the transfer of the USO provider to NBN Co and establish effective governance arrangements to ensure NBN Co is accountable and transparent. As the nation's wholesale broadband provider, NBN Co is best positioned to support RRR communications consumers in accessing a modernised universal service arrangement.

ACCAN recommends that the focus of the RTIRC should be on the capabilities that communications services should deliver, such as access to health services, education, economic opportunities, government services, and social connections. A technology-neutral approach to the delivery of standard communication services is essential. Additionally, it is important to establish minimum standards for contemporary service needs, providing an uplift in service capability and standards as technology and community expectations evolve.

For instance, access to triple zero services is non-negotiable for communications consumers, who expect uninterrupted access to emergency services through both existing and new technologies. While there is a reasonable community expectation that copper will eventually be phased out in favour of newer technologies, these consumers require guaranteed minimum standards – and material improvements to their communications infrastructure – to support this transition.

ACCAN suggests the RTIRC support the direct regulation of communications services, starting with the TCP Code. Modernising and strengthening the powers of the ACMA through reforms to enforcement arrangements is crucial. Increasing penalties available to the ACMA and the ACCC, and providing institutional support for their use, is also necessary to improve industry compliance and support consumers within the communications sector.

Finally, ACCAN recommends the RTIRC should explore legislative and governance arrangements for mandatory First Nations representation on government, regulators, and industry boards. In particular, reforms that require an ACMA board member to have RRR and First Nations communications consumer experience should be considered.