Select Committee Inquiry into Australian Government's Response to the COVID-19 Pandemic

Submission by the Australian Communications Consumer Action Network to the Select Committee on COVID-19

5 June 2020

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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1.   Executive Summary

Federal, State and Territory governments must be congratulated for the significant measures taken to contain the spread of COVID-19 in Australia. In particular, we welcome the steps taken by the Federal Government to help Australians respond to the COVID-19 pandemic.

We also applaud the response of NBN Co in releasing a range of assistance packages, and the telecommunications industry providers who quickly developed a range of measures designed to assist recipients to meet their ongoing financial commitments. These measures have included:

- NBN Education Assistance Packages - NBN has provided funding for telcos to offer cheaper NBN plans for low-income families.
- Online Learning and Access to Devices – many state governments have introduced device loan programs for students and families to assist them as they study from home under COVID-19 containment measures.
- Telco Assistance Packages – Telcos have introduced a range of relief measures, from bonus data to waiving late fees.
- Assistance for small and medium-sized businesses and residential customers facing financial hardship. [1]

However, the lock-down instigated by COVID-19 has highlighted pre-existing issues of telecommunications inequality which continue to disproportionately disadvantage some communities.

1.1   List of recommendations

Recommendations for Federal Government:

- Work with State and Territory governments and telcos to ensure all households with school aged children have access to reliable internet and affordable devices.
- Work with State and local governments in coordinating improved accessibility to public Wi-Fi outlets, and provide direct funding where needed.
- Work with State and Territory governments to continue existing contact tracing methods in combination with the app.
- Support NBN Co to continue the financial relief and assistance fund to help internet providers support low income customers and small businesses.
- Support NBN Co to continue to provide an additional 40% capacity on its network free of charge to NBN retailers.
- Support NBN Co to extend free plan upgrades and review bandwidth requirements of GP clinics.
- Work with Health Department to roll out better education resources about the COVIDSafe app in community languages, easy English and AUSLAN.

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[1] https://www.nbnco.com.au/blog/the-nbn-project/coronavirus-covid-19-and-nbn-working-from-home-tips-and-faqs

2. Telehealth

We welcome NBN Co's increased support for telehealth consultations by allowing GP clinics free upgrades to their plans for a period of six months. We are also aware that the Federal Health Minister envisages that telehealth will be part of the post-COVID-19 world and wants doctors to continue treating patients online or by mobile phone as a supplementary alternative to certain face-to-face consultations after the pandemic has abated.[2]

The fact that doctor's consultations via telehealth have become an eligible Medicare item since the lockdown began is an important step in making telehealth affordable for patients.[3] However, the extension of free broadband plan upgrades beyond the initial six-month period would help GPs to affordably provide telehealth services long-term. We urge the government to encourage and support NBN Co to extend free plan upgrades and to review the bandwidth requirements of GP clinics to enable them to adequately service patients. [4]

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[2] https://www.smh.com.au/national/health-minister-wants-telehealth-to-continue-after-covid-19-pandemic-20200506-p54qfj.html

[3] https://ama.com.au/article/covid-19-telehealth

[4] https://www.smh.com.au/national/health-minister-wants-telehealth-to-continue-after-covid-19-pandemic-20200506-p54qfj.html

3.   NBN Broadband Assistance Measures

We welcome NBN Co's $150 million financial relief and assistance fund to help internet providers support low income customers and small businesses affected by COVID-19. However, we harbour concerns about the impact the eventual wind-up of these assistance packages will have on disadvantaged and low socioeconomic communities, particularly as this is likely to coincide with the wind-up of JobKeeper subsidies and decrease in Jobseeker payments. We urge the government to encourage and support NBN to continue with this vitally important assistance package beyond the immediate COVID-19 crisis, as inequality of access to telecommunications services will be an ongoing issue.

We also welcome the recent announcement by NBN Co that it will continue to provide an additional 40% capacity on its network free of charge to NBN retailers until 19 August.[5] This measure has allowed telecommunications retailers to adjust their services to meet the increased demand since the end of March and facilitated a generally positive experience for end users of NBN services. While usage demand has slowed as lockdown measures have eased, we note that it remains considerably higher than in February 2020 prior to the lockdown.[6]

ACCAN envisages this higher usage pattern will continue due to the catalytic effect of the lockdown – for example, ongoing higher rates of remote working, increased reliance on online services, increased use of video conferencing to stay in touch with family and friends. We are concerned about the future impact of the withdrawal of the 40% capacity may result in either higher prices for consumers, or a deterioration in service performance, as retailers impose capacity constraints. Either of these outcomes would be problematic. Higher prices would exacerbate existing affordability barriers, and reductions in service performance would limit consumers' ability to interact online leading to frustration and exclusion. This situation requires careful management to avoid detrimental outcomes.

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[5] https://itwire.com/telecoms-and-nbn/nbn-co-extends-internet-data-capacity-offer-to-august.html

[6] https://www.nbnco.com.au/corporate-information/about-nbn-co/updates/dashboard-april-2020

4. NBN Education Assistance Package

The COVID-19 lockdown has required many school students to learn from home. During this period, access to both reliable broadband and suitable online equipment have emerged as significant education barriers for students and families. In response, NBN Co has provided up to $50 million to assist phone and internet providers create more affordable offers for eligible low-income family households with school-aged children who do not have an active NBN connection at home. Many state governments have also introduced device loan programs for students and families to assist them as they study from home under COVID-19 containment measures.

The NBN Education Assistance Package has been warmly welcomed, somewhat alleviating fears that COVID-19 could negatively affect the education of as many as 46 per cent of children.[7] We encourage the government to work with NBN Co to continue to provide this support to vulnerable students from disadvantaged and low-income families on an ongoing basis. Well before the COVID-19 pandemic began, 83 per cent of teachers identified students' socio-economic circumstances as having some impact on the access to technology they needed for learning in school.[8] Low-income students will continue to need affordable broadband, even after the pandemic has passed, in order to access modern educational resources.

In addition, availability of equipment continues to be an issue. Reports from regional communities, including Indigenous communities, reveal consistent access to affordable devices is needed in combination with the NBN low income family package. Although most state and territory governments have implemented some form of device loan scheme, with schools temporarily loaning devices to students who need them for the purposes of education, inconsistency in the availability of devices, and challenges accessing information about how to obtain them, has reduced the ability of some students to make use of NBN's Education Assistance Package.

For example, the Principal of Cabbage Tree Island Public School, which is ranked among the top 5 per cent of most disadvantaged schools in NSW, reported that none of her 40 students were able to engage in online learning despite the education assistance package due to lack of equipment. Only one family in the school community owned a laptop, which was not suitable for use by four school aged children, and the nine iPads sent by the Department of Education to the school arrived just days before students were due to return full-time to campus.[9]

In Victoria, charities including State Schools Relief (SSR) and The Smith Family have stepped in to provide internet dongles and devices to help disadvantaged children engage with remote learning during the COVID-19 lock-down. SSR has distributed 800 laptops, 3,000 dongles and 1,000 desks and chairs across Victoria during the pandemic, with the demand coming from every suburb.[10] However, in some jurisdictions such as Western Australia, there appeared to be no device loans program and it was very difficult to find information clarifying availability.

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[7] https://www.abc.net.au/news/2020-05-12/coronavirus-covid19-remote-learning-students-digital-divide/12234454

[8] https://www.gie.unsw.edu.au/growing-digital-australia-phase-1-results-how-screen-based-technologies-are-impacting-school-students

[9] https://www.abc.net.au/news/2020-05-27/cabbage-tree-island-school-overlooked-with-homeschooling-tech/12288446

[10] https://www.abc.net.au/news/2020-05-12/coronavirus-covid19-remote-learning-students-digital-divide/12234454

ACCAN urges the Federal Government to play a leadership role in developing a coordinated program with State and Territory governments, and the telecommunications industry, to ensure all households with school aged children have access to a package of basic functional telecommunications equipment suited to the educational needs of the household. The current patchwork approach across the country, with well-resourced private school students having access to devices and resources that underprivileged state school students lack, exacerbates pre-existing disadvantage.

Although many states have now reintroduced full-time learning in schools, the increased requirements for all students to have access to equipment such as iPads and laptops at home on an ongoing basis in order to complete homework means equitable access to equipment in disadvantaged communities is vital.

5.   Small Business Assistance Packages

The 40% increase of NBN capacity, and SkyMuster's boosted capacity and enhanced data inclusions offered across the board, have been welcomed by small businesses. However, ACCAN has concerns that the NBN's offer for small and medium businesses - to have charges waived for six months if they order an NBN service for the first time before 30 June - is not being adopted because of the lack of information about the offer by retailers, who is eligible and how to apply.

We are also concerned about the potentially negative impact on small businesses when the 40% additional capacity provided by NBN at no extra charge returns to pre-COVID arrangements. As mentioned above in our comments about residential consumers, this transition will need to be carefully assessed, as many workplaces and businesses will continue to work remotely and transact online even when restrictions are removed. It cannot be assumed that things will return to business as usual. We ask that government work with NBN Co to ensure a smooth changeover, noting that there will still be a need for extra data capacity, but limited capacity in the community to pay for this due to the economic downturn.

More positively, this could be a prime opportunity for small business to capitalise on the productivity benefits of working remotely seen during lockdown. Remote working can be more efficient and benefit both employer and employee, and this post-lockdown period could present a strategic opportunity for continued development of telework by small business to increase sustainability. However, for this strategy to be successful, the telecommunications infrastructure needs to adjust to meet increased demand on an ongoing basis.

6. Public Wi-Fi

The connectivity problems for many individuals have been exacerbated during the lockdown by the closure of libraries, cutting off those reliant on library public Wi-Fi and desktop computers. These include students, the homeless, overseas visitors and older consumers. We urge the Federal government to work with State and local governments in coordinating improved accessibility to public Wi-Fi outlets, and provide direct funding where needed. The modern trend towards mass transfer of many essential and non-essential services online means public Wi-Fi access is now essential for those who are unable to access broadband at home, in order to equitably participate in society.

7. Joint statement of principles to keep people connected during COVID-19

While the announcement of telecommunications principles by the Minister for Communications and the telecommunications industry was a well-intentioned initiative, the principles mainly reiterated existing measures already contained in the Telecommunications Consumer Protection Code - i.e. providing customers in financial hardship with a payment plan, waiving late fees, waiving charges for collection of debts, modifying existing financial hardship plans and not disconnecting consumers in financial hardship. The principles therefore afforded few additional consumer protections.

In addition, differing interpretations by RSPs of the principles means it has not always been effectively implemented. ACCAN has received many reports of people unable to access financial hardship arrangements because of customer service issues, and then being disconnected.

8. COVIDSafe

8.1 Digital Divide

The digital divide has also played a role in limiting the download and use of the COVIDSafe tracing app, with COVIDSafe only being successfully adopted by citizens with compatible mobile phone handsets and newer operating systems. We are aware that the Indigenous and homeless sectors of the community have unequal access to the app, as people in disadvantaged communities often both lack the resources to own personal mobile phones and have limited internet and mobile network access.

Lack of individual ownership of mobile phones, sharing of mobile devices and lack of internet and mobile coverage means the effective operation of individual tracing in these communities is undermined. This lack of digital inclusion means that some of Australia's most vulnerable communities are not able to download and use the app including people who do not own a smartphone and those using smartphones with older operating systems not compatible with the COVIDSafe app.

We urge the Federal, State and Territory governments to continue to work together to use effective existing contact tracing methods for these communities in combination with the app. Deployment of COVIDSafe must not result in any consequential reduction of traditional contact tracing measures for already disadvantaged consumers who are not afforded the protection of the app. In addition, consideration should be given to establishing a program to supply and distribute smartphones with capacity to run the COVIDSafe app to those without access to devices, to support increased take up.

8.2 Accessibility

Initially, consultation with groups representing people with disability identified the need for improved accessibility features on the COVIDSafe app. However, we are pleased to report that a number of accessibility improvements have now been made in recent updates and the Digital Transformation Agency (DTA) have indicated that every update of the app now undergoes accessibility assessment. We have also been informed that the DTA are working with Vision Australia who are undertaking a broad disability audit for the agency. The only outstanding accessibility issue yet to be addressed was the need for more information for Auslan users.

8.3 Community education

Public education is needed across all of Australia's diverse communities to better explain the operation of the app and facilitate fully informed consent, based on a genuine understanding of the limitations and risks involved. There needs to be clear, easy to understand education about privacy aspects of the app and how it operates both for the general population, and more specifically for multicultural and Indigenous communities, in multiple languages and in Easy English.

Misunderstanding of COVIDSafe's function risks generating misplaced confidence in the community that other precautions to reduce the risk of infection are no longer required, undermining its public health intent. As we move into the next phase of containing the spread of the virus, specific educational responses are needed both for the public in general, and for specific communities, to ensure they are informed and in a position to provide genuine consent to adoption of the app.

Victims of domestic violence must also be reassured that information stored on the COVIDSafe app for 21 days cannot be retrieved by a perpetrator of domestic violence who has access to a victim's unlocked phone. Assurances must be given that data collected by the COVID app is encrypted both 'at rest' and in transit to make it safe to use by all Australians, including victims of domestic violence.

8.4   Exposure Notification Framework

We are aware that the Digital Transformation Agency and the Department of Health have been working with Apple and Google to understand and test their Exposure Notification Framework to see how it can be applied in Australia and improve the existing COVIDSafe contact tracing app.

We encourage the government to adopt the decentralised application programming interface (API) system, both to fix technology problems associated with COVIDSafe such as Bluetooth connectivity, and to allay the privacy concerns many experts have about the app. Such a move has the potential to not only provide a more reliable contact-tracing service, but also increase the number of Australians who are prepared to download and use the app.[11]

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[11] https://www.abc.net.au/news/2020-05-21/google-apple-technology-help-coronavirus-contact-tracing/12271728