



Mid-term Review of Australian Communications Consumer Action Network

Submission by the Australian Communications Consumer
Action Network to Department of Broadband,
Communications and the Digital Economy



October 2011

About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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Executive Summary

In the three years since being incorporated, ACCAN has delivered on the goal of providing a stronger, more co-ordinated consumer voice to balance industry perspectives in the communications sector. ACCAN is the “feisty, fearless friend” envisioned by consumers, government and industry representatives at the Consumer Representation Forum held on 1 May 2008.

ACCAN has built a unified voice with one strategic plan. ACCAN has for the first time built an evidence base for consumer advocacy; developed and built on previous education strategies; developed a stronger media profile for communications consumer issues and developed a higher degree of expertise in policy and positions which are backed by co-ordinated consultation.

We welcome this Mid-term Review as it provides a valuable opportunity to examine and improve on the important representation, advocacy, research and grants work we undertake. This submission gives an account of our achievements and the areas where we believe that ACCAN can do better. It also outlines why ACCAN continues to be necessary as a peak communications specific consumer body for an essential service industry that is rapidly changing.

We would like to take this opportunity to express how much we value our members who are crucial to the success of ACCAN as they drive, enrich and support our work. We also acknowledge the industry and government for their support. ACCAN could not have achieved so much without the widespread support of all stakeholders.

Many of the recommendations from the Productivity Commission report to government on their Review of Australia’s Consumer Policy Framework in 2008 related to the telecommunications market. The formation of ACCAN as the new peak body for consumers of telecommunication services has effectively addressed the issues raised in that report.

Making a difference

In a very short time ACCAN has risen to the challenge of creating and settling in a new organisation. Previously the consumer voice was fragmented and there were many overlapping forums where arguments were repeated and little progress was achieved. A coordinated and cohesive approach has been achieved through appropriate funding of ACCAN as the peak body for consumers. Allocation of increased funding has ensured that ACCAN can commission meaningful research projects, campaigns and initiatives that translate into real outcomes for consumers.

ACCAN’s greatest success is perhaps most effectively demonstrated by how a peak body can unite and amplify consumer voices to improve access to communications in Australia. For this reason many of the successes outlined in this submission cannot be attributed to ACCAN’s efforts alone but to a suite of people and organisations that make each achievement possible.

Unified strategic direction

In 2009, the ACCAN Board adopted a five-year Strategic Plan which in addition to establishing our key goals, set out our vision, mission, scope and values. Two years into our Strategic Plan, a great deal of progress has been made in its implementation. Importantly, all of the major consumer issues that have arisen in the sector in the last two years have been captured. Therefore, ACCAN's major policy, campaigning, research, consumer education, and grants-making activities reflect the major goals of the strategic plan. It remains a flexible document, allowing for us to respond to new and emerging issues.

Multi-stakeholder environment

By employing a new approach to advocacy in this industry, ACCAN is gradually breaking down the barriers of a previously "siloed" approach to consumer representation. As a peak body, ACCAN now involves a much broader range of consumer interest groups which is demonstrated by its growing member base now numbering 107 organisations and 84 individuals. This has grown from just 32 members in 2008. The interests represented in our membership are very diverse. Member groups include pensioners and superannuants, Indigenous Councils, tenancy organisations and disability groups.

We also interact with a broad range of government stakeholders. In addition to working with DBCDE on communications related policy issues we have also engaged with FACHSIA on the National Disability Strategy and the AGD on our Fair Calls campaign. ACCAN has developed multi-level relationships with regulators including ACMA and ACCC. Our relationship with the ACMA had a difficult start because ACCAN made statements questioning the effectiveness of the regulator. We have since worked with the ACMA to ensure they understand the concerns of consumers better and their Reconnecting the Customer Inquiry has provided a new benchmark for best practice in consulting with consumers.

ACCAN now engages at the highest levels of the industry with regular CEO meetings. Not only do we work through established consultation processes with Communications Alliance, Telstra and Optus but also with many other providers, including new market entrants, applications providers and non-telco industry associations. There are many examples of industry improving practices by working with ACCAN. ACCAN is ready, willing and able to work with industry where the interests of consumers will be served. We continue to look for ways to improve our impact on industry practices through constructive engagement and welcome suggestions on how this may be achieved.

While the level of participation is well developed in many forums ACCAN is currently reviewing its engagement with standards making agencies. We want to ensure that consumers are represented on committees developing standards for new and emerging communications technologies such as cloud based services.

Best practice grants scheme

A large proportion of our research work, as well as innovative community education have been funded through the ACCAN Grants Scheme which is allocated \$250,000 per annum.

In less than two years this scheme has built a best practice governance foundation including a post-implementation review and grown considerably receiving 71 applications in the most recent round.

Successful projects include the *Home Internet in Remote Indigenous Communities* with the Centre for Appropriate Technology, Central Land Council and Swinburne University, which is now continuing with an Australia Research Council grant for the next three years.

Consumer awareness and profile

Over the past two years ACCAN has gained a profile as the peak communications advocate for all Australian consumers. We have built a significant media profile, averaging 60 interviews per month, over 5,100 visitors to our website per month, and a social media strategy including a YouTube channel and over 700 Twitter followers. ACCAN has earned a reputation as a 'go to' point for reliable consumer communications information.

ACCAN uses the mainstream media to achieve specific campaign goals and also routinely provides comment in response to media inquiries. When working on issues affecting particular categories of consumer, we target our media work on, for example, disability-focused, Indigenous, seniors, local and community newspapers, magazines and radio stations.

Good governance

ACCAN has invested in establishing good governance and financial management arrangements. Funds are expended efficiently with the proper checks and balances to ensure due diligence and accountability with oversight from our elected Board of directors. ACCAN prepares regular reports to its funders and publishes an Annual Report which is distributed to members and key stakeholders and is publicly available on our website.

ACCAN ensures that it uses its \$2.0M per annum funding as efficiently as possible with the largest operational cost being staffing with 17 employees (14.8 FTEs). The Grants Scheme is funded \$250,000 and research \$100,000.

Additional sources of funding outside the government administered industry levy are inherently challenging for a consumer organisation. Funds from membership are also unlikely to ever be very high amounts because many of the groups who are ACCAN members are volunteer based organisations with little or no funding themselves. Receiving funding directly from industry could undermine our independence so we have limited this to specific projects and discrete activities with full disclosure of all activities about how ACCAN receives funding. We do not accept any funding from organisations that would seek to gag ACCAN in any manner.

ACCAN independence from government and industry

Recently questions have been raised about our funding, reporting and contract with the government and whether this undermines our independence as a consumer organisation. We have clarified that Australia has had a 20 year plus history of government funded consumer representation.

Since 1997 such funding has been legislated in the Telecommunications Act, providing for an industry levy that the government administers for consumer representation and research. This established a model that is accountable and ensures the consumer group is independent from industry. In fact it is considered by many to be a best practice model that is being observed by other industries and also internationally.

We make no secret of our funding mechanism and challenge government, industry and regulators without fear or favour. In fact we believe that ACCAN's real value proposition to industry and government is that we provide frank and fearless views in a timely manner.

We understand that the industry and government may find it difficult to take on the concerns we raise, however we are confident that the community benefits from the more balanced outcomes that result. It is widely considered entirely appropriate that the industry that benefits should contribute to fund a sector specific body covering consumer representation and research. This is particularly important in an industry where there are high levels of direct relationships with consumers, a high level of consumer complaints and a complex environment that is rapidly changing in terms of technology and service offerings. ACCAN has proposed a number of improvements to its funding deed with DBCDE which we believe will serve to clarify that we are independent from both government and industry. These are outlined in the body of this submission and our recommendations.

Future directions and development

Undoubtedly there is a continuing community need for consumer representation in the communications industry to be well funded. The current levels of funding ensure the consumer perspective is represented at every level across government, industry and to the media. ACCAN is able to consult with a wide network and use its expertise to consult with target groups of affected consumers and synthesise often disparate consumer opinions into concise positions, saving invaluable hours in consultation with multiple consumer groups.

There are strategic and direct benefits in continuing to fund ACCAN to ensure consumer representation in the communications industry. These include providing consumers with a strong, coordinated organisation through which they can work to help Australia realise its vision of world class communications infrastructure as part of building the long term prosperity of our nation.

ACCAN considers that it uses the funds efficiently and effectively, but currently needs to prioritise its activities as it is not able to undertake all those considered appropriate within the existing funding. With the growing success of the ACCAN Grants Scheme we are attracting increasing numbers of applications. This creates an administrative challenge to manage the Scheme with the current funding levels. We have already moved to put additional staffing in place and use an on-line application process to cope with the demand. It is also clear that there is a great appetite for consumer education materials and information from an organisation that is independent from government and industry. We are very discriminating about the amount of media we undertake and the number of presentations we give to consumer events to ensure we keep within our resource allocations. Furthermore we are also increasingly approached by academic institutions to partner in projects that require end-user participation and input.

While ACCAN undoubtedly uses the current level of funding very well, it is clear that by establishing a strong base for communications consumer representation and research we have set up a model that can be further developed.

Should the government and industry support an increase to the present level of funding, ACCAN could take advantage of opportunities and deliver greater outcomes for the entire industry.

We recommend on-going funding for ACCAN under s593 of the *Telecommunications Act 1997*, with another four-year contract from 2013-2017 ensuring that ACCAN continues, at a minimum, at the same level of operation. We also suggest that the options for transition for a new contract for 2013-2017 be considered by DBCDE well in advance of the expiry of the existing contract. It is also proposed that the cost of administering the grants program be reviewed.

Recommendations

1. Future funding

- Recommend ongoing funding for ACCAN with another four-year contract from 2013-2017. Ensure ACCAN continues, at a minimum, at the same level of operation.
- DBCDE to consider options for the transition to a new contract for 2013-17 well in advance of the expiry of the existing contract.
- DBCDE to review the funding provided for administering the grants program as it grows in profile and more applications are received and factor this into the indexation of the grant for 2013-2017.

2. Current contract

DBCDE to review current contract clauses relating to the following matters:

- Clarifying the disclosure requirements about government funding on all ACCAN publications and website so that the industry levy is highlighted;
- Reviewing the key performance indicators (KPIs) and adjusting as necessary as a result of the mid-term review; and
- publishing ACCAN's progress reports against funding contract KPIs publicly on the website.

3. Consultation

- ACCAN to further develop as a matter of priority its links and consultation with and representation of concerns of small business consumers.
- ACCAN to review the frequency of its Standing Advisory Committees meetings in order better represent and consult with a broader constituency including regional, small business and Indigenous consumers.

4. Representation and self-regulation

- Consider how ACCAN can most effectively contribute to self-regulatory processes in future, given the variable but often significant resources necessary to do so.
- The DBCDE review the ACMA Code Reimbursement Scheme. Consider reimbursement of consumer groups directly, which would support the independence of consumer advocacy and take into account the variability of financial commitments.
- ACCAN to expand its activities in standards development processes for emerging communications technologies.

Representation and Consultation

Terms of Reference 1

The effectiveness of ACCAN in representing and harnessing its constituent bodies and representatives to support and actively participate in the work of the organisation. In particular, consideration will be given to:

- a. How ACCAN represents and balances the needs of Aboriginal and Torres Strait Islanders, low income consumers, people with disabilities, people from culturally and linguistically diverse backgrounds, youth, seniors, women, small business as consumers of telecommunications services, and regional and remote consumers.**

A diverse, representative membership base

ACCAN is a member-based organisation. To effectively advocate for change our lobbying and campaigns need to be evidenced based and supported by our members. We trust our member network to inform us about the communications issues that are affecting them, their constituents and clients. It is therefore a major priority for ACCAN to build a diverse and active membership base that is supported to participate at all levels of the organisation.

Our current membership represents all of the constituent groups identified in this Review Term of Reference (ToR) including Aboriginal and Torres Strait Islanders, low-income consumers, people with disabilities, people from culturally and linguistically diverse backgrounds, youth, seniors, women, small business as consumers of telecommunications services, and regional and remote consumers (Appendix 1). In 2008, 32 organisations and 25 individuals came together in an alliance to form ACCAN. Over the past two years we have built on this so that we now have almost 200 members comprising 107 organisations and 84 individuals.

While we choose to work on issues affecting the most vulnerable in our community, this is based on the broader concept that if we achieve better outcomes for the most vulnerable in society we are also improving the situation for consumers in general. An example of this is our Fair Calls For All campaign to make 1800 free call and 1300 local rate calls affordable from a mobile phone. The cost of these calls impacts on all consumers however it has the most detrimental impact on low-income consumers who are more likely to only have access to a mobile telephone to contact essential services. In other words, while we see a fairer charging regime as being imperative for the most vulnerable and underrepresented in our society, we also recognise that if these changes are implemented it will benefit the entire community. The opposite of this is also true. Our members tell us that advocating on behalf of all consumers for clearer telecommunications contracts and advertising has an even greater benefit for people with a learning or intellectual disability and people who are culturally and linguistically diverse.

ACCAN's membership includes every major national consumer organisation representing general communications consumers.

These members, including the Consumers Federation of Australia and Choice, are active members. We are confident that we do not have any major gaps in the categories that comprise our membership.

While the scope of our representation includes aspects of communications use by small business and not-for-profit organisations, we have not made small business a focus in the first two years of ACCAN's operations. While we have met with organisations representing and providing services for small business, such as COSBOA and Macquarie Telecom and established a relationship with them, we recognise we need to do much more to engage with this important group.

This has become a greater priority following the closure of the Australian Telecommunications Users Group (ATUG) in August 2011, in addition to the closure of SETEL in 2008, a body that represented small business interests on telecommunications matters. ACCAN has begun a dialogue with some small business organisations and will make it a focus over the next 12 months to ensure small business telecommunications issues are understood and represented.

It is important to note that ACCAN had Memorandums of Understanding (MoU) with CTN and TEDICORE (representing People with Disability) before they were wound up. These MoUs included arrangements for the transition of members, intellectual property, staff and assets. This has assisted ACCAN in representing those members. Unfortunately SETEL, which represented small business in the telecommunications arena, wound up before ACCAN's establishment and there was no transfer of corporate knowledge or membership.

Growing membership

ACCAN seeks to grow its member base further. The benefits of being a member of ACCAN are highlighted in the membership section of the website which is used to promote membership to new organisations and individuals with an interest in the sector.

All members of ACCAN staff follow up with contacts made at conferences and in the course of our policy work and campaigns. All staff are also involved in identifying organisations and individuals with whom we want to develop further relationships. We make contact with these organisations and often meet with them to tell them about our organisation and its role, and to listen to their concerns regarding telecommunications.

Member participation

ACCAN consulted very broadly with members and the community to identify the key goals for its Strategic Plan 2010-2014 (see ToR 2) during the establishment phase of the organisation. However even with the strategic plan in place hard decisions must be made by management about what will be included in the work plan with the resources available.

In May 2010 ACCAN surveyed members about their key concerns around customer service. This survey coincided with the commencement of the ACMA 'Reconnecting the Customer' Inquiry and the Communications Alliance Telecommunications Consumer Protection (TCP) Code Review. Forty-four of our (then) 139 members responded.

The survey results, available in the publication *Talking Back: ACCAN Members Speak Out About Telco Customer Service* (Appendix 2) helped ACCAN to clarify members' priorities for its formal engagement in both the ACMA and TCP reviews.

With such a diverse membership it can be difficult to ensure that each constituency is appropriately represented and involved in our work. There are issues that our members unite around and there are other issues we choose not to work on, due to the lack of a consensus or a lack of interest by our members.

For example, in May 2011 we issued a consultation paper for members requesting their views in relation to online copyright enforcement issues following discussions with internet service providers (ISPs). However the feedback we received did not indicate a strong desire for ACCAN to focus on the issue at this time, despite strong interest internally.

Sometimes there is no single view among our diverse member groups on a particular policy debate such as how high-speed broadband infrastructure should be financed. Our voting members are not-for-profit groups that are non-party affiliated and therefore ACCAN cannot and will not be take positions on every debate in this sector.

Standing Advisory Committees (SACs)

Since its inception in 2009, ACCAN has sought counsel on its advocacy work from the Standing Advisory Committee on Consumer Affairs (SACCA) and the Standing Advisory Committee on Disability Issues (SACDI) (Appendix 3, SAC Member list 2009-11). This is part of our Funding Agreement and a key component of our consultation strategy.

The Standing Advisory Committees meet three times a year for all-day meetings (Appendix 4, SAC meeting reports June 2011). Members are encouraged to raise emerging consumer issues as well as provide advice on current ACCAN policy and advocacy work. We have found the groups to be effective in alerting us to widespread consumer concerns. In March 2010, SACCA members raised the issue of the costs of 13/1800 numbers from mobile phones, echoed by our financial counselling and low-income organisational members.

ACCAN assists SAC and Board members to participate in its events and also attend external events such as the National Consumer Congress. In this way we are able to build the capacity of SAC and Board directors and provide training regarding issues relevant to their roles.

In a review conducted of the Standing Advisory Committees in June 2011, members indicated via an internal survey the satisfaction and pride they feel about their contribution to ACCAN's policy work direction. SACCA and SACDI also said that they were comfortable raising consumer issues with ACCAN staff outside meetings such as over the phone or by email.

ACCAN is facing increasing demands to consult with an increasing variety of constituents, some in regional areas and sometimes on very issues at specific issues by facilitating roundtables and workshops.

Given our limited resources, we are currently considering reducing the frequency of face-to-face SAC meetings from three to two per year, freeing up funding for more consultation with other groups who we feel are currently underrepresented by ACCAN. This includes small business and regional consumers.

b. The perception of ACCAN's members on the performance of the organisation, including what members find most beneficial about participation in ACCAN.

ACCAN informed its members for the purpose of this Mid-term Review that we would welcome their frank and fearless feedback about how they feel ACCAN is performing as an organisation. They are, we believe, best placed to speak of what they find most beneficial about being an ACCAN member.

We are grateful to have what we believe are an engaged and active membership that supports the work we do. ACCAN staff work hard to ensure that the positions taken and the campaigns being coordinated reflect the priorities of our members and we believe that our members appreciate this engagement. This is in part reflected in the number of supporters who sign on for ACCAN campaigns, attend our conference, participate in our surveys, as well as providing feedback for and endorsing our submissions. Further detail about the participation rates for ACCAN campaigns and submissions are provided in ToR 3.

Over the past year ACCAN has also found that there is an increased diversity of the types of organisations that have approached us about membership, for instance community legal centres and academic research centres. We believe this to be evidence that not only is ACCAN's work becoming more relevant and useful in the telecommunications area but also of our growing profile.

We would also like to highlight the large numbers of applications and nominations we have received for the ACCAN Board, Standing Advisory Committees, the Independent Grants Panel and Grants Scheme. The first call for expressions of interest for the ACCAN Board in 2008 received nearly 30 applications. Since then Board vacancies have been contested with elections being held in each of the three years since. The ACCAN Grants Scheme has shown exponential growth, from seven applications in its first round, to 21 in its second, to 71 in the third round, held in 2011. These figures indicate strong interest in ACCAN and also reflect the value many members and the wider community place on supporting our work.

c. The extent to which good working relationships have been fostered between ACCAN and key internal and external stakeholders.

A key goal laid out in our Strategic Plan is ensuring we have good working relationships with all internal and external stakeholders. We have devoted significant resources to building resilient engagement with our members, the community sector more generally, industry representatives, government agencies, members of parliament and complaint-handling bodies.

The annual ACCAN National Conference is a good example of the engagement the organisation has fostered with a wide range of stakeholders (Appendix 5, 2011 Conference attendees list).

ACCAN Submission to Mid-term Review of the Australian Communications Consumer Action Network

In our second year we saw an increased number of stakeholder groups in attendance. There were over 200 delegates at the 2011 ACCAN National Conference, which is almost double the number attending our inaugural conference in 2010.

Our 2011 National Conference included a wide range of speakers from industry, including Communications Alliance, iinet, Internode, Optus, Telstra and Vodafone. We were also pleased to have speakers from all sides of politics including Senator Stephen Conroy, the Hon. Malcolm Turnbull MP and Senator Scott Ludlam, as well as other high-profile speakers such as NBN Co's Mike Quigley and Disability Discrimination Commissioner Graeme Innes AM. We also had a good mix of speakers from the DBCDE, ACMA, Telecommunications Industry Ombudsman (TIO) and Australian Competition and Consumer Commission (ACCC).

ACCAN received conference sponsorship for the first time in 2011 after issuing a Sponsorship Prospectus. It is our ambition for our national conferences to not only be professional, well-run events but to ensure the conference remains affordable for our members and for not-for-profit delegates. This was made possible through the sponsorship we received this year. We were supported by conference sponsors (Appendix 6, 2011 Conference Sponsors), which we see as a great indication of the level of support from parts of the telecommunications industry, whose logos were included on ACCAN Conference materials as part of our agreement. In-kind sponsorship from other parties made our conference more accessible through the provision of captioning and interpreting services as well as webcasting, thereby opening the conference up to a wider audience.

The following provides examples of how we work with each category of stakeholder, including where we have been met with challenges and how we have responded.

Internal Stakeholders

ACCAN have a very committed and conscientious Board members who take their roles as directors seriously and make a considerable contribution to ACCAN in a voluntary capacity. Many of the issues addressed by the Board over the past three years have related to establishing the new organisation as well as selecting our founding and current chief executives, Allan Asher and Teresa Corbin respectively.

Internally ACCAN is in regular contact with members seeking feedback on issues and engagement on campaigns. ACCAN's membership on the whole is active and provides views openly about where and how ACCAN can get outcomes for consumers. Members endorse submissions and attend ACCAN events. During the recent review of the Telecommunications Consumer Protection (TCP) Code we were pleased to get assistance from members who sat on industry working groups reviewing Code chapters. We also seek to use the network of internal stakeholders to promote our grants program and encourage future nominations for the Standing Advisory Committees.

Overall ACCAN has a very supportive relationship with its members however we have had to address concerns raised by some members. The funding changes that came into effect when ACCAN was formed as the peak telecommunications body had a significant impact on organisations which had previously received annual grants for telecommunications

representation. Four of these organisations, including Deaf Australia and Communication Rights Australia (CAUS), received transitional funds from the Government for 12 months until 30 June 2010 so that these organisations could adjust to the new arrangements.

All of these organisations were eligible to apply for funding under the ACCAN Grants Scheme. ACCAN manages these funds in line with the Commonwealth Grants Guidelines and the Scheme's Selection Criteria. The Grants Scheme is not intended for on-going recurrent funding of advocacy nor will it cover operational funding.

The Scheme, now in its second year, has a high profile and attracts many more applicants than was originally anticipated. In the most recent Round, more than four times the \$250,000 allocation was sought by a total of 71 applicants. Neither Deaf Australia nor CAUS were successful in the 2010 or 2011 Rounds due to the large number of high quality applications. Both groups raised concerns about their ability to continue to participate in ACCAN activities as a result and argued their constituents would not get direct benefits through ACCAN's work. As a result CAUS withdrew from ACCAN's Standing Advisory Committee in 2010.

Under the previous arrangements with the Department there was no guarantee of funding year to year for telecommunications representation for any organisation. Prior to the formation of ACCAN, it was widely believed by consumer advocates working in the telecommunications area that the consumer voice had become fragmented as a result of the competitive tendering arrangements that led to great uncertainty about funding from year to year and an inability to plan ahead.

Consumers struggled to provide a clear evidence base for advocacy positions and coordination was difficult due to severe strains on resources. The ACCAN model was developed to address these problems. It was well understood, then and now, that one of the challenges was to ensure that while remaining united we also reflected the diversity of needs of a wide range of consumers. It was and remains vital that the voice of consumers with disability is well represented by ACCAN and it is reflected in our appointment of one full-time and one part-time disability policy officer.

Feedback from Deaf Australia has been that they believe ACCAN is doing a good job overall of advocating for Deaf people who use Auslan but that our advocacy work as a peak body is no substitute for direct representation from Deaf Australia. We have communicated with Deaf Australia and continue to reiterate to all our members that our aim is to unite the consumer voice in the face of a much louder, much better resourced and much more powerful industry lobby. We believe we can achieve this by working in partnership with our members. We cannot, nor do we aim to, replace the vital individual contributions made by our member organisations.

One of ACCAN's goals is to support our constituency to help them achieve outcomes for those they represent. In the course of doing so we hope to improve accessibility to communications services for all Australians. We are currently in discussion with Deaf Australia to ensure that we represent their constituents as effectively as possible within current resource limitations and we have committed to explore ways to work in partnership to seek other opportunities for funding.

External Stakeholders

ACCAN works with a number of external stakeholders including government agencies, members of parliament, regulators, complaint handling agencies and the industry. Our main goal in working with these different stakeholders is to achieve outcomes for consumers by putting their concerns at the forefront of policy and decision making about communications services. By consulting with members internally and bringing their views into external forums we aim to be a part of the solution.

ACCAN makes itself available to speak at industry gatherings such as the Communications Day summit and the Communications Research and Policy Forum. At the most recent summit ACCAN's Chief Executive Officer gave an overview of the history of consumer representation in the sector as well as outlining the findings of our most recent research concerning consumer decision-making behaviour.

We are pleased to have a good working relationship with the DBCDE which administers our funding. There is a good understanding within the Department of the important role ACCAN plays representing consumers and it remains an open and constructive relationship with contacts at many levels. Importantly, ACCAN has a much broader consultation with government agencies than its predecessor organisations. We now meet semi-regularly with the Department of Families, Housing, Community Services and Indigenous Affairs and the Attorney- General's Department and recently began discussions with the Department of Regional Australia, Regional Development and Local Government.

ACCAN has a good relationship with regulatory bodies, primarily the ACMA and the ACCC, and the Australian Human Rights Commission (AHRC) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). We sit on consumer consultative bodies at the ACMA and ACCC. We prepare briefings for these meetings regarding current telecommunication consumer issues and have found them useful forums.

Our relationship with the ACMA was not an easy one in the first year, in part due to the public statements made by ACCAN regarding the effectiveness of the ACMA as a telecommunications regulator, borne from frustration at the ever-increasing numbers of complaints to the TIO. Since that time, the ACMA has conducted the Reconnecting the Customer inquiry, dedicating considerable resources to the Inquiry for over 12 months. ACCAN has made public our views about the great work the regulator has done, in particular the strengths of its recommendations to radically overhaul telecommunications customer service and complaint handling. Behind the scenes, we have constructive and productive relationships between staff at all levels of ACCAN and the ACMA.

In addition to our current CEO's position on the TIO Council, ACCAN consults frequently with the TIO. The ACCAN CEO and the Ombudsman meet regularly. We also receive useful monthly reports from the TIO on complaints trends. We have also provided advice on a number of areas, including the TIO's new website, accessibility of its materials and the review of its position statements. We also nominate public members for the Telephone Information Services Standards Council (TISSC).

While we have had some engagement with NBN Co, we are still developing this relationship with a proposal from ACCAN for a high-level consumer advisory committee under consideration by NBN Co at present. We look forward to progressing this soon.

Conversations with providers have matured, so that ACCAN now engages at the highest levels of the industry with regular CEO meetings. ACCAN now not only work through established consultation processes with Communications Alliance, Telstra and Optus but also directly with many other providers, including new market entrants, applications providers and non-telco industry associations. Telstra and ACCAN held a one day Roundtable between senior and policy staff at both organisations in February 2011. This has led to a better understanding of the different priorities of each organisation by those who attended the meeting.

ACCAN is ready, willing and able to work with industry in the interests of consumers. We continue to look for ways to improve our impact on industry practices through constructive engagement and welcome suggestions on how this may be achieved. We do this in a formal capacity by holding committee positions on the Optus Consumer Liaison Forum, Telstra Disability Forum, and Communications Alliance TCP Code Steering Committee among others.

Informally we have an open and constructive dialogue with all major telecommunications providers and a number of smaller new entrants. We hold regular discussions with all major providers and do our best to make ourselves available to industry whenever they seek our views. In this way ACCAN has been able to provide feedback to a number of companies about changes to policies and procedures as well as the development of new products. This constructive engagement has led iiNet to change the way it discloses exit fees, facilitated Telstra's timely information to customers in the wake of privacy breaches and improved Vodafone's disclosure of network disruptions to its customers.

ACCAN highlights positive industry initiatives to encourage good practices e.g. Telstra's initiatives on reducing bill shock through the shaping of its mobile data services for post-paid customers and Vodafone's apology to customers.

Our industry colleagues have told us that they would appreciate being acknowledged for the efforts they make towards better outcomes for consumers. We have taken this on board and look for opportunities to do so. Specific occasions where we have done so via media releases include for example: when Vodafone's CEO apologised regarding network problems; when Telstra introduced measures to address bill shock; and when the ACMA launched the draft *Reconnecting the Customer* report.

Our regular industry briefings are invaluable in highlighting improvements that are being made. It is challenging however to get positive messages out and as result we are looking ways to use positive endorsement from ACCAN as a means to encourage better practices across the industry. For example, we are considering whether we might include an ACCAN Awards event at next year's conference.

International Engagement

ACCAN has forged relationships with important international bodies including the International Telecommunications Users Group (INTUG) and Consumers international (CI). In doing so, we are mindful of the need to consider the implications of building these relationships, including the cost and time, and balance this against the value of building our expertise and knowledge of relevant overseas developments. Importantly ACCAN's engagement has been focused on informing our views on communications consumer issues and the solutions that may be possible in Australia. For these reasons ACCAN is now an affiliate member of CI and a member of INTUG.

Internationally, the OECD has been working on the important role of Empowered Consumers as active market participants in the development of strong, effective competition in communications markets. The work was well reflected in the Seoul Declaration on the Future of the Internet Economy. The development of an effective peak body for communications consumers has put Australia at the forefront of these new policy approaches and increasingly ACCAN is being contacted by agencies internationally to provide information about the consumer representation model and the issues we are working on.

We have presented at international forums including ASEAN, ITU and OECD forums where we have been asked to discuss the ground-breaking work ACCAN is now doing representing consumers. We are also now in regular contact with consumer representatives in New Zealand, and we are the regional coordinator for a Consumers International project about Broadband providers.

d. The overall difference that ACCAN has made to consumer representation in the telecommunications sector compared to the situation that existed before ACCAN's establishment.

Undoubtedly there is a continuing community need for consumer representation in the communications industry to be well funded. The new levels of funding ensure the consumer perspective is represented at every level across government, industry and media. ACCAN is able to consult with a wide network and use its expertise to consult with target groups of affected consumers. We synthesise often disparate consumer opinions into concise positions, saving industry and other stakeholders time and effort in their consultations.

Previously the consumer voice was fragmented and there were many overlapping forums where arguments were repeated and little progress was achieved. A coordinated and cohesive approach has been achieved through appropriate funding of ACCAN. We have built on the goodwill that was achieved in the past and ensured that ACCAN is the feisty, fearless friend envisioned by consumers in 2008.

The increased funding has ensured that ACCAN can commission meaningful research projects, campaigns and initiatives that translate into real outcomes for consumers.

ACCAN representatives go into meetings and forums well-prepared to match their industry counterparts with well-presented and evidence-based arguments from the consumer perspective.

ACCAN research often reframes the agenda so that it is more inclusive of the consumer perspective. Importantly ACCAN is now able to attract and retain talented staff, remunerating them appropriately. We build on the current capacities through on-going professional development.

The consumer representation working committee that established ACCAN in 2008 set out the following priority objectives including:

- The need for a stronger more coordinated consumer perspective in advocacy and representation and the capacity to present high level policy submissions (not just specific needs);
- A brief which covers market effectiveness and emerging technologies as well as access and equity issues;
- Stronger focus on training and capacity building for consumer representatives;
- Capability to analyse or undertake research from a consumer perspective and to be proactive about emerging issues; and
- Participation in international forums and debate.

ACCAN is pleased to report that three years on this vision has largely been achieved (Appendix 7, Comparative analysis of ACCAN & CTN). Previously the Consumers Telecommunications Network (CTN) had four staff and nobody specifically working on media and communications. It had 104 members and 12 volunteer board directors. In its final year, CTN made eight submissions; and was represented on 22 committees throughout the industry. There was an annual conference but no other face-to-face consultation with consumers. CTN undertook just over 40 media interviews in a whole year, and averaged 1100 monthly web visitors. CTN publications were limited and there were no research projects or grants schemes. There were several other organisations competing for funding and profile on issues and it was often difficult to unite under one banner on campaigns.

In contrast, ACCAN now has 14.8 FTE staff. Members now number 191 and there are 30 volunteers. Over fifty submissions have been made with numerous appearances at government inquiries and hearings. We sit on a number of industry committees. Our annual conference is only one of several ways to engage our constituents face-to-face with two standing advisory committees and with a calendar of other events and round tables throughout the year.

We have a significant media profile averaging 60 interviews per month; over 5100 visitors to our website per month, a social media strategy including a YouTube channel and over 700 Twitter followers. We have conducted multiple research projects many in partnership and built a well-respected research portfolio.

We have successfully established and run three rounds of funding for a community grants program. Finally our publications list is extensive importantly including a magazine, research reports, Tip Sheets and an NBN Guide viewed online by thousands of consumers.

RECOMMENDATION

Consultation

- ACCAN to further develop as a matter of priority its links, consultation and representation of concerns of small business consumers.
- ACCAN to review the frequency of its Standing Advisory Committee meetings in order to better represent and consult with a broader constituency including regional, small business and Indigenous consumers.

Strategic Direction

Terms of Reference 2

ACCAN's strategic policy direction. This includes consideration of ACCAN's Strategic Plan 2010–15 and how activities and consumer grants awarded by ACCAN fulfil ACCAN's policy objectives.

ACCAN's Strategic Plan 2010-15 (Appendix 8, ACCAN Strategic Plan) constitutes a strong foundation for ACCAN's work. The scope of the products, services and consumer issues in the communications sector is tremendously wide, making it challenging at times to prioritise and allocate resources. However our vision, mission, values and goals as an organisation are clear and effective in directing our work. ACCAN's Board of Directors maintains a watching brief on the relevance and effectiveness of ACCAN's Strategic Plan, and we are confident that, two years into our five-year Strategic Plan, we are making good progress, with no major amendments required at this stage.

ACCAN's Strategic Plan was developed through extensive research and consultation, and has wide support. The first stage of development in 2009 involved a large research scoping exercise to identify major current and emerging consumer issues in telecommunications, the internet, broadcasting and affordability. This included research regarding informed consent and customer service. These findings were published in reports titled *Future Consumer: Emerging Consumer Issues in Telecommunications and Convergent Communications and Media*; *Informed Consent*; and *Customer Service* (available at www.accan.org.au/research).

The next stage involved distilling this scoping work into a consultation paper to gather input on the drafting of the Strategic Plan. The paper, titled *Campaigning for Communications Consumers*, was released for public consultation for a period of one month.

The document was circulated to:

- ACCAN members;
- Consumer/community groups identified by ACCAN as relevant stakeholders and potential members;
- Industry representatives, including the IIA, Communications Alliance, AMTA, individual industry members;
- Key regulators and government agencies;
- All ACCAN WebNews recipients (around 400 people at the time, industry-wide);
- Individual contacts of ACCAN staff, including some international agencies.

An open invitation was offered to arrange one-on-one interviews where requested. We also arranged a Braille copy to be made, which was available on request.

We identified a number of constituencies who we thought may have difficulty providing written input - namely rural and remote representatives and Indigenous representatives - and we arranged a teleconference to encourage input.

We facilitated an industry roundtable, attended by three carriers and an industry body. Key consumer stakeholders were also sent a courtesy reminder to maximise the number of responses. Over 30 written comments on the consultation paper were received. Of the written submissions, the vast majority (26) were from consumer groups. Three requested interviews took place, two teleconferences were conducted and one roundtable was held.

Two years into our five-year Strategic Plan, a great deal of progress has been made in its implementation. Importantly, all of the major consumer issues that have arisen in the sector in the last two years have been captured by ACCAN's strategic plan. Therefore, ACCAN's major policy, campaigning, research, consumer education, and grants-making activities reflect the major goals of the strategic plan. This includes the rise in complaints to the Telecommunications Industry Ombudsman and discussions around its future as an organisation, the ACMA *Reconnecting the Customer* Inquiry and its focus on the relationship between providers and consumers, and national policy on the rollout of high-speed broadband.

In particular our major work items and progress have come in areas covered in Goal 1 (Make the market work for consumers), Goal 2 (Fight for availability, affordability and accessibility of communications), and Goal 5 (Sound governance). We have focused on consumer education as our major activity regarding Goal 3 (Protect and promote privacy, security and fair use) and have begun to scope consumer issues regarding Goal 4 (Supporting Responsible Consumption). Terms of Reference 3 and 4 in this submission provide further details regarding our activities in these areas. Our progress in establishing sound governance is detailed in Term of Reference 5 of this submission.

We also believe that our Strategic Plan remains flexible in its construction, specifically in the major categories of the strategic goals, so that we can effectively identify and respond to emerging consumers issues within the context of the Plan.

The ACCAN Grants Scheme

The ACCAN Grants Scheme provides a total of \$250,000 of funding annually for research or education projects that represent the interests of consumers on the social, economic, environmental, or technological implications of developments in communications.

The diverse and dynamic nature of the communications sector means that a wide range of organisations and individuals approach ACCAN regarding applications (in the 2011 Round, ACCAN received 71 applications). It also means that there are a wide range of ideas, issues and topics that can be covered in applications to the Grants Scheme. As the Scheme develops it will be important to shape the Guidelines to ensure that emerging issues (such as cyber security, digital productivity and high-speed broadband-related work) are clearly identified as relevant to the Scheme.

ACCAN has to date awarded 16 grants through the Scheme (Appendix 9, Grants recipients list). All have been directly related to our Strategic Plan and objectives.

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This is ensured through the design of the Scheme and through ACCAN’s involvement in the projects during their implementation.

The focus of the Scheme is on outcomes for consumers. Key goals communicated to potential applicants, are to:

- Contribute to a body of evidence of the experiences of communications consumers, which ACCAN can draw upon in our advocacy work, in line with our Strategic Plan;
- Develop capacity in the community to advocate for available, accessible, and affordable communications that enhance the lives of consumers;
- Gauge and respond to issues that are important to our members and to the wider community;
- Strengthen ACCAN’s community profile, and initiate relationships with prospective members; and
- Build ACCAN’s reputation for rigorous and innovative research.

ACCAN has developed a set of weighted selection criteria to encourage projects that align well with our strategic goals as Australia’s peak body for consumer representation in communications. “Benefit to consumers” and “links to ACCAN’s Strategic Plan” are the top weighted criteria. These criteria are used by ACCAN’s Independent Grants Panel to assess applications and recommend projects for funding (Appendix 10, Grants Scheme Guidelines). See also ToR 5 for further information regarding the administration of ACCAN’s Grants Scheme.

Table: ACCAN Grants Scheme Assessment Criteria 2011

Criteria	Example of considerations made in assessment	Weighting
Benefit to Consumers	<ul style="list-style-type: none"> • How many consumers will benefit from the project? • Will the project benefit vulnerable consumers? • What will the impact of the benefit be? • When will consumers benefit from the project? 	30%
Community Need & Resources	<ul style="list-style-type: none"> • What was the inspiration for the project? • Does the project fill a gap and is the project an effective response to the gap? • How will the project engage with consumers and communities? • Are there strengths or assets within the communities involved that can be built upon to provide even greater benefit? 	20%
Links to ACCAN’s	<ul style="list-style-type: none"> • Does the project directly address one or more of 	20%

Strategic Directions	<p>ACCAN's strategic goals?</p> <ol style="list-style-type: none"> 1) Make the market work for consumers 2) Fight for availability, accessibility, and affordability 3) Protect and promote security, privacy, and fair use 4) Support responsible consumption <p><i>(As set out in ACCAN's Strategic Plan)</i></p>	
Technical Strength of the Project	<ul style="list-style-type: none"> • Are the project objectives, plan and timeline well considered and achievable? • Does the project team have the appropriate capacity to carry out the project? • Have ethics in relation to researching and working with people and partners been considered and addressed? 	15%
Value for Money	<ul style="list-style-type: none"> • Is the project budget appropriate in relation to the proposed project activities, outputs and outcomes? • Would the project be able to proceed without this funding? 	15%

There is also a focus on collaboration with project teams. The ACCAN Grants Team is available to consult with applicants prior to submitting an application, and is involved throughout the lifecycle of each funded project. In addition, ACCAN policy staff provides input to assist in maintaining an alignment with ACCAN strategic goals to ultimately result in strong outcomes for consumers.

The public release of the projects is also aimed at supporting ACCAN's work and keeping consumers informed. For example, *Internet Scams: How to Protect Yourself*, a series of consumer education videos developed by the WA Deaf Society, was launched during National Consumer Fraud Week 201, and the online videos widely promoted through ACCAN's network of members. This facilitated ACCAN in partnering with the Australasian Consumer Fraud Taskforce.

RECOMMENDATION

A recommendation regarding the ACCAN Grants Scheme is included in ToR 5.

Policy and Research

Term of Reference 3

The extent to which the policy positions advocated by ACCAN meet the following criteria:

- a. Are coherent and give consideration to relevant community sector, industry and government positions as well as other pertinent environmental factors.**

Within the resources available to conduct its policy advocacy, it is essential that ACCAN is a focussed and effective advocate of the policy positions it adopts. ACCAN seeks to respond to and shape existing agendas as well as setting new policy agendas. In addition to writing submissions to public consultations, ACCAN also advocates its policy positions by publishing position statements, producing training resources, educating stakeholders, making complaints to regulatory authorities, giving oral evidence at public hearings, staging events, representing consumers on committees and providing media comment. Our policy positions are supported by input from our members, Standing Advisory Committees and our research activities. At the highest level ACCAN's policy positions are driven by our mission, vision, scope, values and strategic goals.

We attach a list of all submissions made by ACCAN in the period July 2009 to June 2011 (Appendix 11, ACCAN Submissions 2009-2011). In its first two years of operation ACCAN submitted to over 50 inquiries, appeared at many parliamentary inquiries and has published policy positions. ACCAN has had to carefully select the issues it works on. Since establishment, ACCAN has prioritised telecommunications consumer protection, access to telecommunications for people with disabilities and the consumer interest in high-speed broadband. We continually look to improve the quality of our representations and conduct regular staff training to this end.

ACCAN's submissions have developed an increasingly sophisticated approach to incorporating diverse community sector perspectives. Our submission to the ACMA's *Number Review Discussion Paper Four*, for example, discussed the impact of high mobile rates on Aboriginal and Torres Strait Islanders, low income consumers, people with disabilities, people from culturally and linguistically diverse backgrounds, young people, older consumers, women, consumers from regional and remote areas, people who identify as Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI), people who experience homelessness and small business consumers.

ACCAN works hard to ensure that each policy position we adopt takes into account the relevant community sector views and perspectives. For example, the position statement we published on the need for an opt-out installation procedure for the NBN was undertaken jointly with tenant advocacy organisations and the national peak body of strata managers (SCA).

Our position statement on accessibility of set-top boxes was developed with input from Blind Citizens Australia and Vision Australia.

ACCAN's super-complaint to the ACMA about Free Call and Local Rate numbers was undertaken jointly with the peak bodies for social services (ACOSS) and financial counselling sector. ACCAN's diverse and growing membership ensures that we can readily work with the relevant stakeholders.

ACCAN's policy positions are characterised by well-considered, specific and pragmatic recommendations, targeted to the relevant agency or industry participant. Our recommendations are always situated within the market structure and legislative environment in which we operate. In shaping our recommendations on policy issues, ACCAN gives consideration to industry and government positions, as well as any other pertinent environmental factors.

Our submission to the *Review of the TIO*, for example, included detailed areas where the TIO could improve its own practices, as well as identifying where the government would need to play a role in addressing structural concerns. Similarly, our submission to the *Review of Access to Telecommunications for People with Disabilities, People Experiencing Illness and Older Australians* proposed a suite of recommendations. In some instances these recommendations were proposals that the Australian Communications Exchange or Westwood Spice could simply adopt, while other recommendations were aimed at changing government policy.

b. Are based on robust evidence that may be derived from research undertaken and commissioned by ACCAN. The relevance and rigour of research will also be examined against this criterion.

We attach ACCAN's research bibliography (Appendix 12). The 23 pieces of published research constitute the evidence base that ACCAN has published since its establishment. Many of these works have been funded through the ACCAN Grants Scheme, while others have been commissioned in fulfilment of our Research Activity Plan. Additional pieces of research have been undertaken to fill identified gaps in our policy work. Research has covered areas as diverse as consumer decision-making, the financial implications for youth of mobile phones, and development of complaints resolution mechanisms.

ACCAN has undertaken a range of research to fulfil varying purposes. Some projects have sought to document the state of play in certain consumer telecommunications areas and include much of ACCAN's earlier research like *Future Consumer*. Other research is designed to advance the state of knowledge on best practice regulation (for example *Consumers First: Smart Regulation for Digital Australia*). Some ACCAN research is targeted on particular categories of consumers such as the *Taking Advantage of Disadvantage* report published in conjunction with Footscray Community Legal Centre, which documents refugee and migrant experiences with telecommunications.

Many of Australia's leading academic research institutions have undertaken research on ACCAN's behalf, while other research reports have been driven by community sector analysis of frontline client experiences. ACCAN has a capacity to work with different partners and yet consistently support projects of a high standard.

ACCAN continues to build on our research profile, reputation and evidence management through our partnership with Australia Policy Online and trial of Evernote knowledge management software for internal ACCAN purposes. Evernote is a cloud-based database that ACCAN is currently trialling as a means to index and search research resources. The dual focus of this and the APO project is to create key research tools for ACCAN staff and the wider stakeholder community.

Our partnership with APO allows us to highlight ACCAN research and work, input resources for the audience of the site that are consistent with ACCAN goals, and create guides to topic areas as resources allow (note: we have published three of these to date). Research that ACCAN posts to the APO site also appears in two weekly e-news round-ups. Visits to ACCAN resources on APO are consistently high: ACCAN and ISOC-AU's *NBN Guide for Consumers* for example, has had 2063 visits since 9 June 2011, and the ACCAN funded report *Where Do I Start*, was visited 1175 times since posting on 24 June 2011.

To further establish our capacity to conduct rigorous research that stands up in academic and policy arenas, in 2011 ACCAN established an Ethics Sub-Committee for research activities which are not already covered by external ethics processes (for example, ethics processes of universities). The Ethics Guidelines are based on the National Statement on Ethical Conduct in Human Research. The Subcommittee, made up of members of ACCAN's Standing Advisory Committees, draw on their professional expertise to independently consider the proposed research design in terms of the merit of the research and relative risk to participants.

In 2011, one of the recipients of ACCAN's grant funding was successful in converting a baseline study into a funded Australian Research Council project. As a result of the seed funding available through ACCAN's grant program Swinburne University, the Centre for Appropriate Technologies and the Central Lands Council, have a three-year funded project to connect three remote Indigenous communities to the Internet. ACCAN remains a partner in this project.

There is already evidence that ACCAN's research is being widely utilised by the policy and academic communities. Minister Stephen Conroy referenced the *Another Barrier* report funded by the ACCAN Grants Scheme in his address to the National Digital Inclusion Summit in Canberra on 17 August 2011. The *Communications Privacy Complaints* report was highlighted in the Senate Committee Report into the Privacy of Australians Online.

As in 2010, ACCAN will be convening a Panel on Consumer Advocacy at the 2011 Communications Policy Research Forum (CPRF), attended by key academics and policy makers in communications. Further illustrating ACCAN's capacity for relationships that produce high-quality research is the fact that the CPRF 2011 program includes many speakers who have been or are currently involved in ACCAN research.

We've also seen projects successfully build on previous projects, maximising the value of research but also ensuring that increasingly sophisticated research questions can be asked. For example the National Ethnic Alliance project on NESB telecommunications, which was funded in the 2010 round of the Grants Scheme is substantially informing the 2011 round Grants Scheme project currently being undertaken by the Australian Health Workforce Institute. The author of the *Mind the Gap* report funded by an ACCAN Grant in 2010 is contributing her expertise as a member of the reference group for a current Footscray Community Legal Centre project (funded by an ACCAN grant in 2011), which will develop a set of consumer education materials for new migrant and refugee consumers.

c. Are practical and influential in shaping future policy directions. From a consumer perspective, this would include examination of how ACCAN has promoted increased availability, accessibility and affordability of communications services for all Australians. From an industry perspective, this would include examination of how ACCAN has influenced industry practices or self-regulation. From a government perspective, this would include examination of the extent to which ACCAN has effected or improved government policy or regulation.

Advocating for available, affordable, accessible communications services

Many of ACCAN's policy positions have already translated into tangible improvements for consumers. Each of the successes outlined below cannot be solely attributed to ACCAN's efforts. There are a range of individuals and organisations that make each success possible. Yet each success also demonstrates how a peak body can unite and amplify consumer voices to improve access to communications.

Despite just two years of policy advocacy, Australian consumers are already experiencing the tangible impact of ACCAN's policy and campaign successes. A significant achievement was the successful trial of Australia's first talking set-top box as part of the Digital Switchover Household Assistance Scheme. Working closely with Blind Citizens Australia and Vision Australia, ACCAN held the government to account on its new obligations under the United Nations Convention on the Rights of People with Disability to ensure procurement is accessible for all. In this case, the issue was the set-top box accessibility for vision impaired people. Reports from people using the device have said that the technology is transformative in allowing individuals independent access to television in a way not previously possible.

Another tangible improvement was the change made to the Do Not Call Register in mid-2010 which ensured that millions of Australian households remained on the Register and continued to enjoy their right to choose not to receive unsolicited telemarketing calls.

There are other areas where policy reforms have been announced but not yet implemented. ACCAN is confident that the reforms to be delivered through the ACMA's *Reconnecting the Customer* Inquiry have the capacity to substantially improve the consumer experience in the telecommunications market, through six key recommendations.

ACCAN has constructively engaged with the ACMA during the course of this inquiry, and has campaigned for improved advertising practices, tools to reduce customer 'bill shock' and better complaint handling by providers.

There are yet other inquiries that are still underway, which ACCAN is confident will deliver on our mission for accessible, available and affordable communications. This includes the Review of Access to telecommunications for People with Disabilities, People Experiencing Illness and Older Australians, which ACCAN has argued can utilise new technology to deliver true functional equivalence in telecommunications services for those with disabilities.

ACCAN recently achieved a major step forward in its Fair Calls For All campaign, with the ACMA foreshadowing changes to the Numbering System, which, when implemented, will provide consumers with affordable access to 13/1800 numbers from mobile phones. This represents a substantial change to policy that is a direct result of ACCAN lobbying.

Industry Engagement

We continue to look for ways to improve our impact on industry practices through constructive engagement and welcome suggestions on how this may be achieved. However, we are equally willing to act through formal complaint channels where industry is systematically not acting in the best interests of consumers. ACCAN has taken a series of complaints to the ACCC regarding advertising practices in the telecommunications industry.¹

Over the last few years we have seen the industry slowly moving towards better advertising practices, in large part driven by legal action by the ACCC. In some instances the ACCC was responding to advertising brought to its attention by ACCAN. ACCAN will continue to raise problematic advertising practices with the ACCC as we believe this is an effective way to influence industry practices. Similarly, we use the ACMA Consumer Consultative Forum to raise systemic issues in industry practices, such as our concerns about the cost of calling Free Call and Local Rate numbers from mobiles and difficulties in switching DSL providers.

ACCAN raised the matter of the cost of calling Free Call and Local Rate numbers from mobiles at the ACMA Consumer Consultative Forum, a meeting attended by all the major stakeholders including the CEOs of Communications Alliance and AMTA in August 2010. At this meeting the ACMA highlighted the Numbering Review and also encouraged ACCAN to bring issues to the ACMA for further consideration. ACCAN investigated practices overseas and consulted widely with its members about the degree of impact of this issue on ordinary consumers.

ACCAN lodged a super-complaint with the ACMA in September 2010 asking that regulator oversee an investigation into the issue. This was accompanied by a media release and is the issue that has most attracted the media's attention, becoming a front page news story. ACCAN wrote to Communications Alliance asking for an industry discussion on the matter. It was also raised directly by the ACCAN CEO with the Telstra CEO in November 2010. In December the ACMA issued a discussion paper on the Numbering Review substantially referring to ACCAN's super-complaint.

¹ See *ACCAN calls time on misleading telco advertisements* Media Release 7 June 2010

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In May 2011 ACCAN launched its Fair Call Campaign headed by “Number Woman” calling on industry to come up with its own industry led-solution to the concerns raised by consumers. This generated an enormous response from consumer groups who wanted to show support for the issue. However despite ongoing attempts by ACCAN to support an industry-led solution, there was no further movement on the issue until recent announcements by the ACMA regarding the future of this number range and the charging regime. We look forward to working with industry in the coming months to implement the ACMA recommendations.

Case study: Vodafone network problems

During Vodafone’s network problems in the summer of 2010-2011, we were contacted by Vodafone customers. We initiated contact with Vodafone and over a period of many months, offered advice and feedback. In particular, we encouraged Vodafone to be transparent about the problems they were encountering with their network, provide consistent advice to customers, and importantly, to communicate directly with all customers.

This advice was given in the course of face-to-face discussions, as well as emails and phone calls with senior Vodafone staff. Our engagement with Vodafone – and Vodafail founder Adam Brimo – culminated in an apology by Vodafone CEO to customers and a dramatic positive shift in the customer service culture that in our opinion continues to improve. While the interactions between Vodafone and ACCAN were difficult in the very early phase of the problem, we have since built a thoroughly cooperative and constructive relationship with the provider.

Similar constructive interactions with industry on smaller issues occur routinely. For example, during a 2010 meeting with the CEO of iiNet, we advised that certain early termination fees and charges were not disclosed on the iiNet web site. The CEO thanked us for noticing the oversight and the omission was rectified within a matter of days.

Self-regulation

Despite ACCAN’s documented concerns about the inadequacies of self-regulation in the telecommunications industry,² we continue to dedicate substantial resources to influence industry self-regulatory practices. ACCAN has participated in the following committees:

- Accessibility Features Information Code Working Committee;
- Emergency Call Service Requirements Code Revision Committee;
- Mobile Premium Services Working Committee;
- NBN Consumer Education Committee;
- Telecommunications Consumer Protection Code Steering Group;
- Telecommunications Consumer Protection Code Working Groups.

In some cases these committees have run for months or years, requiring staff to dedicate hundreds of hours to the process. In ACCAN’s view this use of time has not led to the changes to industry practices that one would ordinarily expect of such resourcing. This is because consumer representatives are considerably outnumbered by industry

² See *ACCAN submission to the ACMA Reconnecting the Customer Inquiry*, September 2010
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representatives in most committee processes, consumer positions are rarely given weight unless government and regulators also support the position, and there is little or no guidance available to representatives and no administrative oversight to ensure the independence of committee processes.

In 2010 the ACMA determined that ACCAN was not entitled to additional funding for its representative role on Communications Alliance code committees. This has caused further difficulty in our ability to represent consumers. Were ACCAN to be directly compensated for any representative role taken on a committee, we would be better placed to pursue a policy agenda that is in the best interests of consumers.

ACCAN will need to reconsider how it can most effectively contribute to self-regulatory processes in the future. ACCAN wants to ensure that our resources are put to their most effective use. We also need to make sure that the research and additional effort required to review codes effectively from the demand side is appropriately resourced so that consumers remain independent of industry and can participate on an equal level. Expanding the ACMA Code Reimbursement Scheme to allow consumer organisations to be funded directly rather than through an industry body would make a significant difference in the on-going sustainability of consumer participation in self-regulatory processes.

Affecting government policy

On a number of occasions ACCAN's representations have ensured that legislation was amended to better serve consumer interests. This included the 2010 statutory review of the *Do Not Call Register Act 2006* and the *Telecommunications (Competition and Consumer Safeguards) Bill 2010*. In the first instance, ACCAN's concern that millions of people would be removed from the Do Not Call Register because the three-year registration was about to fall due was remedied by an extension of registrations to five years and a commitment to review ongoing registrations. In the second instance, ACCAN's representations during 2009 and 2010 saw greater powers being granted to the ACMA, and additional safeguards drafted for payphones and universal service obligations.

ACCAN has played an important role in shaping the various instruments that have been developed by government following the passage of the *Telecommunications (Competition and Consumer Safeguards) Act 2010*.

In particular, the *Telecommunications Universal Service Obligation (Standard Telephone Service – Requirements and Circumstances) Determination (No. 1) 2011* released in March 2011 contained several significant changes from the initially released draft instrument, which were improvements recommended by ACCAN.

ACCAN recommended a restructuring of the way the instrument defined a distinct residence (section 3), the addition of a provision that allows relatives or friends of an authorised requestor to request a telephone service (section 4), and an overall object provision (section 5). Importantly, ACCAN's proposal for an appeal mechanism was adopted (section 8).

Several key suggestions in ACCAN's submission regarding the Telstra structural separation and migration plan principles instrument exposure drafts were adopted by government in the final instruments.

We made a specific suggestion that in the lead up to the NBN's full rollout, there should be a prohibition added on Telstra wholesale and network staff being incentivised financially or otherwise in any way that relates to the performance of the Telstra retail arm. The final instrument contained improvements requiring that any incentive remuneration scheme applying to staff who is engaged to work for Telstra's wholesale business units is solely based on the performance of wholesale business units, unless otherwise approved by the ACCC. Government also acted on recommendations made regarding the requirements for an "Independent Telecommunications Adjudicator" to better ensure its independence from Telstra.

ACCAN has also sought to influence government and regulatory policy agendas at the very highest levels. The ACMA has recently completed its most substantial review of consumer protection issues in the telecommunications industry. While the ballooning number of industry complaints was the catalyst for the inquiry, ACCAN's representations to the ACMA ensured that action of this scale ensued. The *Reconnecting the Customer Inquiry* has now delivered critical recommendations in six areas of consumer protection and ACCAN's submissions of September 2010 and July 2011 (supported by endorsements from our member organisations) contributed to all six areas of reforms. Most notably, ACCAN championed reforms to address bill shock, called for a complaint handling standard, argued for governance reforms of the TIO and measures to address product and pricing complexity.

ACCAN has also worked hard to ensure that the high mobile call costs of Free call and Local Rate (1800 and 13) numbers from mobile phones was on the ACMA agenda. During 2010 we lodged a high profile complaint about the issue along with ACOSS and FCA.³ This complaint subsequently influenced three of the ACMA's four discussion papers released as part of its review of the Numbering Plan and ultimately led to the ACMA announcing that it would take action to address the systemic failing.

Another area of concern for ACCAN has been the problematic access to emergency services for people who cannot use regular telephone services because they are Deaf, or speech or hearing impaired. Along with a range of disability advocacy groups ACCAN welcomed the 2010 commitment by the Minister to implement an SMS emergency service for this community. However, we were also concerned that Triple Zero access for 'Speak and Listen' and 106 access for 'Internet Relay' users of the National Relay Service have weaknesses. In 2011 this came to the fore when the Queensland flood disaster led to a disruption of the NRS services.

³ See *The Cost of a Free Call: Accessing 1800 and 13/1300 services from mobile phones*, ACCAN, AFCCRA and ACOSS Super-complaint to the Australian Communications and Media Authority, 10 September 2010
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As a result ACCAN published *The Queensland flood disaster: Access for people with disability to phone services and emergency warnings*. The report identified wide ranging reforms that were needed for our emergency services framework and has led to a renewed commitment from agencies to address long-known weaknesses, including prioritisation of NRS emergency calls and better servicing of the signing deaf community in emergency broadcasts.

Committee representation

ACCAN is now represented on over 17 committees throughout the industry these include regulator advisory committees as well as industry code review working committees (Appendix 13, ACCAN Committee Representation). ACCAN also sits on the Standards Australia Council; however its representation on various standards making committees has not developed further. ACCAN is already in discussion with Standards Australia to broaden this area of work particularly in the area of technical standards relating to accessibility, new and emerging issues such as cloud computing.

RECOMMENDATIONS

Representation and Self-Regulation

- Consider how ACCAN can most effectively contribute to self-regulatory processes in future, given the variable but often significant resources necessary to do so.
- The DBCDE review the ACMA Code Reimbursement Scheme. Consider reimbursement of consumer groups directly, which would support the independence of consumer advocacy and take into account the variability of financial commitments.
- ACCAN to expand its activities in standards development processes for new emerging communications technologies.

Consumer Awareness and Profile

Term of Reference 4

ACCAN's performance in promoting consumer awareness of telecommunications issues and in being recognised as the peak telecommunications consumer body. In particular:

- a. The effectiveness of different communications mediums (for example, print and electronic media) in reaching different target audiences (for example, Australians with disability, culturally-diverse Australians and young Australians).**

Over the past two years ACCAN has gained a profile as the peak communications advocate for all Australian consumers. ACCAN's Public Communication plan contains three key objectives that form the basis by which we engage in consumer awareness activities in order to target a range of different stakeholders.

ACCAN's role has become more prominent with the winding up of a number of other organisations which, in whole or part, were advocates on communications policy issues. These include CTN, TEDICORE, SETEL and more recently, ATUG, which while representing business users of telecommunications services, also engaged in consumer issues more broadly, for example via the ATUG Regional Roadshows.

Mainstream media

The first objective in our first two years of operation has been to "raise ACCAN's profile as the peak communications advocate for all Australian consumers". Having built our media profile from scratch, ACCAN now generates an average of 60 media items per month across a range of consumer and policy-related telecommunications issues. This is in itself a conservative estimate as we limit the scope of our media monitoring with our external monitoring service in order to keep costs down.

Our engagement with the mainstream media is twofold: proactive media coverage, when we issue a media release or raise an issue with journalists to achieve a specific policy or campaign outcome; and reactive media commentary, where ACCAN is asked to comment on a breaking telecommunications issue affecting consumers.

Our second objective is simply stated: "to inspire, inform, enable and equip consumers to act in their own best interests". Traditional media remain the most effective way to convey information to the greatest number of telecommunications customers.

ACCAN's proactive media strategy is structured to raise consumer awareness around specific telecommunications issues as identified by research undertaken by our policy team, as well as key issues raised by TIO and the ACMA. For example, in its first two years ACCAN identified that complaints to the TIO regarding internal dispute resolution were at

unacceptably high levels (further evidenced by the ACMA's 15-month Reconnecting the Customer inquiry into telecommunications customer service and complaint handling).

ACCAN commissioned research to investigate the causes and extent of this problem. This research was conducted by Galaxy Research on the weekend of 5-7 November 2010. The sample was 1,100 people aged 16 years and over from across Australia.

One of the research findings was that only 7% of people who are dissatisfied with the way their provider has handled a problem or complaint take it to the TIO. Among those who complained to their provider, one in three customers were dissatisfied with the outcome of their complaint and one in three dissatisfied customers had not heard of the TIO. As a consequence, ACCAN in its proactive media strategy has prioritised raising consumer awareness of the availability of the TIO for customers who have not been able to resolve their complaint with their provider.

We issued a media release outlining this research along with an accompanying Tip Sheet, *How to make a complaint*. It was widely picked up by media outlets nationally. The Tip Sheet remains a valuable resource today when we receive a media request for comment. For example, we referred to the Tip Sheet when the TIO released quarterly statistics early in 2011 that demonstrated that complaints were up by 31% on the previous quarter.

ACCAN routinely shares its content, including Tip Sheets, with the media in order to inspire, inform, enable and equip consumers to act in their own best interests. Television interviews with our spokespeople garner the biggest audiences, whereas online news sites generate the most traffic to our website, which provides more detailed consumer information.

For example, when the Fairfax website published a story on global roaming charges they included a link to our Tip Sheet *Don't let global roaming ruin your holiday* on the ACCAN website. This was visited by around 1,300 readers. Similarly, when News Limited published a photo of the "NBN Box" linked to our online *NBN: Guide for Consumers*, we had some 8,000 visitors in a single day.

The Fairfax example demonstrates how we respond to reactive media requests. The media relies on case studies to put a human face on what are often statistics-based stories. When approached for comment, we responded in a timely manner by confirming that consumers were suffering significant detriment as a result of exorbitant global roaming charges (based on TIO complaint data), and allowed the media to use our Tip Sheet to raise awareness about ways in which consumers can avoid "bill shock" (Appendix 13).

Another example of a reactive media response from ACCAN is the privacy breach by Telstra in October 2010 where 200,000 letters were sent to Telstra landline customers containing other customers' details. Telstra contacted ACCAN to advise us of the error. We spoke privately to Telstra, the Privacy Commissioner, the ACMA and the DBCDE to arrange a coordinated response and channel through which complaints should be handled. We knew that consumers had trouble identifying the appropriate avenue by which to make a complaint relating to telecommunications privacy based on the findings of a recent report we had published with the UNSW Cyberspace Law & Policy Centre, *Communications Privacy Complaints: In Search of the Right Path*.

We worked with Telstra so that our comments in the media were consistent, ensuring that consumers were not further confused about where to go for help. Most importantly, we ensured through this approach of working with industry that we put the needs of consumers who may have been affected by the privacy breach first and foremost.

Our proactive media strategies are backed up by research and driven by our policy and campaign objectives. We respond differently to reactive media, due to the very nature of the timeliness in which journalists require comment.

We currently have one person who is responsible for all of our media and communications activities. That person has built very effective relationships with media, regulatory bodies and community relations staff at various telecommunications providers, particularly Telstra, Vodafone and new entrant Amaysim.

Wherever possible, we seek confirmation with the provider or regulator about any situation or issues raised directly with us by the media. We are, on occasions, contacted by providers' media or community relations units to be briefed on a particular issue in advance. We encourage this as it helps ensure ACCAN is able to provide constructive advice to consumers affected by the issue. For example, Telstra usually briefs ACCAN in advance about pricing changes affecting their customers. This approach is welcome; however we understand that in some cases it is not possible.

The third and most important goal identified in ACCAN's Public Communication plan is "to earn a reputation as a 'go to' point for reliable consumer communications information". This goal has largely been achieved in ACCAN's first two years. ACCAN spokespeople receive requests for interviews on a daily basis across media outlets nationally, including radio, television, newspapers and online news sites. It is also important to note that the media increasingly seeks ACCAN's contribution to news stories as we offer a voice that speaks on behalf of and to consumers that is distinct from regulatory authorities, government or industry.

Targeted media

If we are working on a policy issue affecting a particular group or community, we tailor our communications approach in order to reach those consumers. We have some 600 media and community organisations on our self-compiled media list, reflecting a broad range of outlets; for example disability-focused, Indigenous, seniors, local and community newspapers, magazines and radio stations.

We also make video media releases regarding disability issues available in Auslan via our YouTube account. For example, our video media release '[Deaf community congratulates Auslan-interpreted flood updates](#)' was viewed some 1,081 times worldwide after it was linked to on the World Federation of Deaf website.

We also regularly contribute consumer telecommunications information to member and other interested organisations' magazines and newsletters.

Social media

ACCAN has been using social media, namely Twitter, to engage with around 750 “Followers”, comprising of our members, other not-for-profits, industry, journalists, regulators and interested consumers. The medium is an effective way to share information – news, media releases, videos and tip sheets. We also ‘live tweet’ our events and other key telecommunications events, such as the CommsDay conferences.

Twitter also often provides the opportunity to provide advocacy information for people who have a complaint about their telecommunications provider.

For example, when Vodafone customers weren’t able to contact Vodafone by telephone or via its website at the peak of their network problems during the summer of 2010-2011, we tweeted information to Vodafone customers on how to contact the TIO.

We have also used Twitter and Tumblr to engage with our members and supporters for our Fair Calls For All campaign, led by superhero, “Number Woman”. The campaign, launched in May 2011, was created to put a face to what has been identified by all sides of the debate as a complex issue. Through these communication channels we have gained and engaged with passionate supporters for our campaign, raised consumer awareness on various nuances of the campaign, and received tweets of support from a former Attorney-General and MPs.

The Fair Calls For All campaign was created and launched with our members in mind who, along with supporters, have engaged readily with it. Number Woman tweets and writes blog posts, and is used as the “face” on campaign documents outlining the issue; she even attended the FCA Conference in May 2011 and our National Conference in September 2011.

Number Woman has proven an extremely effective way to engage with not only our members but a wider group of supporters, creating a ‘brand’ around the campaign on this significant issue. This is an example of a way in which we communicate to reach different audiences. In July we noted Virgin Mobile launched an advertising campaign featuring a superhero of its own called Robin the Hood who demanded a “Fair Go For All” (Appendix 15). While we cannot claim a copyright on the concept, we see this as a ringing endorsement that our consumer awareness activities are having an impact on the industry.

ACCAN Magazine

Earlier this year we launched a quarterly ACCAN magazine and have produced two editions to date. We have started with a small print run (500 copies), which is distributed to our members, along with other stakeholders including regulators, government and industry. While the feedback we have received to date has been very positive, we won’t be able to increase distribution without identifying an external funding source, which will be explored over the next six months.

WebNews

Our WebNews email newsletter is a weekly round-up on the ten most interesting and relevant items affecting the telecommunications industry for the week. Our aim is for this to become essential reading for a wider audience over the next two years and grow the number of subscriptions significantly (there are currently just under 1,000 subscribers).

In the future, we would like to be able to provide consumers with more dynamic content in popular formats, for example by creating consumer awareness videos and a smartphone application offering consumers tips about telecommunication providers.

Events

Our spokespeople are also invited with increasing frequency to present at conferences both domestically and abroad and this is an effective way of addressing large groups of stakeholders at once. Our Tip Sheets are shared with financial counselling organisations and legal centres and issued at community events we attend. This is an effective way to reach marginalised consumers, particular those who do not engage with mainstream media.

b. The timeliness of alerting consumers to issues. This includes ACCAN's accessibility to journalists in providing media comment on telecommunications consumer issues.

Journalists almost always contact ACCAN when consumer-related telecommunications stories are breaking. We have a dedicated mobile number for media enquiries that is always on. On busy days, media calls will begin at 6am and interviews run well into the evenings. We make spokespeople available wherever possible, including weekends and during holiday periods.

As previously discussed, we generate an average of 60 media items a month; however the number of requests we receive is higher than this figure would suggest. We base our decisions about whether or not to contribute to a news story on our policy and campaign activities, and expertise on the particular subject. If we assess that we are not able to comment on a particular issue, we will refer journalists to someone better placed to contribute, for example a regulatory authority or one of our member organisations.

c. Any further identified gaps in ACCAN's promotion of key consumer issues.

Hosting events that facilitate face-to-face communications is a valuable part of the work we do; however we have recognised the considerable strain on our resources internally. With just one part-time person overseeing all administration of events, it means members of our policy, grants or research teams often have to take on tasks in addition to their formal roles.

Despite these constraints, ACCAN has proved that it does outreach very well. We have hosted a number of events over the past two years, including but not limited to: a cinema event during the ACCC's National Consumer Fraud Week 2011; Reconnecting the Customer Summit for consumer advocates (co-hosted with the ACMA); roundtable events on the National Disability Scheme; the Gov 2.0 Taskforce; and Cybersecurity Week.

The demise of ATUG has created a gap in the regional outreach work that ATUG undertook with their annual regional roadshows. ACCAN provided speakers for some of the events in 2010 and 2011. However we were unable to send representatives to some, due to the expense involved in sending staff or board members to regional and remote locations.

We think it important to take on the valuable outreach work that ATUG undertook. We may however need to approach it differently due to financial and staffing constraints. For example, if our members or other organisations approached us about a problem being experienced in a regional or remote area, it might be beneficial to send a staff member to speak with the organisation, gather evidence relating to the problem and speak to consumers directly affected by the issue.

ACCAN launched a new website in April that is WCAG 2.0 AA compliant and allows for the inclusion of more dynamic content than its predecessor, including surveys, images and videos. Over the next two years we aim to create more content for consumers by expanding on these foundations we have built. At present, our only limitations are resources in terms of staff to write Tip Sheets and news items.

d. Stakeholder feedback on the reputation and standing of ACCAN as the peak consumer representative body.

For this Review, we have encouraged our stakeholders to make their own submissions and think them best placed to comment regarding our reputation and standing. However, it has been noted that in a relatively short space of time we have achieved our first communication objective to raise ACCAN's profile as the peak communications advocate for all Australian consumers. ACCAN is most often described in the media as the "peak telecommunications consumer group" or "telco advocacy body".

While we acknowledge there remains much more work to be done, we believe we are on our way to achieving our second and third objectives: to inspire, inform, enable and equip consumers to act in their own best interests; and to earn a reputation as a 'go to' point for reliable communications consumer information.

Governance and Grants Administration

Term of Reference 5

The appropriateness and effectiveness of ACCAN's current governance arrangements. This will include examination of ACCAN's board structure; recruitment processes and professional development; administration of ACCAN's consumer grants program; financial management; travel arrangements and other administrative functions.

a. ACCAN's board structure

ACCAN considers its governance structure is appropriate and effective. ACCAN has a nine member Board elected by its members. The Board meets four times per year face to face. Elections occur with the Annual General Meeting. The first meeting after the AGM the role of Board Chairperson is filled.

ACCAN has had two Board elections and we are about to undergo our third in November 2011. The goal is to have a Board structure which reflects the diversity of our membership but also recruit and retain Directors with the right expertise in accounting, law and governance. After elections each year the Board has undertaken a skills gap analysis to assess if additional members need to be co-opted to meet the spirit of the constitution (Appendix 16, ACCAN Objectives & Activities).

EXTRACT FROM CONSTITUTION CLAUSE 20.2:

Composition of Board

20.2 It is the intention and the objective of the Initial Members that the Board comprises Directors who:

20.2.1 Have expertise in areas of corporate governance; and/or

20.2.2 Broadly represent the following consumer sectors: people with disabilities; people on low incomes; representatives of indigenous communities; representatives of culturally and linguistically diverse groups; people from regional rural and remote areas of Australia; people representing emerging technologies, women, youth, seniors and general consumers.

END EXTRACT

There was great debate when ACCAN was established about whether there should be identified positions for specific constituency groups on the Board. It was agreed at the time that in order to ensure the Board is focused on governance not representational issues, that the Board Directors should have an understanding of the various constituencies that make up ACCAN membership, but also expertise in accounting, law and governance. Rather than including this in the constitution, a Statement of Intent was agreed to meet this objective (Appendix 17, ACCAN Statement of Intent).

ACCAN Submission to Mid-term Review of the Australian Communications Consumer Action Network

At present, there is a Board level review underway that is considering membership policies and updating the constitution to lengthen the terms of directors from two to three years. This is to ensure strong continuity on the Board.

At a constitutional level, our membership application process and policies are inclusive and non-biased so that all applications are approved by the Board using criteria set out in the constitution. ACCAN offers different types of membership which give organisations and individuals options in how they are recognised in ACCAN's governance framework.

ACCAN has three categories of membership:

- Ordinary Members: organisations or individuals whose purposes align with ACCAN's. They are able to nominate and vote for positions on ACCAN's board of directors;
- Associate Members (non-voting): organisations or individuals interested in working with ACCAN but do not wish or are not eligible to be voting members; and
- Life Members: current members who are acknowledged by ACCAN as having made a significant contribution to consumer rights in the communications field.

We also have a graduated membership fee structure, including a fee waiver option to ensure that ACCAN fees do not exclude any organisation from participation. Participation in ACCAN is therefore not dependent on the financial contribution made but on a shared commitment to the goals of affordable, accessible and available communications.

b. Recruitment processes and professional development

ACCAN currently has only been fully staffed since February 2011. We employ 17 staff or 14.8 Full-Time Equivalents (FTEs). We have well developed recruitment and staff development policies and procedures in place. Positions are widely advertised not just in the traditional classifieds but also in a number of forums where NGO jobs are advertised. All roles have specific position descriptions and interviews are undertaken by a selection committee established by the CEO. For senior staff roles the selection committee includes a Board member. Final approval for staff appointments is the responsibility of the CEO.

The CEO is appointed by a Board selection committee. The most recent CEO selection committee included an independent, external expert on management and governance. ACCAN has recruited two CEOs in the past three years and in order to ensure good probity and integrity, the selection process was managed by an agency offering services in executive search for the non-profit sector.

ACCAN staff have individual contracts, using the SACS award and a workplace agreement which covers leave entitlements. We ensure our salaries are externally assessed and benchmarked so that ACCAN is competitive in the jobs market and can attract strong candidates for roles.

We have a staff professional development program in place including study leave arrangements.

There have also been group training sessions provided on ergonomics and stretching exercises; guided sight; cultural awareness and Indigenous Australians and accessible document handling.

All occupational, health and safety policies are documented with regular consultation about potential hazards and risks at staff meetings. The ACCAN office environment and culture is a positive one with activities to encourage good team work. For example in March 2011 staff began a tradition to hold a multicultural lunch on Harmony Day.

ACCAN's organisational structure is provided in Appendix 18 We are in the process of ensuring we have a succession plan in place with the recruitment of a new Director Operations – Deputy CEO In the past two years staff attrition has been at a reasonable level for a new organisation of this size with six staff leaving.

c. Administration of ACCAN's consumer grants program

Best practice approach to governance

ACCAN is responsible for administering all aspects of the ACCAN Grants Scheme, including developing program documentation and facilitating a selection process that is demonstrably independent and merit based. In its first two years ACCAN developed best practice grants administration practices that continue to improve.

Principles underpinning the design of the Grants Scheme and ACCAN's approach to governance of grants-making are drawn from the following key sources:

- Australian Government Department of Finance and Deregulation, *Commonwealth Grant Guidelines: Policies and Principles for Grants Administration*, July 2009;
- Australian National Audit Office, *Better Practice Guide: Implementing Better Practice grants Administration*, June 2010;
- NSW Department of Premier and Cabinet, *Good Practice Guide to Grants Administration*, February 2011;
- ACCAN's membership of the Australian Institute of Grants Management (AIGM), and use of Smarty Grants, AIGM's best practice online grants management system that is AA rated for accessibility.

ACCAN's established practices cover the areas of governance, structure, the application process, awarding grants, managing grants, and review and evaluation.

Independent Assessment

The Grants Scheme is open for applications in the first quarter of each year. Each application is processed by ACCAN and assessed individually by ACCAN's Independent Grants Panel, a team of three external experts selected by the ACCAN Board for a three-year term. Panel members are selected from a public call for expressions of interest to be a Panel member. The panel meets in person and correspond online to select projects for funding based on merit, according to the criteria listed in ACCAN's Grant Guidelines (ACCAN's 2011 Grants Scheme Guidelines are found in Appendix 10).

All applicants are informed of the outcome of their application. Successful applicants are required to enter into a deed with ACCAN, based on a deed pro forma. The ACCAN Board is responsible for signing off on the assessment and selection process, ensuring that it has been carried out in line with the approved grant guidelines, in an ethical and independent manner, and performed to a high standard in the spirit of ACCAN's constitution and contract. The grants scheme guidelines must also be approved by the Board before public release.

Demonstrated commitment to continuous improvement

As part of our commitment to continued improvement and better practice, ACCAN conducted a review of its Grants Scheme in the first quarter of 2011. This post-implementation review has been comprehensive and thorough but we are also flagging a full evaluative review roughly three-years after the establishment of the Scheme.

The approach to the review was:

1. Establish a current snapshot of best practice in grants management, using a variety of resources;
2. Seek feedback from key internal and external stakeholders;
3. Assess the scheme's performance against these areas and make short and longer term recommendations for improvement.

The review began with a thorough literature review of key policy, legislative, and other best practice documents, identifying the elements that had clear implications for the Scheme. The ACCAN grants team also attended the annual Best Practice in Grants Management conference on 25 February 2011. ACCAN contracted an independent expert consulting group to provide advice and comment on our analysis of the Scheme. The consultants were further contracted to facilitate external interviews with members of the ACCAN Board, the independent panel, the DBCDE, and ACCAN grant recipients. ACCAN also collated comments from panel members and applicants that had been collected informally throughout the first and second rounds of the Scheme.

The outcomes are:

- It was established that stakeholders have a high degree of confidence in ACCAN's administration of the Scheme. The Scheme was described as professional and accountable. Stakeholders appreciate ACCAN's commitment to continuous improvement, and value the clear link between the outcomes of grants to date and ACCAN's strategic directions;
- It was established that ACCAN's administration of the Scheme has solid best practice foundations. Further, ACCAN is well positioned to positively contribute to the specialist field of grants management because of the unique relationship between community and government that the organisation represents;

- A set of short term improvements were identified, to be made before the opening of the 2011 round: offering in-depth consultations with potential applicants, a new version of the guidelines, and implementation of a new application and grants management system;
- ACCAN identified other areas where we can employ strategies of continuous improvement in the medium and long term to ensure the scheme stays focused on outcomes for consumers. This includes the development of a grants scheme management manual, which will collate policy and procedure documents into one easily referenced internal ACCAN document.

Since the completion of the Post-implementation review, ACCAN has acted on all of the areas identified for improvement. ACCAN held extensive pre-application consultations with potential applicants (ACCAN received a record 71 applications for the 2011 round), developed a new set of guidelines for the 2011 round, and implemented the Smarty Grants online grants record-keeping and management system. ACCAN has also begun development of its grants manual.

Finally, ACCAN recognises that as the profile and popularity of its grants scheme increases, making linkages with other grants and funding programs can be beneficial. Being more strategically placed in the grants making landscape can help us make the most of the resources available to the scheme and better support potential applicants.

d. Financial management

Transparency and accountability

ACCAN is accountable to government through regular quarterly reporting arrangements against specific key performance indicators (KPIs) which ensure ACCAN is delivering on the agreed funding deed. We use a DBCDE-provided template for our reports and include quarterly financial reporting.

ACCAN reporting arrangements were streamlined at the outset through negotiation with DBCDE. Our reporting is based on outcomes not activities and as a result we have a direct gauge of the effectiveness of consumer representation undertaken by ACCAN. We believe that the current reporting arrangements strike a good balance between the time taken to prepare the reports and the appropriate level of accountability without being too onerous.

In the interest of providing full transparency and accountability, ACCAN has been considering if these quarterly reports to our funder could be made public. The Board has agreed that the ACCAN reports to the DBCDE could be published on our website. Additionally the ACCAN Board will be publishing reports from its meetings summarising decisions and important outcomes. The Standing Advisory Committees already publish meeting reports on the website after each meeting.

The key performance indicators were established before ACCAN had a strategic plan in place and prior to recruiting a full complement of staff and finalising our work priorities.

The KPIs were focused on the establishment phase of ACCAN and so it is timely to consider if these KPIs are the right measures to judge the success of the organisation going forward. We recommend that once the mid-term contract review is completed that these KPIs are revisited and reviewed.

ACCAN takes its financial management seriously and we have a full-time Business Manager who is a qualified accountant. ACCAN has undertaken annual audits for the past three years which have been unqualified. We have a legal compliance schedule (Appendix 19). ACCAN has implemented well documented internal control processes and procedures as well as tight authorisation rules governed by a delegations schedule which is approved by the Board. ACCAN maintains a separate bank account for the funding received under the DBCDE contract. All payments require two signatories and large amounts require additional sign-off by the CEO.

The annual budget is approved by the Board. Our monthly financial reports include a financial performance statement, a statement of financial position and a cash flow report which are approved by the Finance and Audit Committee and then the full Board. The Management Group including the CEO; Director of Policy and Campaigns; the Director of Operations and the Business Manager meet monthly to discuss the reports as well as track pre-payments, accruals, the depreciation schedule, leave provisions and bank reconciliation. ACCAN has an asset register and undertakes physical tracking for all equipment and furnishings on an annual basis.

Efficient use of funding

ACCAN management achieves great value with the funding it administers. We allocate funding in the following ways: in the past two years ACCAN expended the following amounts in the 2010-2011 – Running Costs (\$1.62M) Board and Committees (\$0.08M), Research Projects (\$0.1M) and the Grants Program (\$0.25M) with Capital Expenditures (\$0.55M).

In 2009-2010 - Running Costs (\$1.48M) Board and Committees (\$0.11M), Research Projects (\$0.08M) and the Grants Program (\$0.25M) with Capital Expenditures (\$0.94M). Employment is the largest cost to the organisation (\$0.98M). Our operating & travel costs are contained where ever possible in order to free up funds for campaigns, research and publications.

Non-grant funding

Alternate sources of funding are inherently challenging for a consumer organisation. We try to strike a balance of cost recovery for events in a manner that will not restrict participation. Registration charges for events must be kept low for consumers on the whole. We conducted a sponsorship trial for the 2011 National Conference and we ensured we had clear agreements with the parties to ensure strong probity and disclosure arrangements were in place. Receiving funding directly from industry could also undermine our independence so we have tried to limit this to specific projects and discrete activities such as the Reconnecting the Customer Summit sponsored by the ACMA for \$28,000. All of these funds were directed towards the cost of running the event and the travel for participants.

ACCAN did not recover any costs for several weeks of staff time required to ensure the event was a success.

Funds from membership are unlikely to ever generate significant revenue. We have just reviewed our membership fees for the first time and agreed to increase the fees marginally. It is important that ACCAN has an active membership, however many of the groups who are members are volunteer based organisations with little or no funding themselves so membership fees for those need to be kept low and in some instances waived.

Funding levels

ACCAN will receive \$2.077M in 2011-2012 under its contract with the government. This level of funding is necessary to carry out the wide range of representative, policy, research and grants administration roles that ACCAN undertakes. ACCAN represents a wide range of consumer groups, is a focal point for the media on communications issues as the peak consumer body, and is required to provide informed comment on a substantive number of complex policy issues. This requires ACCAN to be properly funded to achieve its objectives. This is even more so, with the demise and/or closure of a range of other bodies in recent times including SETEL and ATUG.

ACCAN considers it uses the funds efficiently and effectively, but it does need to prioritise its activities and is not able to undertake all the activities it considers are appropriate within the existing funding. With the growing success of the ACCAN Grants Scheme we are attracting an increasing numbers of applications, which has created an administrative challenge to manage the scheme within the current funding levels. We have already moved to put additional staffing in place and use an online application process to cope with the demand. It is also clear that there is a great appetite for consumer education materials and information from an organisation that is independent from government and industry. We are very discriminating about the amount of media we undertake and the number of presentations we give to consumer events to ensure we keep within our resource allocations. Furthermore we are increasingly approached by academic institutions to partner in projects that require end-user participation and input.

While ACCAN uses the current level of funding very well, it is clear that by establishing a strong base for communications consumer representation and research we have set up a model that can be further developed. Should the government and industry support an increase to the present level of funding, ACCAN could take advantage of even greater opportunities and deliver even greater outcomes for consumers.

ACCAN independence from government and industry

Recently questions have been raised about our funding, reporting and contract with the government and whether this undermines our independence as a consumer organisation. Our response has been very clearly stated to both our internal and external stakeholders as well as media. We have clarified that Australia has had a 20-year-plus history of government-funded consumer representation including from both Liberal and Labor Governments. Since 1997 such funding has been legislated in the Telecommunications Act.

We make no secret of our funding and challenge government, industry and regulators without fear or favour. In fact we believe that ACCAN's real value proposition to industry and government is that we provide frank and fearless views in a timely manner.

At times we understand that the industry and government may find it difficult to take on the concerns we raise, however we are confident that the entire industry benefits from the more balanced outcomes that result.

We therefore believe that it is entirely appropriate that the industry that benefits most should contribute to funding a sector specific body covering consumer representation and research. This is particularly important in an industry where there are high levels of direct relationships with consumers, a high level of consumer complaints and a complex environment that is rapidly changing in terms of technology and service offerings.

The provisions in s593 of the *Telecommunications Act 1997* providing for an industry levy that the government administers for consumer representation and research is a model that ensures the consumer group is independent from industry. In fact it is viewed by many to be a best practice model that is being considered by other industries and also internationally. The question remains whether these arrangements could be further strengthened.

There may be additional measures which could be put in place to ensure that ACCAN's role is protected regardless of shifts in government policy in future. Furthermore the lack of certainty of funding every four years undermines ACCAN's ability to put in place long-term strategies. Given the requirements of the federal government budget cycle, we understand it is unlikely that the four-year funding term will be extended although this may be considered desirable. There are other options that could be considered to give ACCAN more security of funding without removing the requirements for accountability. For example, funding levels could become an automatic percentage of industry revenue. Perhaps there could also be an undertaking to negotiate and secure funding for future contracts well in advance of the existing contract expiration. We recommend that given the importance of this issue that this be considered as a priority by DBCDE.

It has also been suggested that ACCAN is less independent if the government undertakes a review of ACCAN. What is missed by this is that the review is not of ACCAN but about the contract we have with the government for funding. This is a complex message to communicate so perhaps consideration could be given in future to engaging a third party independent of government, industry and ACCAN to undertake future contract reviews.

e. Travel arrangements

ACCAN has a travel policy for volunteers, board directors and staff which is in line with arrangements prescribed in our funding report (Appendix 21, ACCAN Travel Policy). Travel approvals have to be sought for trips and authorisation must be signed by the delegated manager before any bookings. We utilise a travel agent to assist in the adherence with this policy and ensure least cost options are taken in all instances so long as any accessibility requirements are addressed for people with disabilities.

We are required to inform the DBCDE whenever we travel overseas if the contract funding is to be used. ACCAN staff have attended three events overseas which were directly related to our work in Australia. In 2009, Elissa Freeman attended the Consumers International Access 2 Knowledge Workshop in Kuala Lumpur, Malaysia; in 2010 Teresa Corbin attended the Australia New Zealand Ombudsman Association (ANZOA) Conference and visited the Telecommunications Dispute Resolution Scheme in Wellington, New Zealand; and in 2011 attended the Consumers International World Congress in Hong Kong, China. In all three cases we have provided travel reports to the DBCDE outlining the purpose of the travel, the main findings, the relevance and implications for Australia, outcomes for ACCAN achievements and the budget expended.

In order to ensure full transparency even when travel overseas has occurred that was funded by another agency (e.g. when ACCAN has been invited to make a presentation) we have informed the DBCDE. This has happened on three occasions.

In 2009, Teresa Corbin presented at a conference held at the same time as the ASEAN Regional Telecommunications Regulators Council. The conference was funded by the Thai Communications regulator and focused on consumer protection in telecommunications. The conference was held in Chaing Rai and travel was funded by the Thai Federation of Consumers.

In 2010, Wayne Hawkins presented the World Standards Cooperation Accessibility and the Contribution of International Standards Workshop in Geneva, Switzerland. ACCAN was asked to nominate a representative to attend the workshop in the role of representing consumers with disability and to deliver a presentation in the breakout group focusing on e-access and e-inclusion.

In 2011, Elissa Freeman presented at the OECD (the Organisation for Economic Cooperation and Development) Consumer Policy Toolkit in Communications Workshop in Paris, France. She also attended the OECD's regular Consumer Policy meeting as part of the Consumers International delegation and a one day workshop on mobile commerce. Her participation was funded by the OECD.

f. Other arrangements

ACCAN values

ACCAN's Strategic Plan states that as an organisation we will:

- Act with courage, integrity and honesty;
- Operate efficiently, effectively and ethically;
- Value diversity and demonstrate best practice in inclusion and accessibility in our work;
- Value volunteers, staff and members for their crucial role in our work;
- Recognise that building constructive relationships with members, our community, industry, regulators, and government is critical to achieving our vision.

To assist ACCAN in the implementation and these values we have implemented a Disability Action Plan which is registered with the Australian Human Rights Commission and we are currently working with Reconciliation Australia to develop a Reconciliation Action Plan.

Disability Action Plan

ACCAN inherits many of the values of our predecessor organisations, CTN and TEDICORE, both of which were active in promoting equal access for people with disability in the field of telecommunications. We want to be a model in this field, for other not-for-profits, as well as for industry and government and as a clear indication that we want to meet this challenge we have adopted a Disability Action Plan so we continue to provide best practice access and to find further opportunities to improve.

Reconciliation Action Plan

ACCAN has developed a Reconciliation Action Plan to guide our engagement with Indigenous peoples and communities. In October 2010 the ACCAN Board adopted a Statement of Commitment which committed ACCAN to develop a Reconciliation Action Plan by June 2011.

ACCAN's Statement of Commitment promises we will implement an Aboriginal & Torres Strait Islander traineeship, build cultural awareness and understanding at ACCAN, and developing culturally appropriate consultation, engagement and campaigns on communications issues with member organisations representing Aboriginal & Torres Strait Islander consumers & communities.

RECOMMENDATIONS

Future funding

- Recommend ongoing funding for ACCAN with another four-year contract from 2013-2017. Ensure ACCAN continues, at a minimum, at the same level of operation.
- DBCDE to consider options for the transition to a new contract for 2013-17 well in advance of the expiry of the existing contract.
- DBCDE to review the funding provided for administering the grants program as it grows in profile and more applications are received and factor this into the indexation of the grant for 2013-2017.

Current contract

DBCDE to review current contract clauses relating to the following matters:

- Clarifying the disclosure requirements about government funding on all ACCAN publications and website so that the industry levy is highlighted; and
- Reviewing the key performance indicators (KPIs) and adjusting as necessary as a result of the mid-term review;
- publishing ACCAN's progress reports against funding contract KPIs publicly on the website.

Appendices

Appendix 1 – ACCAN Current Organisational Members list

Appendix 2 – ACCAN Members’ *Talking Back* survey

Appendix 3 – Standing Advisory Committee Member list 2009 to 2011

Appendix 4 – Standing Advisory Committee Meeting reports

Appendix 5 – ACCAN 2011 Conference attendees list

Appendix 6 – ACCAN 2011 Conference sponsors

Appendix 7 – Comparative analysis of ACCAN and CTN

Appendix 8 – ACCAN Strategic Plan

Appendix 9 – Grants recipients

Appendix 10 – Grants scheme guidelines

Appendix 11 – ACCAN submissions July 2009 to June 2011

Appendix 12 – ACCAN research bibliography

Appendix 13 – ACCAN committee representation

Appendix 14 – ACCAN global roaming Tip Sheet

Appendix 15 – Virgin Mobile ‘Fair Go For All’ campaign

Appendix 16 – ACCAN objectives and activities

Appendix 17 – ACCAN Statement of Intent

Appendix 18 – Legal Compliance Schedule

Appendix 19 – ACCAN Travel Policy for Volunteers, Staff and Board

Enclosures

ACCAN Strategic Plan

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