



7th January 2014

Assistant Secretary
Department of Communications
Via email: migration@communications.gov.au

ACCAN thanks the Department of Communications for the opportunity to contribute to its consultation on the draft Telecommunications Migration Plan Principles Determination and Specified Matters Instrument.

To date there have been issues experienced by end users with the migration to the NBN¹, some of which this consultation addresses. We particularly welcome provisions relating to clearer distinguished areas of responsibility, increased emphasis on continuity and restoration of services and increased communication procedures. It is hoped these will help to ease issues experienced by end users.

However, ACCAN feels that there are some areas which do not fully address problems experienced by consumers to date, and that end users' experience of migrating to NBN will continue to fall short of expectations. Ultimately, the migration process should provide as seamless a transition of services as possible and minimise services down time for consumers.

Areas of Responsibility

End users have experienced frustration in the NBN switchover when they have encountered problems and the body responsible is not easily identifiable or accountable. The Department of Communications has acknowledged this issue and has attempted to outline areas of responsibility. However, there will remain an issue where end users will face consequences due to a lack of a clearly identifiable responsible body. Where Telstra and NBN Co are dependent on each other to meet obligations, situations are likely to arise where obligations will not be met and no one is responsible. This is further compounded when the end user does not have a channel of communication with all the bodies involved and is relying on third party retailers. There is no clear channel to resolve issues, and to receive information from, for the end user. Any issues that do arise are likely to be dealt with in a more timely fashion when there is a clear line of responsibility and no cracks. Further consideration needs to be given to how bodies are accountable for obligations which they do not have full control over, and how this is conveyed to the end users.

Communicating with End Users

The migration process to NBN is complicated for end users; there are a number of parties involved and steps to be followed. End users need to be kept informed of what is happening and what they need to do and when. This should be provided in a consistent manner from a limited number of channels to avoid confusion and information overload. For example, end users should be able to obtain the same consistent information from Telstra and NBN. Communication needs to be the

¹ ACCAN Migration Assurance Policy Consultation Paper, September 2014

responsibility of the providers and along the chain, not the end users. Adequate attempts should be made to contact end users, with consideration given to those that may not be easily contactable or may need more than time to prepare. The regulations state who is responsible for the provision of certain activities, but do not sufficiently acknowledge that all parties need to be engaged and prepared to provide consistent information to the public in order to minimise end user confusion.

Continuity of Service

Continuity of service is very important for end users, particularly small businesses. ACCAN has concerns that the regulations do not consider sufficiently the impact that discontinuity of service has on consumers, nor that the MTM carries an increased risk of discontinuity of service due to the complexity of the varying technologies involved. Outages between connection and disconnection can cause significant cost to end users and reduce the economic benefit to society as a whole. Further consideration should be given to the coordination between Telstra and third parties to minimise the incidences of this occurring. The timing of disconnections and connections should be limited to the availability of services for end users.

Competition

It is in end users interest that the broadband market operates on a level playing field and doesn't produce information asymmetries. ACCAN welcomes the extension of the regulation to all the technologies in the multi technology mix but fears that in some instances the regulations have not been applied fairly across the board. For example Telstra's reporting obligation on information security systems and HFC pre ownership arrangements. ACCAN would like to see evidence that these will not produce information asymmetries and market distortions. Also the end users ability to choose products on the NBN market should not be limited after the switch from HFC. The length of contracts and termination fees that can be offered to end users, under Telstra provided HFC service prior to migration, should be limited so that end users are free to switch providers to NBN services without fearing termination fees and lengthy contracts. Without such an approach, our concern is that there would be not only reduced consumer utility but also reduced potential benefits from NBN. Likewise options should be available to end users in the interim periods. We have seen that consumers are not offered services as NBN will be rolling out into their area soon, leaving end users with a lack of services for a period of time.

ACCAN would ask that the Department of Communications give further consideration to end users in the regulations to address the issues identified above.

Yours sincerely

Rachel Thomas
Policy Officer