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## Submission

19 July 2024

Digital Inclusion Section  
Communications Infrastructure Division  
Department of Infrastructure, Transport, Regional Development, Communications and the Arts  
Canberra ACT 2601

### Re: A roadmap for First Nations digital inclusion

The Australian Communications Consumer Action Network (**ACCAN**) thanks the First Nations Digital Inclusion Advisory Group (**the Advisory Group**) for the opportunity to comment on the roadmap for First Nations digital inclusion (**the Roadmap**).

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

ACCAN supports the development of the Roadmap, which aims to enhance the digital inclusion of First Nations Australians. Digital inclusion enables First Nations peoples to access employment, online services, and stay connected to friends and family. However, the 2023 Australian Digital Inclusion Index (**ADII**) found that First Nations peoples in Australia scored 7.5 points lower than non-First Nations peoples, indicating a significant digital gap.<sup>1</sup>

To further support the Roadmap's digital inclusion initiatives, ACCAN suggests the Advisory Group explore governance and legislative avenues to make it mandatory to have First Nations representation on government, regulators and industry boards. For detailed feedback on questions raised in the Roadmap, see **Attachment A**.

ACCAN's submission was developed in consultation with First Nations organisations and academic researchers.<sup>2</sup>

We thank the Advisory Group for the opportunity to comment on the Roadmap. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at [amelia.radke@accan.org.au](mailto:amelia.radke@accan.org.au).

Yours sincerely,

Dr Amelia Radke  
Senior Policy Adviser

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<sup>1</sup> Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Indigo Holcombe-James, Lyndon Ormond-Parker and Lauren Ganley, 'Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023' (Research Paper, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023) 5.

<sup>2</sup> In particular, ACCAN would like to acknowledge Dr Daniel Featherstone (RMIT University) for their comments and suggestions.

## Attachment A

### What are some examples of the digital divide between metro, regional and remote areas for First Nations people?

ACCAN notes there is growing body of research that includes examples of the digital divide between metro, regional, and remote areas for First Nations peoples.<sup>3</sup>

To better understand the digital divide for First Nations peoples, ACCAN recommends the Advisory Group explore opportunities to reinstate the 2016 Australia Bureau of Statistics (**ABS**) Census questions on household internet use and establish a question on types of internet connectivity and how households use the internet. This data will be invaluable to better understand the digital inclusion opportunities and challenges arising for First Nations peoples and how this compares to other Australian households.<sup>4</sup>

### How can we ensure government and industry design appropriate products and services to meet the needs of First Nations people?

To ensure products and services meet the needs of First Nations peoples, ACCAN recommends the Advisory Group explore legislative and governance avenues that support First Nations representation on industry and government boards. We recommend the Advisory Group begin by exploring opportunities to include First Nations representation on the Australian Communications and Media Authority (**ACMA**), the Australian Competition and Consumer Commission (**ACCC**), and NBN Co.

This approach will help industry and government design culturally appropriate products and services that reflect the needs of First Nations peoples. ACCAN stakeholders further suggested that industry and government take a design-in-partnership approach to developing products and services, which reflects the diversity within and between First Nations communities.

### How do we balance a place-based approach with the need to improve digital inclusion at the national level?

ACCAN considers the establishment of the First Nations Digital Support Hub and a network of digital mentors to provide culturally competent support essential to balancing a place-based approach and improving digital inclusion at the national level. ACCAN supports the 2024-2025 Budget

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<sup>3</sup> See Daniel Featherstone, 'Remote Indigenous Communications Review: Telecommunications Programs and Current Needs for Remote Indigenous Communities' (Research Report, ACCAN, 2020); Daniel Featherstone, Lyndon Ormond-Parker, Lauren Ganley, Julian Thomas, Sharon Parkinson, Kieran Hegarty, Jenny Kennedy, Indigo Holcombe-James, Lucy Valenta and Leah Hawkins, 'Mapping the Digital Gap' (Annual Report, ARC Centre of Excellence for Automated Decision-Making and Society, 2023); Amber Marshall, Kim Osman, Jessa Rogers, Thu Pham, and Hurriyet Babacan, 'Connecting in the Gulf: Exploring Digital Inclusion for Indigenous Families on Mornington Island' (2023) 26(12) *Information, Communication and Society* 2376; Ellie Rennie, Julian Thomas, and Chris Wilson, 'Aboriginal and Torres Strait Islander People and Digital Inclusion: What Is the Evidence and Where Is It?' (2019) 5(3) *Communication Research and Practice* 105; Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Indigo Holcombe-James, Lyndon Ormond-Parker and Lauren Ganley, 'Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023' (Research Paper, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023).

<sup>4</sup> ACCAN, '2026 Census Topic Consultation' (Submission to the Australia Bureau of Statistics, 27 April 2023).

announcements, which will provide this support over four years from 2023-2024, along with the delivery of free community Wi-Fi in remote communities.<sup>5</sup>

ACCAN commends the Australian Government's emphasis on allocating funding for connectivity solutions in First Nations communities.<sup>6</sup> However, ACCAN's stakeholders have expressed their concerns about the current funding models, such as the Regional Connectivity Program and Mobile Black Spot Program, which are often industry-driven and may overlook the needs and aspirations of First Nations communities. Considering this, ACCAN supports a more inclusive approach, where First Nations communities and the organisations that represent them are empowered to develop their own applications to grant programs, thereby ensuring their active participation and self-determination.<sup>7</sup>

To foster a more inclusive approach, it is essential for the industry to actively consult with and obtain consent from the communities for whom they propose initiatives. Additionally, First Nations communities and organisations should be empowered to submit their own applications. It is also important to note that adequate resources, including technical expertise and grant-writing support, should be made available to facilitate this process as required by First Nations communities and organisations. This will facilitate a more equitable and participatory approach to facilitating connectivity solutions in First Nations communities.

## How can government and industry empower communities to navigate the financial side of getting and staying connected?

First Nations peoples often have lower incomes than other Australians, and in some parts of the country, First Nations poverty rates are extremely high.<sup>8</sup> ACCAN recommends that government and industry take a place-based approach to navigating the economic barriers to digital inclusion for First Nations communities. Furthermore, ACCAN recommends the Advisory Group explore whether ACCAN's No Australian Left Offline (**NALO**) policy position could support low-income First Nations communications consumers access to affordable broadband.<sup>9</sup>

ACCAN suggests leveraging the NALO policy position, which recommends that the Australian Government subsidise NBN Co to develop a broadly defined concessional NBN service to help low-income households access broadband. This subsidy would enable NBN Co to offer a wholesale price of \$20 per month to retailers, who would then provide an unlimited 50 Mbps broadband connection to households receiving government financial support. This policy is designed to assist over 1 million low-income households in gaining access to the internet by offering a digital inclusion solution. The

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<sup>5</sup> National Indigenous Australians Agency (NIAA), 'Budget 2024-25: Delivering better outcomes for First Nations people' (Media Release, 14 May 2024).

<sup>6</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Regional Connectivity Program' (Web Page, 2024) <<https://www.infrastructure.gov.au/media-communications-arts/internet/regional-connectivity-program>>.

<sup>7</sup> See also ACCAN 'Regional Connectivity Program Round 3 (including Mobile Black Spot opportunities) Grant Opportunity Draft Guidelines' (Submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 6 February 2023) 3.

<sup>8</sup> Australian Institute of Health and Welfare (AIHW), 'Income and finance of First Nations people' (Web Page, 7 September 2023) <<https://www.aihw.gov.au/reports/australias-welfare/indigenous-income-and-finance>>; Francis Markham, 'Inquiry into the extent and nature of poverty in Australia' (Submission to the Senate Standing Committees on Community Affairs', 31 October 2023).

<sup>9</sup> ACCAN, 'No Australian Left Offline' (Web Page, 2019) <<https://accan.org.au/accans-work/no-australian-left-offline>>.

NALO policy is designed to narrow the digital divide and create equal opportunities for all households, regardless of their income levels. Eligible households would only need to pay around \$30 per month at retail cost, while still allowing NBN Co and retailers to cover their expenses.<sup>10</sup>

Moreover, ACCAN supports the expansion of free community Wi-Fi in regional, rural, and remote (RRR) First Nations communities, along with the establishment of the First Nations Digital Support Hub and digital mentors to help navigate the financial side of getting and staying connected.<sup>11</sup> We further support the Advisory Group's recommendation in their initial report to increase the Telephone Allowance, which is administered by the Department of Social Services, to reflect the contemporary costs of connecting communications services.<sup>12</sup>

## How can industry be proactive in identifying where costs are prohibitive for First Nations consumers and find solutions?

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

Furthermore, ACCAN recommends that culturally appropriate consumer education should be developed that provides information around the recent *Telecommunications (Financial Hardship) Industry Standard 2024*.<sup>13</sup> This could assist First Nations peoples and communities to better understand their consumer rights when navigating financial hardship.

## What does digital literacy look like for First Nations people and communities in 2026 and beyond?

ACCAN recommends that digital literacy in 2026 and beyond needs to take a place-based approach that recognises the diversity of digital literacy aspirations and challenges within and between First Nations peoples and communities. ACCAN recommends the Advisory Group explore how the First Nations Digital Support Hub can assist First Nations peoples and communities with their digital literacy skills. We further recommend that the Advisory Group investigate the types of digital literacy initiatives already available through industry, government, and community organisations.

## How can we strengthen the connectivity literacy of First Nations people and communities, including raising awareness of consumer protections?

ACCAN stakeholders noted that connectivity literacy can be strengthened for First Nations people and communities by helping them understand the types of plans, products, and services available and knowing how to make a choice about which products and services meet their needs. ACCAN stakeholders noted that many communities lack information on how to apply for services like NBN

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<sup>10</sup> Ibid.

<sup>11</sup> National Indigenous Australians Agency (NIAA), 'Budget 2024-25: Delivering better outcomes for First Nations people' (Media Release, 14 May 2024).

<sup>12</sup> First Nations Digital Inclusion Advisory Group, 'Initial report' (Report, October 2023) 24.

<sup>13</sup> See ACCAN, 'New Telco Financial Hardship Protections: A guide for financial counsellors' (Web Page, 18 March 2024) <<https://accan.org.au/media-centre/hot-issues-blog/2280-new-telco-financial-hardship-protections-a-guide-for-financial-counsellors>>.

Co's Sky Muster satellite internet service or post-paid mobile phone plans, and people are often unaware of changes in the risks associated with fixed-term contracts or excess data.

The need for local digital mentors who understand the options available and can support people in making appropriate choices was emphasised by stakeholders. It was suggested by stakeholders that information about the differences in cost for data between pre-paid and post-paid plans should be readily available in stores selling communications services and products, along with access facilities. A resource hub, like the First Nations Digital Support Hub, can support service providers and communities in determining what is appropriate at a community-wide level.

Furthermore, stakeholders highlighted that consumer protections require a different level of literacy, including financial and English literacy. Moreover, they suggested that the accessibility of complaints mechanisms is crucial, and there should be an option for a mediated approach for First Nations peoples and communities. Additionally, culturally appropriate consumer education materials should be provided, such as workshops on connectivity literacy, as well as the creation and enforcement of consumer protections appropriate to the needs of First Nations communities.

ACCAN believes that the current Telecommunications Consumer Protections (TCP) Code is an inadequate safeguard for communications consumers. This is due to the voluntary nature of the TCP Code, slow enforcement, and its failure to meet the needs of Australian consumers.<sup>14</sup> ACCAN members and stakeholders lack confidence in the TCP Code as an effective means of providing community safeguards on issues such as sales incentives and mis-selling. In First Nations communities, these issues are particularly salient.

For instance, Cartwright and McAuliffe research on telecommunications debt in rural and remote Central Australian First Nations communities found:

*a pattern of sales practices bordering on predatory was revealed, with significant numbers of people sold mobile devices, accessories and plans that they neither needed nor could afford, on contracts that they did not understand.*<sup>15</sup>

ACCAN recommends the Advisory Group explore opportunities to support the direct regulation of communications services to better mitigate consumer harms. We further suggest the ACMA's powers should be strengthened and modernised through reforms to enforcement arrangements to assist in motivating and securing industry compliance.<sup>16</sup> Furthermore, ACCAN suggests the ACCC and ACMA should have increased penalties available that reflects communications service's essential role in Australia. To achieve these outcomes, ACCAN support an increase in the dedicated resourcing to the ACCC and ACMA on these matters.

## How can industry and government products and services be made more inclusive for those who have a low level of English literacy?

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<sup>14</sup> ACCAN, 'Consumers of essential communications services deserve direct regulation' (Media Release, 4 July 2024).

<sup>15</sup> Carolyn Cartwright and Chanelle McAuliffe, 'Telecommunications Debt in Rural and Remote Indigenous Central Australian Communities: Loans & Phones Project Phase 3' (Final Report, Money Mob Talkabout, November 2020) 5.

<sup>16</sup> See Karen Lee, Derek Wilding, Kieran Lindsay and Vidya Kathirgamalingam, 'The Enforcement of Telecommunications Consumer Protections' (UTS Centre for Media Transition, 2024).

Industry and government have an important role in ensuring their products and services are inclusive for those who have a low level of English literacy. ACCAN recommends the Advisory Group support the development of Easy English terms and conditions on services and products, in addition to recognising the important role of local digital mentors to understand service agreements and product information.

ACCAN stakeholders noted the importance of consulting with the local community to ensure industry and government products and services are inclusive for those in the community who have low level of English literacy. Consumer education can also play a role in this space, such as ACCAN's 'Our Phones, Our Rights: Translated and community-appropriate telecommunications resources for remote Indigenous communities', which included fact sheets, posters and audio segments in Arrernte, Luritja, Pitjantjatjara, Torres Strait Island Creole, Warlpiri, and English.<sup>17</sup> ACCAN stakeholders also highlighted the importance of educational resources and videos being provided through the National Indigenous Television (NITV) and Indigenous Community Television (ICTV).

### How can government and industry support First Nations media organisations to be sustainable in the long-term?

Government and industry have an important role in supporting the sustainability of First Nations media organisations in Australia. ACCAN recommends the Advisory Group connect with First Nations Media Australia and other First Nations media organisations to gain a deeper understanding of how the government and industry can better support First Nations media in the long-term. For instance, ACCAN stakeholders highlighted this could involve assessing whether First Nations media organisations are sufficiently funded and have adequate flexibility in how they deliver information to different First Nations communities across Australia.

### How can First Nations media organisations be supported to skill and retain staff so that talent is not lost to other organisations?

ACCAN recommends that the Advisory Group engage with First Nations Media Australia and other First Nations media organisations to understand their barriers to staff retention better and investigate the establishment of sustainable, long-term funding that supports staff retention. For instance, ACCAN stakeholders highlighted that the Advisory Group should explore the ability of different First Nations media organisations to provide a competitive salary and stable employment, which is crucial to retaining talent.

### What is working well and what could be improved in the relationship between the media and broadcasting sector and the telecommunications sector?

ACCAN stakeholders highlight that media organisations heavily rely on robust telecommunications to enable their radio networks to broadcast from different communities. In recent times, many of these organisations have transitioned to LEOsats due to issues with reliability and speed in RRR Australia. ACCAN stakeholders noted this shift has facilitated remote monitoring of equipment in facilities and the sharing of large media files.

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<sup>17</sup> ACCAN and Queensland Remote Aboriginal Media, 'Our Phones, Our Rights: Translated and community-appropriate telecommunications resources for remote Indigenous communities' (Web Page, 2015) <<https://accan.org.au/grants/completed-grants/1127-our-phones-our-rights>>.

ACCAN stakeholders further highlighted that with increasing availability of communications services, there is now an opportunity for media organisations to share local content over Wi-Fi networks or local servers. If computers are available, or if people desire access to community-specific content, they can conveniently access it via their phone over a Wi-Fi network. Traditionally, First Nations media organisations have played a strong advocacy role for good communications and digital ability within communities, further emphasising the importance of these advancements.

## How can the Advisory Group’s roadmap help advocate for progress towards achieving targets under the National Agreement on Closing the Gap?

ACCAN considers the Advisory Group’s roadmap as essential to help advocate for progress towards achieving targets under the National Agreement on Closing the Gap (**the National Agreement**). Especially, Outcome 17 of the National Agreement that First Nations peoples have equal levels of digital inclusion by 2026.<sup>18</sup> Furthermore, ACCAN recommends the Advisory Group explore governance and legislative avenues to make First Nations representation on Government boards mandatory to support progress towards achieving targets under the National Agreement.

ACCAN considers First Nations representation on government boards as essential to ensuring the Advisory Group’s roadmap can support the achievement of other targets as part of the National Agreement. Additionally, ACCAN stakeholders noted that consumer education could further assist First Nations peoples and communities better understand the targets as part of the National Agreement.

## How can digital inclusion support economic growth?

Digital inclusion can play an important role in supporting economic growth for First Nations peoples, who experience lower levels of digital inclusion than non-First Nations Australians, a gap which widens in RRR areas.<sup>19</sup>

Expanding digital inclusion could support on Country learning and employment opportunities, while expanding the reach of First Nations businesses both nationally and internationally, further creating greater opportunities for First Nations procurement. This would not only create better economic opportunities for First Nations Australians, but also offer higher likelihood of culturally safe employment for First Nations peoples.<sup>20</sup>

In addition, First Nations Australians living in remote and very remote areas can benefit from greater digital inclusion by allowing them access to online services, such as government, health and banking services, which otherwise may have no permanent physical presence in their communities.<sup>21</sup>

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<sup>18</sup> Department of the Prime Minister and Cabinet, ‘17: People have access to information and services enabling participation in informed decision-making regarding their own lives’ *Target* (Web Page, 2024) <<https://www.closingthegap.gov.au/national-agreement/targets>>.

<sup>19</sup> First Nations Digital Inclusion Advisory Group, ‘Inquiry into economic self-determination and opportunities for First Nations Australians’ (Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, 2024) 3.

<sup>20</sup> Ibid 3-4.

<sup>21</sup> Northern Territory Indigenous Business Network, ‘Inquiry into economic self-determination and opportunities for First Nations Australians’ (Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, 2024) 8.

Accordingly, ACCAN recommends that any policies to expand digital inclusion and promote economic growth should adopt a place-based approach to support the diversity within and between First Nations peoples and communities, and which further recognises the diversity in urban, RRR communities.

## What role can connectivity and technology play in supporting First Nations culture?

Connectivity and technology can play an important role in supporting First Nations culture. ACCAN stakeholders noted the importance of good connectivity so that First Nations peoples and communities can develop and establish their own technology to support their culture. ACCAN acknowledges that understanding the role of connectivity and technology play in supporting First Nations culture requires a place-based and community-controlled approach that recognises differences between and within communities and peoples. ACCAN stakeholders further noted the importance of grants and funding opportunities in supporting connectivity and technology options for First Nations peoples and communities.

## How would digital inclusion support improved access to services?

Digital inclusion support is crucial for ensuring First Nations peoples' equitable access to services in the private, non-profit, and government sectors. It also contributes to informed decision-making and the well-being of First Nations peoples and communities. Furthermore, improved access to services through digital inclusion promotes social connectedness, economic participation, education, health, and cultural preservation.

ACCAN stakeholders acknowledge that while the potential of digital services is boundless, it is imperative to involve First Nations peoples and communities in its development to ensure cultural safety. They stressed the importance of empowering community-controlled organisations to determine how best to support improved access to services through digital inclusion.

Moreover, it is important to explore the types of barriers to digital inclusion that exist for First Nations peoples and communities, so they have adequate access to services and no longer need to leave their communities due to affordability, accessibility, or digital ability challenges, which was highlighted as a key concern by one stakeholder. ACCAN stakeholders further noted that Indigenous support lines also play an important role in connecting First Nations peoples with services and culturally appropriate information.

## What do meaningful data sharing arrangements between government/industry and communities look like?

To enable meaningful data sharing arrangements among government, industry, and communities, ACCAN stakeholders emphasised the importance of achieving Priority Reform Four of the National Agreement.<sup>22</sup> They pointed out there continues to be a general lack of significant changes in the way governments share data, conduct data-related activities, and involve First Nations peoples in data-

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<sup>22</sup> Department of the Prime Minister and Cabinet, 'Shared access to data and information at a regional level: Priority Reform Four', *Closing the Gap* (Web Page, 2024) <<https://www.closingthegap.gov.au/national-agreement/priority-reforms>>.



related issues.<sup>23</sup> Additionally, ACCAN stakeholders highlighted the significance of Indigenous Data Sovereignty in developing data-sharing agreements that acknowledge and benefit First Nations peoples and communities.

In the communications sector, ACCAN stakeholders observed that meaningful data sharing arrangements between industry and communities could support better connectivity maps in RRR Australia. Moreover, there is a need for information that uses a place-based approach to identify what products are most suitable for First Nations peoples and communities.

## What kinds of data would be most useful to you and your organisation or community?

ACCAN, as Australia's peak communications consumer organisation, is deeply invested in representing the interests of individuals, small businesses, and not-for-profit groups as consumers of communications products and services. ACCAN is particularly interested in data which details and clarifies the availability, accessibility, and affordability of communications services in Australia.

ACCAN stakeholders acknowledge there are data gaps and constraints due to confidentiality of data held by governments and industry. For example, they noted that this information could be used to inform First Nations communities about the availability of services, the types of data usage occurring on these networks, and the locations of bottlenecks. ACCAN considers this kind of data useful to better support First Nations communications consumers across Australia.

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*The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)*

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<sup>23</sup> See also, Productivity Commission, 'Review of the National Agreement on Closing the Gap' (Study Report Volume 1, January 2024) 69.