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Advisory Group Chair

First Nations Digital Inclusion Advisory Group

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Dear Advisory Group Chair,

UNSW LAW SOCIETY SUBMISSION ON A ROADMAP FOR FIRST NATIONS DIGITAL INCLUSION

The University of New South Wales Law Society Inc. welcomes the opportunity to provide a submission to the First Nations Digital Inclusion Advisory Group.

The UNSW Law Society Inc. is the representative body for all students in the UNSW Faculty of Law. Nationally, we are one of the most respected student-run law organisations, attracting sponsorship from prominent national and international firms. Our primary objective is to develop UNSW Law students academically, professionally and personally.

The enclosed submission reflects the opinions of the contributors, with the UNSW Law Society proud to facilitate these submissions. UNSW Law Society Inc. is not affiliated with any political party.

We thank you for considering our submission. Please do not hesitate to contact us should you require any further assistance.

Yours faithfully,

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I Introduction

Safe, reliable and affordable access to the internet has become a necessity in modern times for the purposes of accessing employment, education, government services, financial services as well as for access to a social and cultural link with friends, family and the wider community.

This submission explores the experiences of First Nations communities in order to address ways of closing the Digital Gap. Parts II and III explore the level of access First Nations communities currently enjoy and identify a key barrier preventing better access to better internet services - financial insecurity. In Part IV we explore what the experiences of First Nations communities are, when they can access the internet and find that the key socio-economic benefits First Nations people may derive from the internet are impeded by barriers such as digital literacy. In Part V, we explore the importance of First Nations inclusion within the media industry itself and find that such inclusion is a key driver of strengthening culture, connectedness, community development and positive social outcomes. Finally, in Part VI we propose six recommendations which, if implemented, will better support the Government's aim of closing the Digital Gap

II Current Access to Internet in First Nations Communities

The 2023 ADII found that while digital inclusion has been improving nationally, a substantial digital gap exists between First Nations and non-First Nations people in Australia of 7.5 points.[1] The digital gap widens substantially to 21.6 points for First Nations people living in remote communities and 23.5 points for First Nations people in very remote communities.[2] The Australian Bureau of Statistics (ABS) has estimated that 15.4% of Aboriginal and Torres Strait Islander people live in remote or very remote locations in Australia.[3]

The significant digital gap between First Nations and non-First Nations people may be attributed to barriers in accessing digital infrastructure and services, particularly for people situated in remote Australia. The 'Mapping the Digital Gap' 2023 Outcomes Report has observed that approximately 670 small communities and homelands have no mobile service, with several communities lacking communications access.[4] Accessibility issues are heightened by erratic mobile coverage, network congestion and reliability factors in remote communities, which increase difficulties for First Nations people to access the internet.[5] While government initiatives, such as the *Mobile Black Spot Program* and *Regional Connectivity Program*, have attempted to improve NBN broadband connections, develop rural mobile networks and provide better telecommunication services in regional Australia, customers continue to encounter disrupted access to digital technologies from black spots and outages.[6]

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[1] Julian Thomas et al., Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023 (Report, 2023) 5.
[2] Ibid.
[3] 'Estimates of Aboriginal and Torres Strait Islander Australians', *Australian Bureau of Statistics* (Web Page, 31 August 2023) <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/30-june-2021#remoteness-areas>.
[4] Daniel Featherstone et al., *Mapping The Digital Gap* (Annual Report, 2023) 5.
[5] Ibid.
[6] Amber Marshall, 'A New Rural Digital Divide? Taking Stock of Geographical Digital Inclusion in Australia' (2024) 190(1) *Media International Australia* 68, 72.

Due to socio-economic disadvantages, 21.3% of First Nations people are mobile-only users[7] and rely on expensive pre-paid mobile phones for internet accessibility, despite the existence of higher quality internet plans which offer better value for money (such as NBN satellite services).[8] Using poor quality internet services may impede the ability of First Nations people to efficiently access digital education, work, healthcare and government services.[9] This is exacerbated by issues with achieving a stable internet connection in remote areas due to insufficient services and digital infrastructure to establish reliable connectivity.[10] While other internet services are available, these services may be unaffordable or First Nations people may lack awareness of them.[11]

III Internet Affordability for First Nations People

First Nations people encounter affordability barriers when gaining access to internet services, especially in remote areas.[12] A survey conducted in the 'Mapping the Digital Gap' 2023 Outcomes Report found that 53.3% of First Nations people had given up paying for essentials in favour of remaining connected to the internet.[13]

In remote Australia, a staggering 75% of First Nations people are mobile-only users and access the internet via mobile only, compared to 10.5% across Australia.[14] First Nations people are incentivised to access the internet via prepaid mobile services due to financial pressures from low income.[15] Prepaid mobile data has relatively higher costs compared to other internet plans and cost more per gigabyte.[16] Notably, mobile data may be depleted fast if 'hot-spotted' across several households, which could drive up costs in the long-term.[17]

A range of existing and developing solutions may be trialled to increase the accessibility and affordability of internet services for First Nations people. Public Wi-Fi hotspots may increase internet accessibility in remote communities and lower reliance on prepaid mobile data, driving down costs for First Nations consumers.[18] Alternatively, Wi-Fi mesh networks, which provide for grouped use of centralised satellite services, may be a more affordable option for First Nations households.[19] NBN is presently trialling the usage of free Wi-Fi mesh networks across several states.[20]

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[7] Julian Thomas et al., *Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023* (Report, 2023) 6.
[8] Amber Marshall, 'A New Rural Digital Divide? Taking Stock of Geographical Digital Inclusion in Australia' (2024) 190(1) *Media International Australia* 68, 75.
[9] Julian Thomas et al., *Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023* (Report, 2023) 4.
[10] Ibid 9.
[11] Australian Competition & Consumer Commission, *Regional Mobile Infrastructure Inquiry* (Report on preliminary findings, 18 April 2023) 13. <https://www.accc.gov.au/system/files/ACCC%20Regional%20Mobile%20Infrastructure%20Inquiry%20–%20report%20on%20preliminary%20findings%20–%2018%20April%202023_1.pdf>
[12] Daniel Featherstone et al., *Mapping The Digital Gap* (Annual Report, 2023) 43.
[13] Ibid 5.
[14] Ibid 6.
[15] Ibid.
[16] Ibid.
[17] Amber Marshall, 'A New Rural Digital Divide? Taking Stock of Geographical Digital Inclusion in Australia' (2024) 190(1) *Media International Australia* 68, 75.
[18] Daniel Featherstone et al., 'Closing the Digital Gap for Remote First Nations Communities: 5G and Beyond?' (2024) 190(1) *Media International Australia* 23, 33.
[19] Ibid.
[20] Ibid.

While low Earth orbit satellite (LEOSat) technology could deliver high speed and low-latency internet services in remote Australia, implementing this will likely be costly and unaffordable for regional First Nations peoples in the short and long-term.[21] However, as recommended by the Low Earth Orbit Satellite Working Group, a government trial of LEOSats in regional First Nations communities may be valuable to observe improvements in internet connectivity.[22] Additionally, although 5G services could increase accessibility to high-speed internet services while maintaining the preference of First Nations people of using mobile phones, it is unlikely to be cost-effective due to higher mobile and broadband service pricing for 5G and fails to provide a solution to the lack of mobile coverage in remote communities.[23]

IV Getting Online and Using the Internet Safely

According to the ADII 2023, the Digital Ability gap for First Nations people is severely pronounced, with the gap at 22.7 points for remote First Nations people and at 18.9 points for very remote First Nations people.[24] Factors contributing to the Digital Ability gap include predominant usage of mobile phones, language barriers and limited support.[25] This affects the ability of First Nations people to effectively use the internet safely, which may impede socio-economic benefits First Nations people may derive from the internet, such as employment and educational opportunities[26]. Thus, this can exacerbate difficulties in leaving cycles of disadvantage. As governments and businesses move towards delivering services digitally, it is even more crucial for First Nations people to be able to use the internet effectively to prevent digital exclusion.[27]

Professor Julian Thomas identifies "skills and literacies" as one of the barriers to inclusion in the educational, health, social and financial benefits associated with being connected to the internet.[28] Training and support programs or community access facilities will be key in ensuring First Nations people can avoid online safety risks, such as scams.[29]

Further, it is important that such education and training be delivered with cultural consultation and sensitivity. 'Train the trainer' type models may be appropriate, where community leaders can be upskilled and trained in digital technology, who can then lead their communities in sharing that knowledge.

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[21] Brandon How, 'LEOSats could bridge First Nations digital divide', *InnovationAus.com* (Web Page, 24 April 2024) <https://www.innovationaus.com/leosats-could-bridge-first-nations-digital-divide/>.
[22] Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Low Earth Orbit Satellite Working Group–2023 Chair's Report* (Report, February 2024) 2-3.
[23] Lucas Baird, 'Telstra lifts prepaid prices by 20pc; more increases to come', *Australian Financial Review* (Web Page, 30 April 2023) <https://www.afr.com/companies/telecommunications/telstra-hikes-pre-paid-mobile-prices-by-20pc-more-increases-to-come-20230428-p5d3zz>.
[24] Julian Thomas et al., Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023 (Report, 2023) 15.
[25] Daniel Featherstone et al., Mapping The Digital Gap (Annual Report, 2023) 46-49.
[26] Daniel Featherstone et al., 'Closing the Digital Gap for Remote First Nations Communities: 5G and Beyond?' (2024) 190(1) *Media International Australia* 23, 23.
[27] Ibid.
[28] 'Measuring digital inclusion to increase equitable access for all', *RMIT University* (Web Page, 2024) <https://www.rmit.edu.au/research/impact/digital-inclusion-equitable-access>.
[29] Daniel Featherstone et al., 'Closing the Digital Gap for Remote First Nations Communities: 5G and Beyond?' (2024) 190(1) *Media International Australia* 23, 32-33.

Creating such intergenerational engagement "empowers elders who want important knowledge to be available to youth, and empowers young people as agents in the preservation of this knowledge."[30]

V First Nations Media and Broadcasting

Indigenous Broadcasting Services provide much more than radio; they are community assets that contribute to strengthening culture, community development and the local economy.[31]

For instance, as early as the 1980s, the Yuendumu community television program, engaged with by the Walpiri people, revealed how production and transmission of local content can be existent with cultural structures and serve traditional objectives.[32]

There are currently approximately 60 First Nations media organisations operating in over 235 communities across Australia, producing media content in more than 25 languages.[33] This breadth of languages reflects the importance of having a diverse array of Indigenous media organisations so that information may be adequately disseminated and conveyed to different First Nations communities. First Nations Media Australia's claim that "our media is a vehicle for social outcomes"[34] is a pertinent statement that reflects the centrality of the sector to ensuring Indigenous communities can be heard.

First Nations Media organisations have a profound impact on "the social inclusion and exclusion of Aboriginal and Torres Strait Islander peoples in Australia".[35] Indigenous people are "rarely positioned in mainstream media as experts or commentators on major issues of public interest".[36] As the peak body for the First Nations media and communications industry, First Nations Media Australia (FNMA) disseminates media in a way that is culturally accessible for Aboriginal and Torres Strait Islander communities, reaching 50% of the Aboriginal and Torres Strait Islander population each week.[37] Whilst the First Nations media and broadcasting sector is doing an impressive job at engaging large parts of the Aboriginal and Torres Strait Islander populations, the above-mentioned socio-economic conditions and limitations on digital access are likely undermining the effectiveness of such services.

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[30] Lyndon Ormond-Parker et al., *Information Technology and Indigenous Communities* (AIATSIS Research Publications, 2013) 228.
[31] See e.g, 'Who We Are', *First Nations Media Australia* (Web Page) <https://firstnationsmedia.org.au/about/about-us/who-we-are>.
[32] Lyndon Ormond-Parker et al., *Information Technology and Indigenous Communities* (AIATSIS Research Publications, 2013) 28.
[33] 'Our Media Matters Video' *First Nations Media Australia* (Web Page) <https://firstnationsmedia.org.au/our-industry/our-media/our-media-matters-video#:~:text=There%20are%20roughly%2060%20First,Our%20media%20is%20our%20voice.>.
[34] Ibid.
[35] McCausland, Ruth (2004). Special Treatment – The Representation of Aboriginal and Torres Strait Islander People in the Media. *Journal of Indigenous Policy*. Vol. 6, pp. 84-98.
[36] Cole, Y. (2010) *Marginalized Voices in a Changing Media Environment: an Analysis of Aboriginal News Strategies*.
[37] Ibid.

VI Recommendations

In light of the above mentioned issues, we make the following recommendations:

1. We echo the recommendations contained in the Initial Report by the First Nations Digital Inclusion Advisory Group and stress the need for continued government support and funding towards achieving the future work identified in the First Nations Digital Inclusion Plan 2023–2026.[38]

2. We recommend that policy and program reviews, such as the one conducted by the First Nations Digital Inclusion Advisory Group, be conducted regularly. We further recommend continued funding and support for projects that survey and collect data on digital inclusion, such as the Australian Digital Inclusion Index and its Mapping the Digital Gap research project.

3. We recommend First Nations communities be continually consulted to ensure that policies, particularly regarding education and training, are culturally-appropriate and enriching

4. We recommend ongoing policy emphasis on and funding for education, training and community support initiatives to encourage the effective and safe use of new technologies in remote communities.

5. We recommend an increase in funding for new and existing projects that integrate digital technologies with First Nations knowledge, arts and culture.

6. We echo Advisory Group's recommendation to establish a separate First Nations broadcasting licence to reflect the unique nature and role of First Nations media. We further recommend that First Nations broadcasters and media producers be provided with training models consistent with existing cultural structures, planning resources, support structures, and licensing provisions.

VII Conclusions

As stated in our introduction, safe, reliable and affordable access to the internet is crucial for First Nations communities to strengthen community ties and achieve positive social outcomes, particularly in rural and remote regions where internet connectivity can play a decisive role in community development. We urge the Government to consider equally the implications of financial pressures, access barriers, availability of appropriate resources and support, digital safety and literacy as well as inclusion in the media industry as each factor will play a crucial role in ensuring the Digital Gap is effectively closed between First Nations and non-First Nations communities.

We thank the Group for taking the time to read and consider our submission, and we hope its findings and recommendations will lead to an appropriate Government response.

[38] First Nations Digital Inclusion Advisory Group, *Initial Report* (October 2023) <https://www.digitalinclusion.gov.au/sites/default/files/documents/first-nations-digital-inclusion-advisory-group-initial-report.pdf> 21-33.