CENTRAL LAND COUNCIL

Submission to the 2021 Regional Telecommunications Review

September 2021

Terms of Reference

The Terms of Reference for the 2021 Regional Telecommunications Review are:

1. The Regional Telecommunications Independent Review Committee must conduct a review of the adequacy of telecommunications services in regional, rural, and remote parts of Australia.

2. In determining the adequacy of those services, the Committee must have regard to whether people in regional, rural and remote parts of Australia have equitable access to telecommunications services that are significant to people in those parts of Australia, and currently available in one or more parts of urban Australia.

3. In conducting the review, the Committee must make provision for public consultation and consultation with people in regional, rural and remote parts of Australia.

4. In conducting the review, the Committee is to have regard to:

   (a) the impact of the Government's policies and programs for improving connectivity, competition and digital literacy in regional, rural and remote areas, including rollout of the National Broadband Network, the Mobile Black Spot Program, the Regional Connectivity Program and the Regional Tech Hub;

   (b) insights from COVID-19 on consumer access to and usage of broadband and mobile technology in regional, rural and remote areas;

   (c) emerging technologies that could lead to significant changes in how telecommunications services are delivered in regional, rural and remote parts of Australia in the next 5-10 years; and

   (d) service reliability and impacts on customers and communities in regional and remote areas;

5. Taking into account Term of Reference 4, the Committee is to consider:

   (a) whether changes are warranted to existing Government policies and programs to ensure they continue to be effective, fit for purpose and are maximising the social and economic potential from existing and emerging technological advances;

   (b) policy settings that might be needed to support more rapid rollout of and investment in new telecommunications technologies in regional areas;

   (c) ways in which improvements in digital connectivity could support the Government's broader regional development policies and priorities, such as decentralisation and the development of Northern Australia;

   (d) ways in which State, Territory, and Federal programs to support regional connectivity could be further coordinated.

6. The report may set out recommendations to the Australia Government.

7. In formulating a recommendation that the Australian Government should take a particular action, the Committee must assess the costs and benefits of that action.

8. The Committee must prepare a report of the review by 31 December 2021 or earlier and give it to the Minister for Regional Communications.

1. Executive Summary

The CLC has been active for a long time in advocating for improved telecommunication for our communities. Many of our people live in very remote communities, and face significant disadvantages in regard to all aspects of telecommunications. Affordable, reliable and accessible telecommunications services and facilities are essential for communities' lives, including in everyday activities, as well as for health, education, and emergencies. Many of the problems and challenges faced by our communities in regard to telecommunications have been exacerbated by the onset of the COVID-19 pandemic, and the issues faced by some of our communities in that context point to some of the deeper, structural problems in telecommunications. Central to this, is the persistence of inequality of access to communications in the digital age – what is referred to as the digital divide. It is for this reason that our submission places emphasis on addressing issues of connectivity and digital inclusion.

While access to reliable and appropriate mobile and fixed telephone services are vitally important, the use of the Internet is a critical need in our communities. Speed, accessibility, ease of use, servicing and infrastructure for digital online communications are of critical importance. Connectivity is an ongoing critical issue. Digital technology in particular is of paramount importance, given the often isolated nature of regional and remote communities. Many people, living in dispersed, and often small, very remote communities, also face issues of affordability, compounded by situations of disadvantage and adversity, where often difficult economic and social circumstances are ongoing challenges.

Another concern is the appropriateness of the technology. A range of issues around appropriateness include the positioning of community phones, access to them, options for use including coin and card, and servicing of these technologies, especially where peoples' first language often is not English.

With the rapidly changing landscape of telecommunications, with innovations and emerging technologies, we stress the need for education, information and awareness strategies to ensure that our communities are fully prepared and have the capacity to take up these developments, and that those developments and innovations are appropriate.

Our submission considers all these issues, and calls for stronger measures to ensure our people are fully included in telecommunications planning and policy through equitable engagement and consultations.

2. Recommendations

Recommendation 1: Educating and Awareness for New Information and Communications Technologies

The CLC recommends that the Government provides greater investment in, and commitment to, the provision of education, information and awareness for Aboriginal people in regional and remote Australia, about the new and changing communications technologies that are emerging and being planned. This should include information and education about the implications of these new technologies, and of any challenges, actual or potential, that these pose to communities. It should also aim to improve understanding and access to relevant funding options, application procedures and forms, and upgrading of skills and training in telecommunications across the whole range of aspects.

Recommendation 2: Closing the Digital Gap

We strongly support developments in the field of digital inclusion and other measures aimed to close the digital divide. To ensure that more is done in this area, we recommend the following measures:

An Indigenous Working Group, in partnership with governments and telecommunications providers that will include the following roles:

- Advocacy for the needs and interests of Indigenous people in all matters relating to the digital telecommunications, including connectivity, affordability, reliability, and costs and funding; and

- Representation for our people, to ensure that governments, telecommunications providers and other stakeholders and interested parties, are fully informed of information and telecommunication needs and interests, especially in the context of emerging technologies and innovations;

Recommendation 3: Engagement and Consultation

We recommend stronger measures for engagement with Indigenous communities and organisations, to ensure effective consultation and negotiation across all telecommunications matters.

Recommendation 4: Improved Information and Data Gathering on Telecommunication and Information Needs for Indigenous People

We recommend improved, targeted research into information and communication needs in Aboriginal communities. This should go beyond surveys, and demographics, to encompass in-depth, qualitative social, ethnographic and anthropological research, including culturally informed 'deep listening', and other forms of engagement with communities, to gain a much greater understanding of the ways in which people communicate, use and share information, and their needs for the present, and into future planning. Indigenous people should be central to these studies, in partnership with other organisations.

Recommendation 5: Indigenous Representation and Decision-Making in
Telecommunications Planning and Development

We recommend measures for strengthening Indigenous representation on, and provisions for participating equally in, committees, and all other entities that enable engagement between communities and governments and the telecommunications sector.

Recommendation 6: Capacity Strengthening, Skills and Training for Telecommunications

We recommend more resources to be provided to ensure Indigenous communities are well positioned in the context of new and emerging development in telecommunications planning and developments. This should include training, skills development, and information, particularly to facilitate digital ability.

3. Introduction and Context

3.1 Background to the CLC

The Central Land Council (CLC) welcomes this opportunity to provide a submission to the Government's 2021 Review of Regional Telecommunications.

The CLC is a Commonwealth corporate entity established under the *Aboriginal Land Rights (Northern Territory) Act 1976* ('ALRA'), and covers an area of almost 777,000 square kilometres in the southern half of the Northern Territory. Amongst other functions, it has statutory responsibilities for acquiring and securing interests in land and the management of that land. The CLC is also a Native Title Representative Body under the *Native Title Act 1993* ('NTA'). Pursuant to the ALRA over 50% of the area administered by the CLC is Aboriginal Land Trust, held on behalf of traditional owners. Given existing pastoral land was not able for claimed, under the ALRA, Aboriginal land tends to be very arid and remote. In addition, traditional rights and interests in land is asserted and recognition under the *Native Title Act 1993*, and traditional owners, unable to claim land under the ALRA, have succeeded in obtaining rights to small portions of land, under NT legislation, known as Community Living Areas.

Through its elected representative Council of 90 community delegates the CLC continues to represent the aspirations and interests of approximately 17,500 traditional landowners and other Aboriginal people resident in its region, on a wide range of land-based and socio-political issues.

The CLC aims to improve the lives and futures of its Aboriginal constituents through sustainable development and change. The CLC's development approach is based on an integrated and strengths-based strategy of building economic, social and cultural capital. Significant work is being carried out under the various functions of the CLC in each of these related areas, through initiatives in: natural and cultural resource management; the development of remote enterprise and employment pathways; innovative community development work, ensuring land owners use income generated from land use agreements for broad community benefit; and land administration and land use agreements for third parties and traditional owners.

3.2   Context for the 2021 Review of Regional Telecommunications

There have, over several decades, been many reports, inquiries, reviews and submissions on telecommunications for regional, rural and remote areas. A consistent pattern through all of this, is that Indigenous people continue to face disadvantages when it comes to telecommunications and information technologies. These disadvantages are exacerbated in the context of rapidly changing technologies and approaches. The digital world has brought about perhaps the most significant transformation, and with it, innovations such as the National Broadband Network, pose challenges for our communities. These challenges include the ever increasing demands to be appropriately skilled in the use, access, and management of the new technologies, infrastructure, and funding and regulatory environment.

In recent years, the 2018 Regional Telecommunications Review[1] provided some of the foundations upon with successive work has been carried out, including the present 2021 Review. The 2018 Report (the 'Edwards Report') included in its recommendations, the provision of digital literacy (Recommendation 10), reducing barriers to engaging with online services (Recommendation 9), and, perhaps most central to our concerns here, at Recommendation 8, a 'targeted Indigenous Digital Inclusion program with a focus on access, affordability, and digital ability', to be 'developed in partnership with Indigenous communities'.[2] We would also add that the issue of appropriateness needs to be included in the ongoing work.

The 2021 Review Issues Paper continues to take up many of these issues, identifying the main themes to include:

1. **Adequacy of regional telecommunications**
   This takes up issues such as changing demand, especially in relation to the three main technologies of mobiles, fixed voice, and broadband, as well as service reliability, and the impacts of COVID-19.

2. **Opportunity**
   This has regard to aspects such as regional development, and emerging technologies.

3. **Adequacy**
   Addresses critical aspects such as education and public information.

Our submission considers these, as well as the important question of our peoples' rights, and the obligations of governments and telecommunications providers in regard to the provision of accessible and reliable services. It is in this context that we also look at some of the issues relating to what is now referred to as the Universal Services Guarantee (USG), to be provided principally via the National Broadband Network (NBN).

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[1] *Regional Telecommunications Review – 'Getting it Right Out There'*, (the 'Edwards Report'), 2018.
[2] Edwards Report, pp. 62-63.

4. Discussion

4.1 Aboriginal Peoples' Rights to Telecommunications

The CLC maintains an ongoing role in advocating the needs of our people in regards to telecommunications, and information technology and digital issues, including in technical matters (within some limitations), as well as on social, cultural and policy ones. We have argued for improved access to services and infrastructure, and for ongoing work by governments and the private sector to provide greater investments in these critical areas, to help address the inequalities in the 'digital divide'. Our work in seeking to encourage these improvements has included submissions and, with other organisations, conducting background research into demographic, statistical and other information concerning our communities – work that provides a critical database that can assist in the improvement of telecommunications and ICT provision for our communities.

One of the many issues we have long been concerned with is the rights and interests of our communities as consumers of telecommunications. We have responded to issues, and lobbied organisations such as the Australian Communications Consumer Action Network (ACCAN), and the Australian Communication Media Authority (ACMA) in regard to rights and obligations to high quality and reliable telecommunications for our communities.

We have supported and encouraged the ACCAN in its work in *Reconnecting the Customer* (RTC), with its recommendations concerning the relationships that telecoms service providers have with consumers. We support the view that these relationships should be ongoing and enduring, from advertising, through point of sale, to customer service, credit management, service difficulties, and complaints handling. These must all form part of a regime for stronger protection for consumers' rights, and are of the utmost importance for Aboriginal people, many of whom are particularly vulnerable and are experiencing continuing disadvantage.[3] It is in this context that the CLC has also supported recommendations to strengthen our peoples' representation on, and participation in telecommunications reforms. This has included suggestions by organisations such as ACCAN for the establishment of representative peak organisation for Indigenous communications issues. A 2009 paper by ACCAN, *Future Consumer: Emerging Consumer Issues in Telecommunications and Convergent Communications and Media*, highlighted a need for a strong, national peak body for consumer telecommunication issues.[4] The CLC has welcomed that suggestion, recommending that ACCAN 'develop stronger relationships with Indigenous organisations to better understand and address the needs of Aboriginal consumers'.[5] Among the many issues the CLC has identified, which need to be taken up by such a peak organisation, is the growing digital divide.

The establishment of a peak body for Indigenous telecommunications might, for instance, be in the form of a First Nations Technology Council, as mentioned in the report *Remote*

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[3] Letter (undated) from the CLC to the Public Inquiry Section, ACMA, in relation to the 'Reconnecting the Customer' Draft Report.

[4] ACCAN, *Future Consumer: Emerging Consumer Issues in Telecommunications and Convergent Communications and Media*, Report prepared by Ryan Sengara, Sal Humphreys, Jock Given, Marion McCutcheon and Claire Milne, 2009.

[5] See CLC, 'Communication Issues for Aboriginal People: Response to ACCAN Consultation Paper', 9 September 2009.

Indigenous Communications Review (the Featherstone Report), published by the Australian Communications Consumer Action Network (ACCAN).

4.2   Closing the Digital Divide

The CLC is particularly concerned with the persistence of a digital divide, with continuing disadvantage for our communities. This refers to the gap that persists between those sectors of the population who have good access to current digital technologies, and who are generally well informed, and prepared for emerging digital innovations, and the many Indigenous communities who do not have the same ease of access, or information and preparedness. We have recommended to ACCAN that a focus on addressing this digital divide is essential, with particular attention to:

- Lack of provision of payphones in remote communities and town camps;
- Poor coverage of mobile phones to remote areas;
- Limited uptake of standard telephone services by Aboriginal consumers; and
- Limited access to, and uptake by Aboriginal communities to the rollout of broadband services.[6]

The structural disadvantage faced by our communities in the digital era, with exclusion and inadequate provision of reliable services, creates this ongoing digital divide. This critical issues is highlighted in many recent reports.[7] In this regard, we note the recently released report by the National Indigenous Australians Agency for a proposed Digital Inclusion Plan. The 2021 Digital Inclusion Plan Discussion Paper flows, in part, from recommendations in the 2018 Regional Telecommunications Review (Edwards Report), and again, aims to focus on ongoing key issues of access and affordability, as well as on digital ability. This latter goes to the important matters of ensuring that our communities are adequately skilled and trained in the new and emerging digital technologies, including in the increasing complexity of converging technologies (information and telecommunications, media and entertainment). We note here that the Digital Inclusion Plan Discussion Paper calls for submissions by 1 November.

4.3   Regional Connectivity

With regard to connectivity, we wrote in March 2020, to the Director, Regional Connectivity Program, Department of Infrastructure, Transport, Regional Development and Communications, to provide feedback on the Regional Connectivity Program Grant Opportunity Draft Guidelines.[8] We pointed out in that letter the importance of reliable mobile phone services, which are still inadequate in many areas of our region. Connectivity to the Internet remains problematic for our communities, with many of their needs still not being adequately met. Reliable and fast Internet connection is vital for many critical aspects of our communities' lives, including for health and medical delivery, education, consumer needs including EFTPOS, and for emergencies. Cultural uses are also very important, with

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[6] See the CLC Response to ACCAN Consultation Paper (September 2009), 'Communication Issues for Aboriginal People'.

[7] For example, the report *Remote Indigenous Communications Review* (the Featherstone Report), published by the Australian Communications Consumer Action Network (ACCAN); also in the report *Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2019*.

[8] CLC Letter to Director, Regional Connectivity Program, Department of Infrastructure, Transport, Regional Development and Communications, 11 March 2020.

increasing needs for good data access, storage and privacy. We have noted that outages that have occurred in the CLC region had serious impacts on our people, who were unable to make their payments using their Basics Card in stores for essential supplies.

The CLC has also expressed concerns in regard to proposed funding schemes for regional connectivity. In our letter of March 2020, we outlined our concerns about the concept proposed in the February Draft Guidelines, which requires co-contributions for improving investment in telecommunications infrastructure. The processes and procedures requiring consumers to submit complex grant applications, and to engage with relevant State or Territory Governments in seeking co-contributions, including from telecommunications companies are onerous, and there is insufficient guidance as to how all this should be prepared. These co-contributions are sought as a means of enabling the standards of infrastructure and service delivery can be at the same levels for regional and remote communities, as for urban ones.

It is the CLC's view that these kinds of inequities potentially widen the digital divide, instead of reducing it, in that they exacerbate the challenges that Aboriginal people in regional and remote areas are already facing. Our communities do not have sufficient capacity, information or resources to prepare competitive applications for grants under this scheme as it is currently proposed.[9] This is another reason why we recommend that there should be stronger engagement with Indigenous communities, including education, information and awareness strategies for telecommunications.

The changing landscape of telecommunications, as mentioned, is an ongoing concern for our communities. In this regard, we note that the 2021 Regional Review Issues Paper draws attention to some recent major changes to the telecommunications sector such as completion of the National Broadband Network (NBN), rollout of 5G mobile telephone services, the introduction of the Universal Services Guarantee (USG), and the 'delivery of new government grants programs and public awareness initiatives'.[10]

In this context, we outline briefly some historical issues in regards to Indigenous telecommunications, in order to show the persistence of some of the problems our communities face.

In November 2007, the CLC made a submission to a review by the (then) Department of Communications, Information Technology and the Arts (DCITA), in regard to issues our communities experience with telephone technologies. We also addressed some concerns about the upholding of our peoples' rights in regard to telecommunications, under what was at that time Telstra's Universal Service Obligation (USO).

In relation to phones, we argued then for the need to provide improved accessibility to mobile phones, as these are important to our people in regional and remote areas. Research that the CLC commissioned at that time to examine mobile phone usage among low-income Aboriginal peoples showed a relatively high use of mobile phones in remote communities and town camps. This was seen partly as a result of difficulties that some people in communities had in accessing and maintaining fixed line services. The mobile phones were largely used for emergency purposes, according to the survey conducted then. While mobile

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[9] CLC Letter to Director, Regional Connectivity Program, Department of Infrastructure, Transport, Regional Development and Communications, 11 March 2020.
[10] 2021 Regional Review Issues Paper, p. 5.

phone use is on the increase, there are issues in regard to affordability. The development of a low-income pre-paid card as part of a package of reforms for low-income families and communities, was recommended as one possible option to address the affordability issues.

Our early research (2007) also showed a high usage of payphones in low-income communities, and these were also seen as providing an essential service. While statistics at the time (provided by the Australian Communications and Media Authority (ACMA)) indicated a decline in the use of payphones in the wider society, our study showed that:

> *By contrast, the need for access to payphones in remote central Australian communities remains constant and requires an increase in the number of payphones currently provided. A comparison of these two trends seems to indicate that the remote Aboriginal population of Australia represents a large and increasing group in need of access to payphone services.[11]*

For residential phones, the costs associated with maintenance of these, and for the infrastructure, are often an inhibiting factor for Aboriginal communities in our region.

Our 2007 submission to DCITA put forward recommendations, in regard to community payphones, that included more adequate consultations with communities to explore issues such as location of the payphones, and servicing and maintenance, as well as costs.

Although clearly, the entire telecommunications landscape has transformed significantly in the decades since we made that submission, but our point is to show how many of these issues of accessibility have persisted to the present day.

4.4   The Universal Service Guarantee

One of the ongoing issues, as mentioned above, concerns the obligations that governments and providers have to maintain good telecommunications services and infrastructure to the entire country. This also goes to the rights that people have to effective communications and information technologies and services. These rights and obligations are particularly crucial for Indigenous communities, who are already often facing situations of disadvantage.

In 2018 the Universal Service Guarantee (USG) for telecommunications was developed to replace by the Universal Service Obligation (USO). The USG aims to provide 'all Australian homes and businesses with access to both broadband and voice services, regardless of their location'.[12]

A report of November 2018 on the USG produced by the Commonwealth Government Department of Communications and the Arts described the USG as a system that 'would ensure all Australian premises, irrespective of location, have access to voice and broadband services.'[13] The USG services would be delivered 'on a commercial basis' through the National Broadband Network (ABN) and other networks. The concept of the USG is that it

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[11] CLC submission to Telecommunications Universal Service Obligation Review Issues Paper, 1 November 2007.

[12] Development of the Universal Service Guarantee, Summary Report 2018, Department of Communications and the Arts, https://www.infrastructure.gov.au/media-technology-communications/phone/phone-services/universal-service-guarantee-telecommunications.

[13] Ibid., p. 5.

essentially 'modernises' the existing Universal Services Obligation (USO) of Telstra, in the context of the rapidly changing face of telecommunications technologies. Thus, the USG aims to guarantee access to broadband as well as voice services for all Australian premises, while providing ongoing access to community phones or payphones, where appropriate.

Some decades ago, in 2007, the CLC considered aspects of the former USO, in the context of remote Aboriginal communities. Our finding has implications for today's situation. The submission at that time indicated that, resulting from the particularities of demographic requirements under the USO, it appeared that the obligation on providers of telecommunications '*denies eligibility for a Payphone to those communities with a permanent population of less than 20 adults.*' Based on figures from a 1999 *Community Housing and Infrastructure Needs Survey* conducted by the ABS, we showed in our 2007 submission, that most Aboriginal communities in the CLC region fell below the population size required for eligibility to the USO. Our submission stated on this basis, that:

> *… it may be that most of these communities fall outside the USO and are not serviced by Telstra. In the experience of the CLC, a large number of the communities within the central Australian region are communities of populations of less than 20 adults. In addition, many of these communities are located on 'outstations' which, because they are poorly serviced, are not inhabited on a permanent basis and thus fall outside the USO criteria of permanent population also. The effect of these restrictions is to seriously impact upon the operation of the USO within the central Australian region, leaving a large number of Aboriginal people within remote communities without access to even basic payphone services in an emergency.*

It is important to ensure that, with the transition to a Universal Services Guarantee, to be managed through the ABN, this will no longer be an impediment to the provision of good telecommunications for small, remote Aboriginal communities. We would suggest that measures be put in place to ensure that the USG does in fact fully and adequately cover all Indigenous rural, regional and remote communities, no matter how small the populations.

In our 2007 submission we also put forward recommendations for policy reform, many of which are still relevant today. Those policy recommendations sought a 'new approach' aimed at improving access to telecommunications services, and standards of servicing infrastructure and equipment. That 'new approach' advocated planning on a regional basis, rather than on a community to community basis. It argued that the following factors should be taken into account when 'planning for the provision of telecommunication infrastructure, including payphones':

- the linkages between communities,
- the demographics of a region including mobility and population shifts,
- the social and economic needs of residents,
- the requirements of the service providers, and,
- the remoteness of a community from existing infrastructure and services.

In today's circumstances, we would still support the idea of planning on a regional basis, and that contextual factors such as changing demographics, and socio-economic needs and circumstances are crucial factors to be considered in regional planning and policy. We would also emphasise the need to consider the diversity of our communities, and therefore

to ensure telecommunications planning is carried out in a place-based way, attending to the specifics of individual communities, families, and kin-based structures. This accords with the recommendation by the Featherstone Report for a place-based approach (see below).

4.5 The Persistence of Telecommunications Problems for Indigenous Peoples: The 2020 Featherstone Report and its Implications

The 2020 Report *Remote Indigenous Communications Review* (the Featherstone Report), published by the Australian Communications Consumer Action Network (ACCAN) provides a comprehensive assessment of the situation. It is also one of the documents that has formed the basis for the current Government Regional Telecommunications Review. From the findings of the Featherstone Report (and earlier reports and submissions, as described above), it is clear that there are many concerns still to be addressed for telecommunications in our communities. That Report draws attention to, for example '*... the inadequacy of existing government programs supporting improved communications infrastructure in remote Indigenous communities (RICs).* It notes that '*These communities are among the most disadvantaged and digitally disengaged in the country'.*[14]

According to that Report, the COVID-19 lock down has 'exacerbated' the 'pre-existing digital divide'.[15] The Report found that, despite an increase in adoption of digital services such as videoconferencing, remote server access, and telehealth 'for those with access and skills', communities that are not connected to digital networks face even greater disadvantage. The Featherstone Report presents these confronting facts:

> *Very few remote Indigenous people have the option of home schooling, working from home, or accessing basic services online. Most RICs have restricted all non-essential movement due to the high risks associated with COVID infection, increasing the need for remote access to services, including health, education, Centrelink, MyGov, justice, banking and so on.*
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> *However, with an estimated 30% of remote and very remote Indigenous people without household access to telephony or internet, and many Shire/Council offices, schools and other service centres closed, some essential services have not been available to many remote Indigenous people.*[16]

The Featherstone Review examined communications infrastructure, as well as critical elements of digital inclusion such as affordability and access. It outlined some aspects of infrastructure such as WiFi and community access facilities. That Report found that, over the last decade, there have been 'significant improvements in telecommunications coverage and digital connectivity' in remote Indigenous communities'.[17] Despite these significant improvements in infrastructure and investment, resulting in 'increased availability', the Featherstone Report found, that *'there are still significant gaps in access and usage of communications technologies due to issues of affordability, lack of last mile delivery or community access facilities, issues with service reliability and congestion, and barriers to engagement with online services.'*[18]

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[14] Featherstone Report, p. 7.
[15] Ibid.
[16] Featherstone Report, 2020, p. 7.
[17] Featherstone Report, p. 9.
[18] Ibid.

Among the suggestions offered by the Featherstone Report are a 'safety net approach' to 'ensure a next-level digital divide is not set up between larger and smaller communities, or between service providers and Indigenous households within communities'.[19]

The Featherstone Report provides a summary, over the past few decades, of telecommunications initiatives for regional and remote Indigenous communities. This shows a legacy of short-to medium term programs, technologies and approaches.

To present just one example. In 2002, a Regional Telecommunications Inquiry identified that a 'major impediment to regional, rural and remote Australia having equitable access to higher bandwidth services was the higher prices that users pay.'[20] The response to this problem of higher prices for better bandwidth broadband services shows a pattern of changing programs and departmental structures:

> In response, the Government established a Higher Bandwidth Incentive Scheme (HiBIS) in April 2004. That was replaced by the Broadband Connect (BC) program which was, in turn, replaced by the Australian Broadband Guarantee (ABG) program in April 2007. The ABG program was administered by the Department of Broadband, Communications and the Digital Economy (DBCDE) and the then Department of Communications, Information Technology and the Arts (DCITA, in operation from the 1990s to 2007 (now defunct) prior to 2007.[21]

The picture that emerges is that one of the wider issues is the uncertainty in the telecommunications sector. This results, in large part, from an ongoing instability with changing governments and bureaucratic structures and management. This leads to uncertainty and lack of continuity in programs, policies and funding initiatives. This has serious implications for Indigenous communities in particular, who already face many challenges in continuity of connectivity and access to telecommunications.

4.6   Responses to the Review Issues Paper Questions

In the light of these, and all the other issues we have outlined above, we summarise below our responses to the questions in the 2021 Review Issues Paper.

Questions 1-3: Adequacy and Changing Demand for Mobile, Broadband, and Fixed Voice:

1.   *What telecommunications services are required in regional Australia to meet current and future needs? Are there any things regional communities and businesses need to do, but can't, on their existing services?*

In principle, the needs of Aboriginal communities in regional and remote areas are the same as those of other Australians in regard to access to reliable, fast and affordable telecommunications services. But isolation and the lack of local alternatives mean that residents are even more dependent on telecommunications to access many government and business services and this will continue to grow as more services are delivered digitally.

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[19] Ibid.
[20] This is outlined in the Featherstone Report, pp. 14-15.
[21] Featherstone Report, p. 14.

While some communities have mobile phone and high speed data services as a result of the mobile blackspot program and other federal and territory government sponsored initiatives, many remote and isolated communities still rely on ageing and obsolete technology, such as High Capacity Radio Concentrator (HCRC) links to provide fixed telephone services and NBN satellite links to provide data services.

These technologies do not provide sufficient bandwidth to support video conferencing and other real-time applications that are being increasingly used to deliver health, education and social services. The variation in communications capability across communities means service providers need to restrain their digital service delivery approaches to suit the lowest level of connectivity in their service areas, thus limiting the opportunities to introduce telehealth, online learning and other high bandwidth dependent services that are vital to our communities' needs.

2. *What changes in demand, barriers or challenges need to be addressed when it comes to telecommunications services in regional, rural and remote Australia?*

The provision of infrastructure for telecommunications services is an essential prerequisite; however most Aboriginal residents in regional and remote areas of Central Australia face other barriers, including affordability (lack of), the lack of local access, and insufficient skills to benefit from the capacity available.

Socio-economic circumstances including housing and other issues relating to disadvantage, and remoteness, preclude most Aboriginal peoples from subscribing to fixed telephone and broadband services at their residences, and they rely on payphones, prepaid mobile services, community access facilities and public Wifi for local access. Dependence on shared public access facilities reduces convenience and utility, while prepaid mobile phone and data services are expensive and limit access for people on low incomes.

3. *How have the Government's policies and programs affected telecommunications service outcomes in regional, rural and remote Australia? How can these be improved?*

The necessary focus of government policy on prioritising telecommunications investment in areas of the greatest demand and lowest cost to provision has benefited larger, and less remote communities. The challenge now is for governments to implement programs to connect smaller, and more isolated communities by focusing on inclusion and equity and rather than prioritising revenue generation and industry, co contributions to justify new investments.

Questions 4 & 5: Service Reliability

4. *How do service reliability issues impact on regional communities and businesses? How do outages, including in natural disasters, impact on communities and businesses?*

Service reliability is essential in regional and remote areas because it is often the only way for residents to access critical information and services. For example extended outages of telecommunications services in Central Australia in 2020 meant that many people were unable to purchase food at community stores because their welfare payments are managed by Centrelink through a Basics Card, and they require EFTPOS facilities at the store to purchase food and other essentials. This forced residents to travel often long distances to

Alice Springs to access food and other services. The outages also prevented health clinics from accessing medical expertise and patient records and prevented residents from contacting medical and emergency services.

5. *How might such impacts be addressed to ensure greater reliability? How can the network resilience be addressed in regional areas?*

Within the constraints of our technical knowledge in regard to telecommunications, it is difficult to provide adequate suggestions to improve network resilience. However, we do suggest that interruptions caused by power failures or long periods of bad weather affecting solar powered services could be reduced by increasing the capacity of batteries and installing backup power supplies for critical or shared service components. The impact of network failures would also be reduced by requiring reduced response times to faults by network providers.

A further possibility is for stronger engagement and collaboration to be developed between relevant government departments, and telecommunications providers, to determine where the problems in reliability of services are, and how these can be more effectively addressed through strategic planning, risk management, and ongoing consultation.

Question 6: COVID-19

6. *How did the use of digital services change for regional consumers and businesses during the response to the COVID-19 pandemic? What insights for future service delivery does this provide?*

The onset of COVID-19 has had major, deleterious impacts on communities in the CLC region. Instances of these, for example in some of the Town Camps in Alice Springs, were reported by SBS NITV in April 2020, and are also referred to in the Featherstone Report. [22] The effects of lock downs have exacerbated the communication and digital access problems already experienced by many isolated and remote Aboriginal communities. These have included ongoing disconnection from essential digital and phone services, resulting in lack of access to much needed facilities, such as obtaining provisions from stores, and ongoing delivery of health and education. The COVID-19 situation for Aboriginal communities, as elsewhere, also resulted in increased reliance on digital technologies, for essential services such as telehealth, online education, and for everyday communications. The disconnect from the digital domain has been a major problem, with significant safety concerns, among others.

These impacts of COVID-19 have highlighted underlying structural and systemic problems across the whole CLC region, that is, the structural disadvantage and persistent issues associated with the 'digital divide'. They serve to strengthen our call for all parties to adequately and effectively address the ongoing problems of connectivity faced by our communities, to aim to find permanent solutions.

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[22] As reported by Else Kennedy, 5 April 2020, see https://www.sbs.com.au/nitv/article/2020/04/04/town-camps-alice-coronavirus-raising-stakes-digital-divide.

Question 7: Indigenous Australia

7. *What can be done to improve the access and affordability of telecommunications services in regional, rural and remote Indigenous communities?*

As noted in the Issues Paper and our response to Question 2, most Indigenous residents rely on prepaid mobile services, public access facilities and community WiFi networks to access telecommunications services. The costs for prepaid mobile services could be reduced by requiring carriers to provide free access to essential services such as health, education, banking and welfare services.

Ongoing financial commitments to support and expand free public access facilities and community WiFi networks would also improve access for regional and remote Indigenous communities. The Computer Rooms program supported by the Central Australia Youth Link Up Service proving access services in 30 Central Australian communities is a good example of how public facilities can improve access and affordability for Aboriginal residents.

Questions 8 & 9: Regional Development

8. *How can investment in telecommunications infrastructure work with other programs and policies to encourage economic development in regional Australia?*

A large proportion of the costs to expand terrestrial telecommunications infrastructure relates to the mobilisation and civil works required to install optical fibre links. The level of investment required could be significantly reduced if government programs funding new or upgraded transport or energy links included provision for installation of optical fibre as part of the construction phase for these transport or energy links.

9. *What role could innovation, including new models, alternative investors or new ways of doing business, play to encourage investment in regional telecommunications infrastructure? What are the barriers?*

We would advocate the need for good engagement and consultation with Aboriginal communities as one way to explore this question. We have outlined above some of the barriers and constraints for Aboriginal people, particularly in remote communities, in regard to investment in, and adoption of new and emerging technologies. Key here too, is for our communities to be fully informed about these matters, and to have equal participation in the development and planning of technologies and infrastructure. See also our response below.

Questions 10 & 11: Emerging Technologies

10. *To what extent will new technologies enable significant change to the delivery of telecommunications services in regional Australia over the next 5-10 years? Are there any barriers to accessing these technologies?*

The introduction of low earth orbit satellites offers the potential to reduce the latency and bandwidth constraints associated with existing geo-synchronous satellite links enabling video conferencing and other real time applications to be extended to communities which are too small or remote to support terrestrial links. Increased bandwidth provided by 5G

services would deliver similar benefits however is both cases local access facilities and community WiFi networks will be essential to allow Aboriginal residents to benefit from these new capabilities.

11. *How can Government better support the rapid rollout of and investment in new telecommunications solutions in regional areas?*

As noted in the Issues Paper, the deployment of these new technologies is largely being driven by commercial considerations, so it is self-evident that government support will be required to enable the rapid rollout of new telecommunications solutions in the sparely populated and remote regions of Central Australia. This could be facilitated by direct government funding or expanding the Universal Service Obligation to include high speed, low latency data communications services.

Questions 12 & 13: Maximising Outcomes

12. *How can different levels of Government, the telecommunications industry and regional communities better co-ordinate their efforts to improve telecommunications in regional Australia?*

As we have discussed in this submission, there is a strong need for improved strategies, processes and planning, underpinned by effective engagement and consultation with our communities. As mentioned in some of the reports referred to in our submission, it is important in any regional planning to adopt a place-based approach which provides more flexibility to implement services that meet the needs and circumstances of individual communities.

13. *What changes to Government investment programs are required to ensure they continue to be effective in delivering improved telecommunications?*

As discussed in our submission, we suggest a need to reduce the co investment requirements, because local councils, business and community groups in Central Australia do not have the capacity to make significant contributions.

Question 14: Awareness and Education

14. *How can regional consumers be better supported to identify, choose and use the best connectivity options for their circumstances, as well as to understand and use their consumer rights?*

It is vital that stronger education, information and awareness strategies are provided that support community organisations to advise and inform consumers on their connectivity choices and expand education programs on cyber security and consumer protection for Indigenous residents. Also critical is to ensure effective representation of Aboriginal people on all relevant telecommunications boards and committees, and to establish peak Indigenous media and telecommunications bodies to have roles in representation and advocacy.

5. Conclusions

The CLC has outlined in this submission, issues, concerns and problems for Aboriginal people in remote, rural and regional Australia that have continued, despite the many reports, reviews and inquiries conducted over several decades. The increasingly complex telecommunications landscape, with new and emerging innovations in technology, infrastructure, and ways of engaging with these, poses significant challenges for our communities. The digital era has resulted in increased disadvantage, creating a divide between those who have ease of access to and use of digital technologies, and those, such as many Indigenous people, who are left out and disadvantaged. Our submission draws particular attention to this digital divide. We urge governments, telecommunications providers, and all interested organisations, to strengthen their commitment to ensuring our people can live our lives securely and effectively with equal access to current and emerging telecommunications. A key issue is to ensure more effective engagement strategies that allow our people to have equal roles, as partners in all telecommunications planning, policy and development that relates to our communities.