

MPSC ref # A9923800

8 September 2020

The Review Team
Consumer Safeguards Review
Department of Infrastructure, Transport, Regional Development and Communications
consumersafeguardsreview@communications.gov.au

Dear Review Team

Consumer Safeguards Review consultation—Part C: Choice and fairness

Thank you for the opportunity to comment on the *Consumer Safeguards Review—Part C: Choice and fairness Consultation paper July 2020*. Unfortunately, the deadline for submissions being 24 August 2020 has not allowed this matter to be considered at an Ordinary Meeting of the Mornington Peninsula Shire Council.

This submission aligns with achieving Council's adopted "Positive Ageing Strategy 2020 - 2025". A goal of that document is: "An age-friendly Mornington Peninsula has appropriate and timely information in a range of accessible forms" and it is supported by strategy 3.2 which is to "Address barriers to internet access and digital technology."

The content of the submission has been structured in accordance with the principles and questions set out in the consultation paper.

In summary, Proposals 1, 2 and 3 are strongly supported, but not proposal 4. The removal of legacy obligations is not supported unless there is prior introduction of like new obligations for digital services.

These should include a limited free broadband service to government websites and a rollout of digital payphones/charging stations as more fully described below.

1. **Supported - Proposal 1** *Telecommunications specific consumer protection rules should cover essential matters between consumers (including small businesses) and their communications providers.*

Essential consumer protection matters should be reviewed and potentially expanded from the list of matters contained in Part 6, Section 113 of the Act. These matters need to be determined from a starting point that assumes that there is a universal right for everyone, including businesses, community organisations and individuals of every age and ability, to be included in our online society through affordable access to technology and broadband services from their businesses, homes and mobiles and with teaching support matched to their learning needs.

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New consumer protection safeguards should cover a minimum standard of service and fair treatment including ethical sales practices, customer service and financial hardship.

A minimum free, unmetered access broadband service even where there is a default in payment – similar to the current Telecommunications Obligation for voice services is needed. This should apply whether for fixed or mobile broadband services.

It should include free, unmetered access to myGov, local, State and Federal government websites, Government funded agency websites and apps. Perhaps it could be managed by a special portal. This information and the ability to upload and download data is now critical to people's safety and health and wellbeing.

Websites and apps examples include mygov, emergency services and key safety and welfare services and call lines.

There should be a process that would allow assessment of new sites and apps to become eligible for inclusion in the specified list for free, unmetered access.

See more detail under point 4 below.

2. Supported - Proposal 2 *The telecommunications consumer protection rulemaking process should be reformed to improve its effectiveness.*

The existing system and reliance on a Code of Practice has become antiquated and unwieldy and needs to be overhauled with new direct regulation of new consumer protection safeguards for administration by the Australian Communications and Media Authority (ACMA).

3. Supported - Proposal 3 *The essential telecommunications-specific consumer protection rules should be mandatory and directly enforceable by ACMA, and the enforcement options available should encourage compliance.*

Enforcement options should also be comprehensively reviewed with alignment to commensurate impacts upon consumers of non-compliance.

Third party apps should also be covered as some of these have developed into areas where they provide critical services. There needs to be an investigation to determine what third party apps should be classified as providing critical services (e.g. Vic Emergency, google maps). See comments under proposal 1.

4. Not supported - Proposal 4 *The legacy obligations of declining relevance should be removed or adjusted as Telstra's legacy copper network is phased-out.*

In principle, this proposal is not supported unless, and until, there are alternative digital obligations put in place.

Legacy obligations include payphones and low income measures for fixed line phone services including the ability to make emergency calls even if bills are unpaid. These legacy obligations have the effect of providing an avenue for essential emergency and other important communication that is at the heart of keeping all people in our community safe and well. They should not be withdrawn as an economic measure without a failsafe alternative first being put in place.

In determining an alternative digital obligation, the following matters should be considered:

- ABS 2016 Census data, showed that over one fifth of Australians did not have an internet connection. Whilst the take up might be higher since then it is expected that two main factors causing this divide would be unaffordability and the lack of digital literacy.
- Data provided by the NBN at a No Victorian Left Offline Roundtable in Victoria on 12 August 2020 indicated that nbn had been rolled out so that approximately 11.75 million premises were ready for service with only 7.4 million connected. This is a take up of approximately 63% which is concerningly even lower than the 2016 Census internet connection rate of approximately 80%. Perhaps people are moving away from the costs of fixed broadband services to mobile technology and data plans for their smart phones.
- The *Poverty in Australia 2020* report estimated 3.24 million people in Australia (13.6% of the population) live below the poverty line (<https://apo.org.au/node/276246>). In choosing how to spend income, it would be a rational choice to choose housing over telecommunication. There is a high level of homelessness and housing stress across the country and affected people are having to choose on a daily basis. The scale of people faced with this choice is significant and unacceptable. An estimate based on the ABS 2016 census shows more than 116,000 people are homeless in Australia. Others are battling with unaffordable rental costs. In 2017–18, 47.8% of low-income households in greater capital city areas and 35.6% of low-income households in the rest of the states and territories were considered to be in rental stress. (<https://www.aihw.gov.au/reports/australias-welfare/housing-affordability>).
- The Australian Communications Consumer Action Network (ACCAN), the peak telecommunications consumer body is proposing that the most effective way to achieve affordable broadband for all Australians is for NBN to offer a 50 mbps service for \$20 per month, potentially retailed available to households receiving financial support from government with safeguards ensuring it is separately available without being bundled with content.

Whilst this is supported, by itself, it is not considered sufficient to justify removing the legacy obligations. Even at \$30, this would not always be affordable to people at the lowest income levels.

- If there is a move to smart phones without fixed broadband services and no guarantee of free wifi, then people will be vulnerable to losing digital access when their smart phones run out of charge, are broken, lost or have no plan. This is a common experience, particularly for people who are homeless and needs to be considered as part of the future approach
- Telstra has more than 16,000 payphones across Australia and in 2018 they were used for 200,000 Triple Zero calls. It is also rolling out digital payphones which will include opportunity for wifi and charging (<https://exchange.telstra.com.au/modernising-payphones/>)
- Whilst libraries, community houses and the like commonly provide computers and wifi for free public use there is a cost in doing so which is generally born by local and State governments and not-for-profit community groups. There is also limited hours of operation.
- There is already a reliance on access to public computers and free wifi for people who face insurmountable barriers in accessing personal services. This needs to be guaranteed at a minimum standard.
- Digital literacy although certainly facilitated through formal education and community-based courses is something that will often require further one on one support for people to overcome the barriers they face. There is no universal provision for such support.
- The provision of free wifi and free access to public computers is a modern day equivalent to payphones.

If the obligation to provide payphones and other telecommunications obligations are to be removed, then the following infrastructure and services should be in place before that happens:

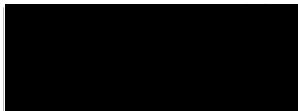
- An ability for a low income household to have access to both a mobile device and a cellular data plan for a total cost equivalent to the current minimum payment to Telstra for a fixed line phone service under the Telecommunications Obligation for voice services.
- A minimum, limited free fixed and (or) mobile broadband service even where there is no paid fixed or cellular data plan that would provide access to essential government services (i.e. access to myGov, local, State and Federal government websites, Government funded agency websites and apps). Perhaps access through a portal for that fee access.
- Digital payphones being redesigned to at least enable digital access to myGov, local, State and Federal government websites, Government funded agency websites).
- Digital payphones being rolled out for an extensive network meeting a specified geographic standard at least equivalent to the existing payphone network.



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- The Australian Communications and Media Authority (ACMA) regulating a price and a minimum provision for digital payphones.
- A program to incentivise the supply and maintenance of free wifi, devices, data plans and digital literacy programs in libraries, community learning centres and other community outreach programs having regard to:
 - Costs of hardware devices
 - Costs of software
 - Operational hours
 - Operational costs to provide teaching staff and support programs
 - Costs of volunteers
 - Capital funding to provide any necessary expansion of libraries and other community facilities
 - Supplementing gaps in the operations of private businesses.
 - The need for indoor and outdoor free wifi.
- The establishment of a recommended minimum standard for the provision of free or low cost devices to prevent the distribution of old or recycled devices that might not be up to the job.

Yours sincerely



Councillor Sam Hearn

Mayor

Mornington Peninsula Shire