

Department of Communications
Canberra ACT 2600

Via email to: accanreview@communications.gov.au

25th November 2016

Re: Consumer representation: Review of section 593 of the Telecommunications Act 1997.

Dear Sir/Madam,

Electronic Frontiers Australia (EFA) appreciates the opportunity to provide this submission in relation to this consultation. EFA's submission is contained in the following pages. EFA is happy to provide further information, if required.

About EFA

Established in January 1994, EFA is a national, membership-based non-profit organisation representing Internet users concerned with digital freedoms and rights.

EFA is independent of government and commerce, and is funded by membership subscriptions and donations from individuals and organisations with an altruistic interest in promoting civil liberties in the digital context. EFA members and supporters come from all parts of Australia and from diverse backgrounds.

Our major objectives are to protect and promote the civil liberties of users of digital communications systems (such as the Internet) and of those affected by their use and to educate the community at large about the social, political and civil liberties issues involved in the use of digital communications systems.

Yours sincerely,



Jon Lawrence - Executive Officer, on behalf of EFA's Policy Team

Submission: Consumer representation: Review of section 593 of the Telecommunications Act 1997

General comments

EFA has been an organisational member of ACCAN for a number of years. EFA strongly supports the continued existence of a single dedicated organisation to act as the peak representative body for Australian telecommunications consumers. As a small, primarily volunteer-run organisation itself, EFA is fully aware of the significant advantages in terms of economies of scale and capacity that result from pooling resources in a single organisation. This is particularly true in relation to issues that affect remote and regional consumers and those with particular needs, which might otherwise not receive the required attention.

EFA therefore believes that any move to split the function now fulfilled by ACCAN across multiple organisations would be clearly to the detriment of Australian telecommunications consumers, particularly those with in remote and regional areas and those with particular needs. Any such move would also significantly increase the administrative costs for government in managing multiple grant recipients.

Response

1. Has ACCAN effectively performed the role of representing the interests of consumers in relation to telecommunications?

EFA believes that ACCAN has, on balance, been reasonably effective in representing the interests of Australian telecommunications consumers. As with any organisation, there is of course room for improvement, however EFA believes that ACCAN remains the most appropriate organisation to fulfil this role.

One area of potential improvement that may be worth considering is a change of branding. It is EFA's perception that consumers are insufficiently aware of ACCAN as an acronym or as an organisation. A large majority of consumers are unaware that such an organisation exists, nor are they aware of its functions and powers. EFA strongly recommends that if ACCAN were to receive repeated funding, it should employ a strong focus on general consumer awareness and branding.

2. Does ACCAN effectively engage with a broad range of stakeholders, including industry, government agencies and other consumer groups?

EFA is satisfied that ACCAN has been successful in engaging with a broad range of stakeholders, including industry, government, consumer groups and civil society more generally.

3. *Considering the consumer representation role performed by ACCAN, has ACCAN adopted an appropriate balance between representation of general consumers and representation of those with particular needs?*

EFA believes that ACCAN has largely found an appropriate balance between the general populace of telecommunications consumers and those with particular needs.

4. *Is a telecommunications specific consumer representative body funded by Government required or:*

EFA believes that telecommunications issues are sufficiently complex and increasingly central to the lives of Australians that a dedicated, publicly-funded telecommunications-specific consumer representative body is arguably more important now than ever.

There are clear economies of scale that result from having a single body in this regard which would be lost if a piecemeal approach were taken.

All organisations, not least governmental agencies and utility providers, are increasingly prioritising online channels for engagement with citizens/customers. The economic drivers behind this trend are of course absolutely compelling, however as recent experience with the 2016 Census and the MyGov portal have clearly demonstrated, there remain large segments of the community that are not yet (and in many cases may never be) ready to make this transition. In this context, an effective consumer representative organisation in the telecommunications space is a necessity to ensure that otherwise already marginalised elements of the community are not further marginalised. Without such a representative organisation, it is likely that many elements of the community would disappear 'off the radar' completely.

EFA believes that a general consumer organisation will have too broad a range of issues to address to be effective across the range of telecommunications issues, especially those facing people in remote and regional areas and those with particular needs, such as the visually and aurally-impaired.

EFA therefore firmly believes that the section 593 funding should continue to be channelled to (and through) a single, dedicated organisation.

a) Should Government fund representation only for a body or bodies representing consumers with particular needs?

See above.

b) Could a telecommunications representation function be carried out by a general consumer body?

See above.



c) Could Government more directly measure consumer views by undertaking its own consumer research?

There is certainly scope for government to directly measure consumer views by commissioning its own research, however this is likely to be most effective when addressing issues that face the community broadly. An instructive example is the [research just released by the Communications Department](#) in relation to online copyright infringement. In relation to issues facing consumers with particular needs, government-commissioned research is likely to be a relatively ineffective means for measuring consumer views as such consumers may be difficult to identify through traditional research and survey methods. By contrast, an organisation such as ACCAN, which has a very strong existing network of relationships with community and other relevant organisations, is likely to be much better positioned to conduct consumer research in relation to consumers with particular needs.

5. Have you seen any examples of how research funded through the Independent Grants Program (IGP) has influenced Government policy or the behaviour of industry? Could changes be made to the IGP to make the funded research projects more influential?

Government will be in the best position to make determinations about whether the IGP has influenced government policy. Industry will change its behaviour when there is a commercial benefit for them to do so.

6. Do you believe research funded through the IGP is useful to consumers? Could changes be made to the IGP to make the funded research projects more useful to consumers?

EFA believes that many projects funded through the IGP have been of utility to consumers. Notable current and recent examples include the following:

- Women's Legal Service NSW: Empowering women to end digital abuse (2014)ⁱ
- QUT Digital Media Research Centre: Australian consumer access to digital media content (2016)ⁱⁱ
- Communications Law Centre, UTS: Improving the Communication of Privacy Information for Consumersⁱⁱⁱ
- UNSW School of Electrical Engineering and Telecommunications: Increasing Public Awareness in Australia on Security and Privacy Threats for Smart-Home IoT Devices^{iv}

7. Is it appropriate for the Government to continue to provide grants to a consumer representative group (or any other non-government body) to undertake research into telecommunications issues?

Yes. As the examples noted above demonstrate, there is clear benefit for continued government funding for research into telecommunications issues. As also noted above, EFA is satisfied that ACCAN remains an appropriate, effective and efficient mechanism for either

commissioning research in its own right, or providing funding to other organisations to undertake research, through its annual grants programme.

8. *If this is appropriate, what changes (if any) would you recommend to how the funding is provided and who it is provided to?*

Per above, EFA is satisfied that ACCAN remains the appropriate organisation for this purpose, and believes that the ACCAN Grants Programme has been an effective and well-governed distribution mechanism for public funds in this context. It should be noted that EFA has applied for funding through the ACCAN Grants Programme on more than one occasion but has to date not been successful in receiving any funding.

9. *Should any other activities, other than consumer representation and research, be considered for funding under section 593 of the Telco Act? If so, what should these be and what would be the rationale for funding such activities be?*

As EFA understands section 593, it would be potentially quite problematic for other activities to be funded under this section. EFA therefore does not support section 593 funding being diverted from its current purposes.

ⁱ <http://accan.org.au/grants/completed-grants/813-empowering-women-to-end-digital-abuse>

ⁱⁱ <http://accan.org.au/grants/current-grants/1254-access-digital-media>

ⁱⁱⁱ <http://accan.org.au/grants/completed-grants/1068-improving-the-communication-of-privacy-information-to-consumers>

^{iv} <http://accan.org.au/grants/current-grants/1255-iot-threats>