# Introduction

In this personal submission, I am drawing on my many years of experience representing the public interest and consumers in communications policy.

I have, variously, been the research and policy advisory to the Communications Law Centre, Project Manager of Consumer Codes with the Australian Communications Industry Forum (ACIF), advisor to the Australian Democrats on communications policy, and Executive Director of the Internet Society of Australia (ISOC-AU), during which time ISOC-AU received grants under s. 593 of the Act.

I was part of the small working group on consumer representation convened by the Minister to establish what became ACCAN, and on its formation I joined the ACCAN Board as Deputy Chair. I remained on the ACCAN Board, save one year for Board rotation as required under ACCAN’s Constitution, and am no longer on the ACCAN Board, again as required under the Constitution.

The questions raised by this Issues Paper are ones that I have addressed over the past several years. For me, this Review raises four main issues:

* Is there a continuing need for direct funding under s. 593, and if so, should it be used for other than the current purposes of consumer representation and research?
* If the current funding is to continue, should that funding go to a telecommunications specific organisation or organisations, or to a general consumer body or bodies?
* Given that ACCAN has been the sole recipient of funding under s. 593, has it done the following:
	+ Effectively engage with a broad range of stakeholders
	+ Struck an appropriate balance between general and specific consumer needs
* Given the Issues Paper’s recognition of the need for consumer related research, currently funded under ACCAN’s Independent Grants Program (IGP):
	+ Should Government undertake its own consumer research, either wholly or partly replacing the IGP funding
	+ Has the research undertaken under the IGP proven useful to consumers and/or influenced policy,

# Direct Funding?

In 1996, the Government recognised that its proposed co-regulatory structure required informed consumer participation in the process. This was particularly true, given the breadth of consumer issues in communications including the needs of rural and remote Australians as well as the special needs of people with disabilities or those from culturally and linguistically diverse backgrounds. And, as the Issues Paper demonstrates[[1]](#footnote-1), the market now is a far more complex and confusing one than was the case twenty years ago.

More generally, one of the outcomes of the Productivity Commission’s inquiry into Australia’s Consumer Policy Framework echoed the need for Consumer support; for ‘…enabling the confident participation of consumers in markets in which both consumers and suppliers can trade fairly and in good faith.’[[2]](#footnote-2) Indeed, although the Commission’s call was for a national consumer policy body, it recognised the need for that body to be adequately resourced, including the ability to undertake policy-related research.[[3]](#footnote-3)

The recent establishment of the industry funded organisation Energy Consumers Australia demonstrates Governments’ (in this case, States) recognition of the need for a well funded organisation that is adequately resourced to advocate for and undertake research on behalf of residential and small business energy consumers, particularly in a competitive market, for what are essential services.

 If there is a need for an industry funded consumer organisation for energy, the need is far stronger in the telecommunications market. Like energy, telecommunications an essential service for consumers, but with a market that is far more complex with far more products and services on offer from far more industry participants. Indeed, as the telecommunications market grows ever more complex, ACCAN’s role in educating and informing consumers is becoming ever more critical.

The final question in this issue is whether s. 593 funding should be used for purposes other than consumer representation and research. In one sense, the answer is a clear no. The Act will not allow it. In a broader sense, I also believe the answer is no. In the broadest sense of the terms, representation and research are the fundamental tasks of a consumer organisation to inform and educate consumers about the increasingly complex market(s) and provide evidence for informed advocacy on consumers’ behalf.

# Funding General or Telecommunications Specific Consumer Organisations?

Under current arrangements, ACCAN is funded by a levy on telecommunications industry participants. I imagine that those participants would be reluctant to continue funding a consumer organisation(s) whose remit went beyond consumer and small business issues in telecommunications. Indeed, if the funding mechanism were to be under s. 593(2), such funding must be spent on assistance to a person or organisation ‘relating to telecommunications’.

A related issue is whether s. 593 funding should be used to fund different telecommunications-related consumer organisations. When s. 593 funding was first allocated, it was split among several organisations including ISOC-AU, CTN and other groups, particularly in the disability sector. The outcome, from the Government’s point of view, was a great deal of expense in administering a number of small grants, and because the grants were necessarily small, for outcomes that could not have significant outcomes.

ACCAN was established to directly address those problems. One consumer focussed telecommunications organisation is far less costly to administer, and because it is well funded, can have a far greater and longer lasting impact on the development of policy and on maintaining close links with the variety of telecommunications stakeholders (Government, regulators, industry, small business and consumer organisations).

# ACCAN’s Performance?

The Minister’s Office is in a far better position than most to judge ACCAN’s performance. Under its contract with the Department, ACCAN regularly reports against a wide range of metrics including submissions made, policies developed, meetings with all stakeholders (Government, regulators, industry, consumer groups and civil society), and media exposure. All of those metrics well establish the very important role that ACCAN has played in representing both the needs and interests of consumers generally, and of consumers with special needs.

# Funding Research?

The Issues Paper asks whether research funded under ACCAN’s Independent Grants Program (IGP) has influenced Government policy or industry behaviour. In my view the question should be broader, asking about the many roles research has played in the development of policy positions, in advocacy work with Government and industry, in providing consumer feedback in regulatory forums and in educating consumers and small businesses on complex, often confusing industry issues.

The selection criteria for grants under the IGP reflect that breadth of purpose. IGP projects can fit into one or more of the following areas:

* Representation – undertaking policy work, participating in regulatory reviews of developing a group’s capacity of advocate on consume r issues
* Education – empowering consumers and communities to develop education tools, conduct workshops or peer education initiatives
* Research – into social, economic or technological effects, experiences and implications of communications for consumers[[4]](#footnote-4)

The variety of outcomes from grants under the program reflect that diversity. The outcomes of IGP grants are far too numerous to name individually.[[5]](#footnote-5) However, to illustrate the breadth of outcomes. I will note a few projects as follows:

* Grant undertaken by UTS: Mind the Gap on refugees and communications technology – now forming the basis for training through the refugee community – and being used overseas by UNHCR
* Grant undertaken by the Univ. of Melbourne on Death and the Internet: Consumer issues for Planning and Managing Death on Line – used by ISPs in shaping their processes for handling digital legacy management
* Women’s Legal Service NSW and Wesnet – producing legal guides for frontline domestic violence workers – providing some of the evidence that let to the Prime Minister’s funding on domestic violence
* Media Access Australia - Sociability: Social Media for People with a Disability – referred to on the US Government Guidelines for social media in its DigitalGov program
* Queensland Report on Aboriginal Media - produce printed and audio resources in five key Indigenous languages providing much-needed information on phone costs, how to deal with communications problems, and how to resolve issues with phone charges and billing to remote communities.

The above is just a fraction of the completed grants, but illustrates the breadth of research undertaken under the IGP, and the vital information and support it provides not only in the development of policy, but in meeting the information needed by all Australian telecommunications consumers.

1. Issues Paper, p. 5. [↑](#footnote-ref-1)
2. Productivity Commission, *Review of Australia’s Consumer Policy Framework: Productivity Inquiry Report* Volume 1, 2008, p. 2. [↑](#footnote-ref-2)
3. Ibid Recommendation 11.3, p 74. [↑](#footnote-ref-3)
4. See ACCAN, *Grant Scheme 2016 Guidelines*, p. 1. [↑](#footnote-ref-4)
5. See ACCAN’s website: <http://accan.org.au/grants/completed-grants> [↑](#footnote-ref-5)