◯ GUEST EDITORIAL: END USERS FIRST?

The Rudd Government continues to exceed industry expectations in attempting to solve long-standing problems of market failure in telecommunications. First there was the April 2009 announcement of its turbo-charged National Broadband Network initiative, vastly superior to its 2007 election promise in terms of investment commitment and end user bandwidth benefits. Then in September, 2009 came the announcement of the new regulatory regime to support the NBN: applying both carrots and sticks to encourage the dominant infrastructure carrier, Telstra, into voluntary structural separation (SS) of its wholesale fixed network business, thereby finally ensuring a level playing field for retail broadband services in Australia. It is noteworthy that about 80 percent of the submissions to the Senate Select Committee on NBN of 2008 advocated or supported functional or structural separation'.

This Journal has played its part. In 2004, Professor Peter Gerrand, our Editor-in-Chief, re-kindled the policy debate in his seminal article 'Revisiting the Structural Separation of Telstra', debunking arguments from the then Departments of Finance and Communications as to why enforcing SS would either ruin the federal budget or create 'sovereign risk' for foreign investment in Australia. And in 2008 TJA devoted its May issue to a wide-ranging debate on the merits of SS, allowing the arguments for and against to emerge across a spectrum of informed opinion. What seems most likely is that the major beneficiaries of SS will be Australia's end users, too long accustomed to paying higher prices and receiving poorer bandwidth than broadband users in many of the OECD countries with which we like to compare ourselves.

As a third major federal initiative, Australia now has a promising and energetic new government and industry-funded peak body for consumers and organisations to deal with issues related to telecommunications and the Internet – the **Australian Communications Consumer Action Network** (ACCAN). A statement on its website shows its commendable intentions:

> ACCAN aims to empower consumers so that they are well informed and can
> make good choices about products and services. As a peak body, ACCAN will
> activate its broad and diverse membership base to campaign to get a better deal
> for all communications consumers'.

Ten 'Goals and Activities' (http://www.accan.org.au/about_us.php) provide important reading for participants of the communications industry. Led by Allan Asher, well known for his strong prior consumer advocacy with *Choice* magazine, a former deputy chairman of the Australian Competition and Consumer Commission and more recently CEO of the United Kingdom consumer watchdog organisation Energy Watch, this body is sure to make its mark.

So it is timely for this edition to map the institutional history of consumer representation, as outlined here by Holly Raiche, in an historical overview of the vexed and competing interests that exist among consumers, carriers and service providers. Her account begins with the early days of Telecom, then looks at the establishment of the independent regulator, Austel, and the Consumer Telecommunications Network (CTN) in 1989. With open competition in 1997 came the Australian Communications Industry Forum (ACIF), later re-named the Communications Alliance (CA). The new body ACCAN, created in mid 2009, has now taken on the major roles related to consumer codes of practice, consumer-focused research and best practice representation.

Some hardened consumer advocates, after many years of toil, may feel that the more things change, the more they stay the same.

Jock Given and Marion McCutcheon explain how new complexities within the user environment pose dilemmas for regulators. As telecommunications and broadcasting services expanded and converged, there was initially a view that regulation would retreat towards minimalism, but it now appears that an equally powerful counter-trend is occurring. Telecommunications content services seem to now have similarities with established radio and TV broadcasting services. So it seems the new forces in Internet and mobile communications are actually pushing the telecommunications industry closer towards broadcast-like regulation of content. Others argue that we may we now need to abandon the established telecommunications and broadcasting regulations and start all over again with IP as the centerpiece for everything.

Gerard Goggin and Claire Milne provide a comparative study of recent experiences in the United Kingdom and Australia in relation to regulating for end users' needs. They suggest that Australian communications regulators will need to seek alliances and partnerships with bodies in other areas of economy and society – and end-users too will need to take a much broader view of what communications involves, and what the consumer-citizen might expect.

The edition also canvasses key new dimensions of end users choices and needs.

There appears to be little doubt that the best new communications technologies and services will be those created, designed, constructed and marketed in ways that are highly adaptive to human needs. In general, the critical human factors that drive up-take decisions include factors such as whether the prospective service enhances a person's lifestyle, fulfils personal needs, and are affordable. These considerations are obviously vital in the context of the roll-out of Australia's new broadband national network, so consequently a great deal of applied social and behavioural research is urgently needed. The article here by Peter Adams (based on research for his PhD), canvasses consumer responses to several key demand factors that have affected the take-up of broadband services. He also offers results of some initial consumer views regarding their likely response to the forthcoming National Broadband Network (NBN) national initiative.

Mandy Salomon's paper offers new ways of thinking about virtual environments, and she argues that our usual sense of 'stepping into the Internet' is likely to be replaced in the near future by more new experiences of living in an increasingly sensored (not censored!) environment as the immersive web emerges. Scott Rickard draws upon information gathered in a series of interviews with Australian families about their experiences with the rarely-researched VoIP. She offers the view based on this research that better and inexpensive communications can enhance social presence by using the more media rich experiences of extended talk video.

Belinda Barnet suggests that what many users want is the capability to be able to move their own created content – in forms such as music collections, online interactions with friends or fans, and their image galleries – between networks. She acknowledges that this may raise concerns about identity management and the privacy of personal data. There is no doubt that this notion of the eventual 'disappearance of networks' now has a high place in the strategic thinking of mediacomm organisations.

The brave world of new broadband applications and services may also usher in new institutional opportunities. Tony Walker suggests that the Australian Broadcasting Corporation (ABC) is positioning itself to extend its established high quality programming services to seek more participatory partnerships with audiences. The ABC may emerge as the nation's 'virtual town

square' with the development of broadband hubs that could also play a wider new role in the development of greater digital literacy in the community. Case studies of the experiences of international broadband companies might also be valuable when considering Australian circumstances. In this context a case study is offered here of one of the most widely recognised broadband companies in Europe – Free in France. Three major factors appear to be behind this company's success – its founder and financier (Xavier Niel), its contribution to the implementation of constructive changes to the telecommunications network access regulatory regime since 2001 and the way in which it has created and developed widely accepted consumer services, including IPTV. For NBN Co to eventually become commercially successful, Australia may need to see the flowering of more 'Frees', of different kinds, in the near future.

We may be witnessing the emergence of revitalised consumer engagements in communications – by putting the end users at the centre of the development thinking, by re-thinking the current modes of content regulation, and by fostering a new form of participatory culture.

Trevor Barr (Guest Editor)