



# CAMPAIGNING FOR COMMUNICATIONS CONSUMERS

## THE AUSTRALIAN COMMUNICATIONS CONSUMER ACTION NETWORK

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### THE NEED TO EMPOWER AND ACT FOR CONSUMERS

It is an important time for consumers in the communications market. Use of communications is at record levels and growing, especially mobile phones and broadband services. Communications are now also at the centre of economic and social policy, reflected in the advancing notion of a digital economy. It is clear that communications are central to consumers' lives and that they are essential services.

In this environment, there is great need to encourage, enable and equip consumers to act purposefully, as interpreters of their own needs, and to act for consumers who need help in the market. This will be crucial to ensure a functioning marketplace and sound policy framework.

Against this backdrop, in mid-2009 the Australian Communications Consumer Action Network (ACCAN) was formed as the new peak body to represent the interests of communications consumers. A not-for-profit organisation, ACCAN is responsible for conducting consumer research, advocacy, policy development, and education. ACCAN welcomes individual and organisational members.

### THE FUTURE CONSUMER PROJECT

To inform its strategic plan, ACCAN conducted the Future Consumer research project, supported by funding from the Department of Broadband, Communications and the Digital Economy. The project scoped key emerging consumer issues across discrete studies on telecommunications and mobiles, the Internet, broadcasting, and affordability.

Guided by an advisory committee consisting of members from government, academia, community and industry, experienced researchers reviewed a range of literature and conducted interviews with stakeholders and experts as the basis of their studies. Key findings of the report are summarised here, and the full report is available at (Sengara et al. 2009).

### A DIVERSE COMMUNICATIONS LANDSCAPE

Telecommunications, the Internet and broadcasting are no longer separate sectors requiring separate policy and advocacy work. Consumers are increasingly able to mix and match among network technologies, devices, and applications to source the communications services they desire. While noting that legacy technologies will continue to be important, the major themes of the communications technology landscape are Internet-based networks, mobility, interactivity, and transaction. Consumers are both users and producers in these spaces, and are able to execute a wide range of personal and business activities across sectors.

## **A PLETHORA OF CONSUMER ISSUES**

The studies identified a wide range of issue areas, broadly covering access to underlying networks, service delivery, and content and services delivered over networks. There were sites of crossover between these that stood out, including siloed policy frameworks, a need to connect to international policy work, non-discriminatory access to services, the use of personal information, copyright, content regulation and environmental impact. With a future-looking gaze, though, the report suggests ACCAN hone its focus on five key areas of need for consumers.

## **MAKING THE MARKET WORK FOR CONSUMERS**

### **RESPONSIVE AND SUSTAINABLE CONSUMER PROTECTION AND POLICY MECHANISMS**

The consumer experience in the market is highly variable. In 2008 the Telecommunications Industry Ombudsman (TIO) experienced a 50% increase in complaints, up to 150,000 (TIO 2008). The Australian Competition and Consumer Commission and Minister Conroy have both expressed grave concern at the state of consumer experience in the market (Samuel 2009; Conroy 2009).

Consumer outcomes are not formally at the centre of current mechanisms. The self-regulatory regime of the telecommunications space is too slow to respond, does not engage with consumers enough, is not complied with, and not adequately monitored or enforced. There is lack of direction in the converging landscape, with multiple pieces of legislation across telecommunications, Internet and broadcasting. Another important element is engagement in regional and international standards and policy bodies, working groups and other forums to deliver outcomes for consumers.

### **VAST IMPROVEMENTS IN CUSTOMER SERVICE AND COMMERCIAL PRACTICES**

Customer service is the most complained about aspect of the market, including advice, failure to action requests, failure to refer to the TIO, and availability of service. Complexity of commercial relationships is also making it difficult to interact with providers and seek redress, especially in a converged landscape that crosses sectors. Additionally, companies are offering more bundles of services, making switching challenging, including services ‘locked’ to providers.

Consumers face major challenges in providing informed consent, especially vulnerable consumers. This issue is the topic of another recent ACCAN research report (Galexia 2009). Misleading conduct and complex information provision are problems across consumer contracts, point-of-sale advice, advertising, and product terms and conditions.

This includes new concerns over electronic contracting and online marketing technologies able to track and collect user information surreptitiously.

### **CLEAR, RELIABLE AND ACCESSIBLE CONSUMER INFORMATION**

Information in the market comes from many sources and in many types. However, it is often not presented in accessible ways, is too technical or legal, is too lengthy, and doesn’t come from trusted sources. Consumers cannot make informed choices in this environment. There is also a strong feeling that there is low consumer awareness of rights, but a desire to be informed. This encompasses a need to engage more groups of consumers in advocacy. An example is young consumers, who are technically savvy but under-represented.

## **COORDINATED DIGITAL MEDIA LITERACY TRAINING**

The term ‘digital media literacy’ describes the ability to use, understand and create media and communications. Though under-researched, many consumers are not confident in their skills in the market or in the use of technology. There is no national, coordinated strategy to develop and measure media literacy across all groups of consumers. There is particular need for older consumers, consumers in rural and remote locations, consumers with disabilities, and Indigenous consumers to have customised programs.

## **ENSURING AVAILABILITY, AFFORDABILITY, AND ACCESSIBILITY OF SERVICES**

### **BASELINE PROTECTIONS AND INCLUSION PROGRAMS**

Communications services in Australia are not universally available, accessible, and affordable. For many, this has created inequity and barriers to participation in society. In terms of availability, people who live in rural and remote communities, especially remote Indigenous communities, do not have nearly the same communications options as people in metropolitan areas – in some cases not even basic landline and public phone services. There is urgent need for equitable mobile and broadband services, and better customer service.

The importance of communications technology, combined with economic turbulence makes affordability of services more essential than ever. However, despite growing acceptance of its importance in take-up and use of communications, there is little work defining or measuring it, especially for broadband and mobile services. There are limited policies to enhance affordability of these technologies beyond what the market provides. Better provisions are needed for consumers with disabilities, consumers in rural areas, and Indigenous consumers especially.

In terms of accessibility, non-inclusive design is a primary issue. Often, devices and software applications are difficult to use. This is especially the case for consumers with disabilities and older consumers, a growing portion of the population. For those who do require additional assistance to use communications services, including Deaf and blind consumers, there is limited availability of assistive equipment (for newer technologies like real-time IP-based text and captioned telephony in particular) and an independent equipment program through which to source them. Another key issue here is a lack of compatibility and interoperability, and stipulations requiring it, especially considering the pace of technological change and proliferation of devices and applications.

## **SHAPING THE NATIONAL BROADBAND NETWORK**

### **CONSUMERS AT THE FOREFRONT OF POLICY AND SYSTEM DESIGN**

The NBN (DBCDE 2009) is a very significant piece of policy, but much remains to be seen with regard to its outcomes for consumers. There are unanswered questions over availability (especially ensuring all consumers have equivalent access), usefulness, affordability (billing, disconnection, comparison to current tariffs), reliability (cabling, performance during blackout, interoperability) and non-discriminatory protections.

## **ENSURING OPEN ACCESS NETWORKS AND NETWORK NEUTRALITY**

Non-discriminatory networks, and non-discriminatory availability of content is important for equity. The NBN proposal calls for an open access wholesale-only network, though specifics about how this will affect relationships with retailers remain to be seen. There are also no provisions to ensure network neutrality, to prohibit providers from offering tiered services.

## **GUARDING SECURITY, PRIVACY, AND FAIR USE**

### **SAFETY FROM ATTACKS ON PRIVACY AND E-SECURITY**

Security and privacy is eroding through the use of communications technologies, and Australia's laws do not sufficiently or clearly deal with most e-security and privacy issues. Malware and viruses, widely available, can significantly damage consumer devices and networks, and can also act as a delivery mechanism for other attacks, including identity theft.

Data collection techniques, data sharing, data persistence, data mining, and location information all create vulnerabilities, often without the knowledge and consent of consumers. The growth of mobile technology, e-commerce and social networking pose particular concern, as they allow use and creation of a vast array of data and services.

### **CONSISTENT PROTECTION OF MINORS ACROSS PLATFORMS**

Restrictions on content have often been based on determining where the content will be encountered and by whom, but content has become increasingly 'mobile' – able to be delivered across a range of platforms and into a range of environments. Converged content doesn't fit within the silos that have previously dealt with censorship classification, and the lack of platform-neutral policies creates uncertainty. Additional emphasis is needed on protection of minors in unfair marketing, subscription services, over-consumption through mobile commerce functions, and applications of location-based services.

### **CLEAR AND FAIR COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS**

Communication technologies have changed production cycles. This has created a great deal of confusion over ownership of co-created content, and complex law to navigate. The need for simplified systems to manage rights is urgent. Additionally, Technological Protection Measures (TPMs) or Digital Rights Management (DRM) systems coded into digital works set restrictions that often prevent work from being used for fair purposes. They can also prevent users who have legitimately bought a work from copying it from one of their devices to another, e.g. for backup. There is also a trend to involve Internet service providers in a policing role, including the threat of broadband disconnection for violations (Vaile 2009).

## **SUPPORTING RESPONSIBLE CONSUMPTION**

### **ADDRESSING E-WASTE AND ENERGY EFFICIENCY**

E-waste can be defined as discarded electronic equipment and accessories. Indications are that e-waste is growing quickly. Concerns include resource use, the potential environmental impact of using landfills, a lack of recycling facilities, and a lack of policy to reduce and manage e-waste.

In fact, it might be argued that policies like the NBN and development of a digital economy will contribute to e-waste without appropriate regulations.

Energy consumed by use of consumer electronic devices might be a major issue in the fight against climate change, which all stakeholders have a responsibility to address. Standards are needed in equipment design to improve energy efficiency, especially in areas such as standby power and charging of devices. A final issue across both of these areas is that consumers are having difficulty comparing ICT products based on their environmental impact.

## MONITORING EFFECTS ON HEALTH AND QUALITY OF LIFE

Research is needed, but there are growing concerns around addiction, ergonomics, and sedentary lifestyle affecting health. There are also concerns around stress and information fatigue. Another issue is exposure to equipment and transmissions, especially wireless networks and devices. Certainly consumers would benefit from more definitive information on this topic and arrangements to help them make appropriate technology choices.

## CONCLUSIONS

Across issues in consumer protection and policy, availability, accessibility, affordability, privacy, security, environmental impact, and more, communications consumers have a number of urgent and evolving needs. As the peak consumer body representing communications consumers, ACCAN will address these by focusing its attention on empowering consumers to act on their own behalf, and by acting for consumers who need help. The consumer experience in the communications market must improve, and ACCAN will pull no punches to achieve this.

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