

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

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Yes

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Logo of organisation

WEstjustice

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General comments

About Western Community Legal Centre

Western Community Legal Centre (trading as WEstjustice) is a newly formed entity created from the amalgamation of Wyndham Legal Service Inc., Footscray Community Legal Centre Inc. and Western Suburbs Legal Service Inc.

WEstjustice is a community organisation that provides free legal assistance and financial counselling for the benefit of people who live, work or study in the City of Maribyrnong, Wyndham or Hobsons Bay, in Melbourne's Western suburbs. We have offices in Werribee and Footscray as well as a youth legal branch in Sunshine and outreach across Laverton. WEstjustice provides a range of legal services including legal information, advice and casework, duty lawyer services, community legal education, law reform, advocacy and community projects.

WEstjustice has a long history of working with newly arrived communities. Over the past five years, more than 50% of our clients spoke a language other than English as their first language. Approximately one quarter of our clients are newly arrived (having arrived in Australia in the last five years) and our refugee service alone has seen approximately 700 clients in the past five years.

WEstJustice has developed specialty advisory services and education programs that address the particular legal and social problems that newly arrived and refugee communities encounter. For example, we have explored the experiences of newly arrived communities in relation to the courts, housing, energy, and telecommunications markets in recent years.¹

ACCAN is the only organisation in Australia with specialist consumer knowledge in telecommunications. As such, ACCAN plays a crucial role in linking generalist organisations, such as community legal centres, into consultations on a broad range of issues about telecommunications

¹ See eg, Footscray Community Legal Centre, Brochures/Publications (2011) <<http://www.footscrayclc.org.au/brochures-publications/>>.

policy and outcomes. The co-ordinating and outreach role of ACCAN is crucial in ensuring that voices of minority groups such as the aged, CALD and disabled consumers are heard by government, industry and regulators.

Response

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

WEstjustice believes that ACCAN delivers an informed platform that highlights topical needs in relation to consumer needs. WEstjustice has worked with ACCAN to ensure CALD community needs are considered in regulatory debates. WEstjustice also relies entirely on ACCAN to alert us through newsletters and email alerts, to issues of significance to our community.

ACCAN's work on increasing awareness of affordability issues and identifying unfair contract terms has been of assistance to WEstjustice's client cohort. In particular, ACCAN have worked in partnership with ACMA to deliver better priced fees for calls to 1800 and 1300 numbers; introduced fee waivers for particularly vulnerable consumers and published research which highlighted the confusion consumers experience regarding global roaming fees. We believe that these initiatives will create greater transparency for consumers when engaging with telecommunications and broadband services.

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

ACCAN has a high profile with a broad range of industry, government and community stakeholders. ACCAN has a presence at national consultative gatherings with regulators such as ACCC and community organisations such as Financial Counselling Australia, other CLC's, and also the Telstra Consumer Round Table.

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?

We believe that ACCAN has covered the representation of general and needs based consumers equally. In recent years perhaps with a larger budget ACCAN has been able to improve their visibility in both general and particular needs based groups.

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

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

There is a need for a body to cover the field. We believe that if the Government only funded consumers with particular needs, the system would be incomplete, leaving gaps. Furthermore such an approach would not address the multifaceted issues consumers face. There are broad based consumer case work agencies such as CALC and financial counselling groups that routinely see general consumer problems in the telecommunications industry and it's important that the views of such groups are also represented and therefore funded.

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

A general consumer body would not have the effective attributes to facilitate a telecommunications representation function, nor the specialist & technical knowledge required. Thus we believe that generalist bodies do not have the relevant knowledge or skills to carry out such a function. There may be a need to extend knowledge within some other specialist consumer bodies such as CALC or Technology based group – there may also be the need to fund some greater geographical representation but this could be done by funding ACCAN to establish a regional office in another state.

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

No, there is a need to allow the community sector to initiate as well as respond. A government agency will not be responsive to community concerns

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?

Research funded through the IGP has significantly influenced both policy and industry practices. The 2010 Home Internet project and the 2013 Homeless Connected project initiated further funding from the private sector for other similar projects. For example, the *What Standards* project which debuted in 2013, foundationalised the production of videos produced by VicDeaf for emergency services. Furthermore, research conducted by the University of Technology Sydney in 2010, investigated the lack of awareness in newly arrived refugee communities concerning telecommunication consumption. The research entitled *Mind The Gap* illustrated how the lack of telecommunication literacy in such communities was in need of critical reform. This research has been Of great use to education programs and settlement support services.

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?

Yes the research is useful however it would be helpful if some research projects were specifically based on the work of consumer case work agencies to reflect the actual experience of consumers in the market place.

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?

WEstJustice believes it is crucial for the Government to continue to fund ACCAN as a consumer voice is vital in the telecommunications industry. ACCAN's *ACCANect Conference: Equipping Consumers to Stay Connected*, which occurred earlier this year, illustrates this. The Conference focused on empowering consumers to stay connected in a cost-effective manner and centred on topics including digital inclusion and affordability. Furthermore we believe that Government funding has enabled ACCAN to undertake important research into how the telecommunications landscape intersects with current social issues. For example, ACCAN's research into connectivity costs; arduous telecommunication costs; and the barriers residents within social housing face in getting connected, have all shined a light on the need for reform in particular areas that will enhance Australians' digital literacy. WEstJustice believes that ACCAN should be supported in exploring these important issues.

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

WEstjustice has worked closely with ACCAN on several projects designed to assist newly arrived communities. We have also responded to issues in relation to the aged. However we would support some funding to increase capacity in other organisations and particularly in regional and rural Australia. This would need to be in addition not instead of funding reserved for ACCAN.

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?

Yes, a limited budget for targeted community education for vulnerable consumers is required.

Telecommunications is very specialised and community legal centres such as ours do not have the time or resources to contribute a lot hence our lack of involvement in recent years. We wish to apply for ACCAN funding in the new years for a Train the Trainer program to address this unmet need in the communities we work with. The project would feature:

- the development of a suite of education resources for newly arrived communities, including videos and a PowerPoint presentation;
- a training program for community leaders;
- a launch event for agency staff, where education resources were showcased, and community leaders demonstrated their skills; and

- a series of information sessions, delivered by the community leaders to their communities.