

Submission to DBCDE on the development of the National Broadband Network Request for Proposals

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This submission is made jointly by

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Background

The Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, has called for submissions that will assist in the development of the National Broadband Network Request for Proposals.

This submission contains the recommendations that will be included in a policy document, *Accessible Broadband for all Australians*, which has been jointly produced by Media Access Australia, Australian Communication Exchange and the Consumers' Telecommunications Network. This will discuss the importance of having a strategic plan to ensure that broadband will be accessible for all Australians, and identify the benchmark areas that must be addressed, namely: universal availability; technology quality of service; regulatory arrangements; affordability; service offerings; equipment; support programs and training; and content accessibility. The full document will be released shortly.

Broadband Accessibility Benchmarks

1. Universal availability

Attaining 100% coverage to all Australians by high-speed broadband networks must be the goal that drives policy decisions. This will avoid the need for subsequent ad-hoc funding programs that address gaps in economically inefficient ways, as has been the approach in recent years.

Any new broadband network or infrastructure program that utilises public money, or is facilitated through an adjustment to the regulatory framework, must have a contractual and licence obligation to be universally available to all Australians. The commercial realities of building a network across vast distances need to be built into business plans, not avoided or divided into separate roll-out programs. Allowing a roll-out in only areas deemed commercially viable would mean that those less commercially attractive areas would be discriminated against on their geographical location, rather than addressing the need and right to universal service. People with disabilities are not confined to 'commercially viable' locations.

Infrastructure must be strategically rolled out to ensure universal availability at equivalent quality of service levels. Satellite, wireless and ISDN services are *not* equivalent if they offer vastly inferior services compared with other technologies.

Implementation Recommendations:

- a) Develop a National Broadband Plan with a blueprint for achieving 100% coverage, with funding preferences to subsidise coverage in un-serviced areas, and regular auditing of existing availability compared with the blueprint;
- b) Department of Broadband, Communications and the Digital Economy (DBCDE) to create a reference group which includes consumer experts to consider applications for funding to achieve universal coverage;
- c) Use the Communications Fund revenue to pay for broadband roll-out; this was derived from the sale of Telstra and should be re-invested in future communications services.

2. Technology Quality of Service

Network design must be 'future oriented'. It should have capacity and service delivery capabilities to minimise ongoing investment to accommodate future demand, including the provision of symmetrical bandwidth. A combination of technologies may be needed to address issues of distance and terrain. Interoperability must be ensured, to prevent bottlenecks in accessing services and ensure seamless end-user experiences. Minimum speed requirements need to be developed in consultation with consumers and adjusted over time to ensure that future needs can be met; for example live Video over IP will require a symmetric 1/1Mbps connection. Essential services, such as voice and video communications needed for disability accessibility programs, must not be de-prioritised at the network level. Symmetry between upload and download speeds will become less critical as higher transmission speeds are attained.

Implementation Recommendations:

- a) Mandate quality of service levels for broadband services, including minimum speed levels through industry standards, to support minimum essential communications services;
- b) Create a standing expert committee which should include consumer representatives to provide guidance on technology issues.

3. Regulatory arrangements

The consumer protection principles that now underlie the standard telephone service must be upgraded to reflect the fact that broadband will be the delivery medium for future voice, data and video services. Competitive principles must be protected within the regulatory framework, so that consumers can access multiple service providers. Infrastructure providers must not be given regulatory exemptions that create effective monopolies; barriers to investment can be addressed in alternative ways. Regulation should be consistent across all broadband service providers, and will need to cover pricing arrangements to ensure affordable and equitable access for all.

Most importantly, the regulatory framework should not be static, but reflective of changes in user needs, for example basic minimum speeds that reflect usage patterns. Any new network deployed must provide a community impact statement based on consultation with consumer and community groups, including the identification of any barriers to accessibility and how these will be ameliorated. Building in these statements at the beginning of the process will help prevent consumer issues arising and being dealt with in a reactive and inefficient way.

Implementation Recommendations:

- a) Mandate access to broadband as an essential service by extending the Universal Service Obligation or an equivalent regulatory mechanism to cover broadband services, for example through legislating a Broadband Guarantee;
- b) Develop a self-regulatory Code to address net neutrality to ensure equal access of communications over broadband networks;
- c) Ensure any publicly funded (or partly publicly funded) network is subject to structural separation to ensure wholesale competition which will allow consumers to have a choice;
- d) Require community impact statements that ensure all broadband infrastructure roll-outs are accessible. These can be implemented in the same way as regulatory impact statements.

4. Affordability

Affordability issues need to be addressed if a new network is developed to ensure that fixed and low-income consumers can access basic communications services. Affordability is a broader issue than just the cost of a broadband service. It also includes the initial and ongoing cost of computing equipment (including specialised equipment for people with disabilities and ongoing security upgrades) and the cost of a broadband connection of high enough quality to support the communications needs of the user. Similarly, disproportionately high costs for some users must be offset to ensure equitable affordability; for example, Deaf users seeking to access a Video Relay Service need high-bandwidth services, which are more expensive.

Implementation Recommendations:

- a) Create a communications allowance or rebate to enable affordable services, available to all who are recipients of government benefits;
- b) Allowance/rebate be available to users who require premium services to meet basic communications needs (eg access to Video Relay Service);
- c) ACCC to have price controls over new high-speed broadband networks;
- d) Protect against the ongoing issue of unexpected high bills resulting from usage of supposedly 'unlimited' services;
- e) Introduce equipment rebates or vouchers for low-income consumers for start up costs and users of assistive equipment.

5. Service offerings

A mechanism is needed for comparing products to ensure consumers are not overwhelmed by the 'confusopoly' of choice. Service offerings and descriptions of services need to be contractually fair and explained in plain language, and ideally should be based on a standard model. Large segments of the community find broadband information inaccessible because of the use of jargon, overly complex legalistic terms and complicated marketing and advertising claims. The development of an advisory service should be considered, along the lines of the private health insurance comparison model.

Stricter controls are required on the advertising and marketing of broadband services. Instead of the maximum theoretical speed, there is a need to indicate what likely speeds of services will be. This will ensure consumers can choose services that will meet their particular needs.

Implementation Recommendations:

- a) Create a model contract for broadband services, incorporating existing state unfair contract legislative protections, and including protection against restrictive bundling practices;
- b) Independent advisory service that can suggest a suitable provider and plan particularly for vulnerable consumers;
- c) ACCC to police misleading advertising of broadband speeds and unlimited services.

6. Equipment

Industry awareness about accessible equipment needs to be enhanced and appropriate products developed for the marketplace. Many user accessibility issues are related to the programming of equipment which makes it inaccessible; for example a reliance on menus on VOIP handsets creates difficulties for blind users. Inclusive design principles need to be mandatory, and closer relations need to be developed between equipment manufacturers, suppliers and user groups to ensure products are meeting user needs. An industry wide assistive equipment program should be considered as an affordability measure and to ensure all suppliers can offer their customers appropriate products.

Implementation Recommendations:

- a) Establish an independently run assistive/disability equipment program, co-funded by industry and government, that can recommend appropriate technology for users with particular needs; an expert consumer committee will be integral to the decision of appropriate equipment;
- b) Inclusive design principles incorporated in Australian and international customer equipment Standards.

7. Support programs and training

It's critical to recognise that the roll-out of a new high-speed network will not by itself reach Internet non-adopters or ex-users. User demand needs to be stimulated through ongoing programs that support user education and training. For example, seniors computer training programs and opportunities through the education system can be resourced and leveraged off.

Specific attention needs to be paid to education and training for users who are non-adopters in order to provide the opportunity to see the relevance of broadband to their lives. Trials, pilot user-led projects, and equipment demonstrations will help to create demand. It is critical that programs receive ongoing funding, to avoid previous problems where the benefit of the service has been removed when training and support programs have lost funding.

Implementation Recommendations:

- a) Use the Communications Fund to create a funding program for ongoing training programs for community educators with sufficient resources to deal with long-term skills creation;
- b) Ensure ongoing skills training so that community educators are up to date.

8. Content Accessibility

Online content must become more accessible for people with disabilities. Ensuring that websites are accessible as per the W3C initiative may be supplemented by self-regulatory benchmarks to ensure content is accessible.

Industry and government have a role in setting examples of best practice in creating accessible content, particularly multimedia products. For example, the political debates on YouTube were not captioned, meaning Deaf consumers didn't have the same opportunity to assess the arguments on issues that as voters were relevant to them. Funding for research and development for new technologies and accessible services is another way to lead the world by example in ensuring broadband is truly accessible for all.

Implementation Recommendations:

- a) Audit government websites to ensure they conform with W3C standards;
- b) Ensure that all Internet content that is created by any level of government, or is created using government funds, should have mandatory accessibility provisions, captions and audio description, as well as W3C compliance;
- c) Ensure that material from television (vodcasts, etc) originally presented with closed captions should also be offered on the net with an option for captions (open or closed);
- d) Encourage projects and pilots of innovative information provision, e.g. Auslan podcasts and captioning of video information, especially for government websites;
- e) Fund accessibility training;
- f) Recognise and promote best practice exponents via regular awards;
- g) Initiate accessibility incentive schemes for content providers.