

CommsWire

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RSPS BEWARE – ACMA NBN RULES NOW IN FORCE



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RSPS MUST TREAD WITH CARE AS ACMA NBN RULES NOW IN PLACE

The final rules devised by the Australian Communications and Media Authority to improve the experience of consumers who move over to the national broadband network, and carrying penalties of up to \$10 million for offenders, take effect from today.

All the rules can now be enforced by the ACMA and allow it to begin an audit to look at taking court action for injunctions and civil penalties up to the aforementioned sum.

New rules for handling complaints have been in effect since 1 July. The rule that took effect on Friday concerns the NBN Co's consumer information standard that ensures consumers are given all the necessary information to make informed choices about the NBN service and plan that is right for them.

The ACMA said in a statement that over the last six months it drafted rules to:

- "give [consumers the information they need](#) to choose an NBN plan;
- "[confirm](#) that their new NBN service is working;
- "provide [an interim service](#) to the consumer or reconnect their old service if there are delays getting the new NBN service working;
- "[move swiftly](#) to resolve complaints, drawing in other companies in the NBN service supply chain where necessary to stop 'buck-passing' of complaints between providers and NBN Co."

Chair Nerida O'Loughlin said: "The ACMA has been working hard on behalf of consumers to address issues of concern before we reach the peak rollout period for the NBN.

"With the new rules in place, the ACMA will now turn its attention to industry compliance.

"We have already put telcos on notice in our [Compliance and enforcement statement of approach](#) that early and consistent compliance with the new rules is essential.

"Our preliminary findings indicate that telcos still have a long way to go to comply with these new complaints-handling rules.

"Formal investigations into a number of providers are ongoing and we will publish a report on these once finalised.

"We remain absolutely focused on the implementation of safeguards and protections for consumers during their move to services delivered over the NBN."

Sam Varghese

LABOR ASKS GOVT TO PROCEED WITH CARE ON ENCRYPTION BILL

The Australian Labor Party has termed "unacceptable" the Government's introduction of its encryption bill into Parliament on Thursday, just 10 days after public submissions to the draft ended and with no response released to stakeholders.

In a joint statement, Shadow Attorney-General Mark Dreyfus, Shadow Communications Minister Michelle Rowland and Shadow Digital Economy Minister Ed Husic that the government's decision made "s a mockery of the exposure draft process", and suggested that the "consultation" was nothing more than "a sham".



The draft bill — officially known as the [Telecommunications and Other Legislation Amendment \(Assistance and Access\) Bill 2018](#) — was introduced into the lower house of Parliament on Thursday by Home Affairs Minister Peter Dutton.

It was [released](#) on [14 August](#) and comments were invited until September 10.

The three Labor shadow ministers it was not plausible that Dutton had been able to consider properly the concern over the bill that had been expressed by industry and other stakeholders.

"Instead, the government appears to have taken a tick-and-flick approach to an incredibly complicated bill, with potentially far-reaching consequence for the privacy and digital security of all Australians," the three said.

"Reflecting the complexity involved, when a similar bill was introduced in the UK, it took two years from announcement of the government's policy to implementation of the bill."



Dreyfus (left), Rowland and Husic reminded the government of what they described as the "mess" that had been created when the "half-baked metadata bill" was handled in a similar way.

They said proposals that sought to provide security agencies with powers to bypass encryption and access personal communications "must be subject to robust and well-considered consultation".

"This includes rigorous scrutiny by the Parliamentary Joint Committee on Intelligence and Security once the Bill is introduced into Parliament to ensure proposed legislation is best targeted to combat those who seek to do Australia and our interests harm."

The Labor shadow ministers pointed out that protecting national security and enabling law enforcement agencies to operate effectively in the digital age was a bipartisan commitment.

"Labor is absolutely committed to ensuring our security agencies have the resources and capabilities they require to keep our community safe.

"In doing so, we need to ensure that Australians also have confidence that appropriate privacy safeguards and transparency measures are put in place, to ensure their rights and freedoms are protected as they go about their daily lives," they said.

"It is vital that the government engages in proper consultation processes when introducing entirely new national security laws with the potential to impact every Australian who uses a phone or computer.

"Without proper consultation, public confidence in these measures, and the agencies that use them, may be undermined.

"It is important to get this right and with its rushed process the government has not made a good start towards that outcome."

Sam Varghese



John de Ridder

Telecommunications Economist

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The Labor method, seen many times before, is to call for "a considered approach" and then, after extracting some minor concession, trumpet that it has saved the world and vote for the bill.

This time, that kind of duplicity will not cut it.

This is a law that will have enormous unintended consequences and Labor should seriously consider whether it wants to have a bet each way as is its normal approach.

The Greens have [come out forcefully](#) against the bill, but one always argue that they are not a contender as an alternative government and, hence, can take any stand they wish.

Australia now has a massive number of draconian security laws, none of which make the country any safer, all of which were rammed through by Coalition Governments who used the bogey of "national security" to frighten the bejesus out of Labor and cow them into supporting legislation.

Labor can co-operate with the Greens and the minor parties in the Senate and put paid to Home Affairs Minister Peter Dutton's wet dream.

Just today, Labor has uttered its [first](#), entirely predictable reaction to the introduction of the bill in parliament, deeming it to have been brought in iundue haste.

Dragging out the process is of little use.

This bill is rank stupid and the consequences for any country that has legislation like it in place will be monumental, both in terms of cost and also in terms of unnecessarily tangled legal processes.

It may look all neat and clean on paper but the technical implications are long-lasting and extremely complicated.

Law enforcement agencies will never stop asking for more and more laws; that's the figleaf that they use to mask their own inefficiency.

Labor should refuse to be blackmailed by these agencies who already have more than enough power to keep the country safe.

There's an old Indian saying: "Never put a matchbox in the hands of a monkey."

Passing this bill law would be the exact equivalent of that.

Sam Varghese

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NBN – MORE CONVOLUTED PRICING

The new entry level price is not affordable and imperils take-up

On 18th September, the NBN [advised customers](#) about the much anticipated “discounted” Entry Level Bundle (ELB). It has made only two small adjustments from what it foreshadowed in December 2017: *“We are proposing to launch a new entry-level bundle as a low-usage plan at a wholesale charge of \$22 per month with an included 50Kbps of data, which is enough to cover a basic telephone service as well as basic email and web browsing.”* The included 50Kbps CVC per user has been lifted to 150Kbps but the discount on the \$24 NBN 12/1 AVC has been reduced from \$2 to \$1.50.

The \$22.50 wholesale price will translate into something like \$30 pm retail. The current TPG price (based on \$24 wholesale) is \$30 pm; which includes 10GB of data. That may have to change because the ELB 12/1 AVC is designed for voice users who do not use much data.

Before mandatory CVC capacity was bundled into High Capacity Bundles and now also Entry Level Bundles, ISPs ordered enough CVC to deliver chosen contention ratios (and could have more than one CVC in a service area to give different grades of service). If the ISP had 100 end users and ordered 100 Mbps of CVC (1 Mbps/user), aggregate speeds would be artificially slowed down to ensure the CVC would deliver no more than what was purchased. All AVCs in the CVC were affected. This is not the case for ELBs.

NBN’s Retail Service Providers (RSPs) have to opt-in to ELB 12/1 AVCs which are quarantined to an “associated” CVC. The total downloads measured

daily over the peak 30-minute period for such a CVC are divided by the number of ELB lines on that CVC to calculate bandwidth usage. If the daily average over the billing period is more than the allotted 150Kbps per user, the wholesale price doubles to \$45 pm for every ELB on that CVC in the next billing period. So, with NBN’s double jeopardy you can be charged twice for even minor transgressions.

Presumably, the AVC is still 12/1 while the ELB is charged \$45 even though the [list price](#) is \$38 for 100/40 (and \$45 for the 50/20 [High Capacity Bundle](#) with 2Mbps of CVC capacity).

It is unclear whether the RSP can buy more CVC capacity for its ELBs at \$17.50/Mbps. If it can raise the 150Kbps bar this way, neither the dimension-based discounts nor the \$8/Mbps available to High Capacity Bundles apply to its purchase of extra CVC capacity.

“I would not sell my mother a fixed service if she wanted only voice. Mobile service can offer unlimited talk and text in Australia for \$20 pm versus \$30 pm based on the NBN’s new ELB wholesale service”.
(Unattributed – not Mrs Burgess)

The list of discounts, credits and rebates is now over 70 pages long and needs a lawyer to decipher how they work together. The [price list](#) is only 20 pages long.

In the “[pea and thimble](#)” column in February, I said NBN pricing is sliding inexorably towards, effectively, a fixed (bundled) fee that will grow as the amount of embedded CVC has to be increased. This will make affordability issue worse.



My USO [paper](#) for ACCAN argued that a social tariff for affordable fixed broadband has to be around \$5/week.

The same article includes this chart showing how that could be achieved with more imaginative NBN wholesale pricing.

An affordable entry level tariff is also critical for migrating customers to the NBN.

It hopes to see over 3 million homes and businesses connected to the NBN over the next two years.

In August 2018 there were 7.2 million Australian homes and businesses able to connect, of which 4.3 million homes and businesses were connected to a plan over the NBN.

Next year will be the biggest year for construction with an additional 2.7 million premises to be declared Ready to Connect.

Then FY20 is forecast to be NBN Co's most significant year of activations with 2 million new homes and businesses expected, bringing total activations to 7.5 million.

The NBN faces a moment of truth when users have to decide whether to opt-in to the NBN or default to mobile. Mobile services are just getting better and better.

The pricing going into effect on 2nd October makes a mockery of building a high-speed broadband network.

It was bad enough to ration speed with the initial price tiers but to now actually prevent low use customers having the opportunity to use broadband seems outrageous and mean.

John de Ridder

ACMA SEEKS INPUT TO TELECOMS INDUSTRY INFRINGEMENT RULES

The Australian Communications and Media Authority wants to change the rules governing the industry to allow it to issue infringement notices for contraventions of the Service Migration Determination regulating consumer moves to the NBN.

Infringements of the rules governing the telecommunication industry are under review by the ACMA, and on Friday the Authority [issued a notice](#) seeking public submissions on the draft amendment of the infringement provisions.

The announcement by ACMA on infringements coincides with the Authority's final rules to improve the experience of consumers who move over to the national broadband network [taking effect from Friday](#).

As reported by CommsWire, the rules carry penalties of up to \$10 million for offenders.

The Service Migration Determination applies to telcos, both retail and wholesale, and is designed to ensure that consumers aren't left without a working telecommunications service when a problem arises during their move to the NBN, and that their NBN service will work as promised.

Under current rules on infringements, the ACMA is able to issue infringement notices for contraventions of:

- The Telecommunications (Consumer Complaints Handling) Industry Standard 2018
- The Telecommunications (Consumer Complaints) Record-Keeping Rules 2018
- The Telecommunications (NBN Continuity of Service) Industry Standard 2018, and
- The Telecommunications (NBN Consumer Information) Industry Standard 2018.

However, in its notice on infringements - seeking feedback on the proposed Telecommunications (Listed Infringement Notice Provisions) Amendment Declaration 2018 - the ACMA says it is not currently open to the Authority to issue infringement notices for contraventions of the Service Migration Determination governing consumer moves to the NBN.

“So that a consistent range of remedies are available for each of the new instruments, the draft Amendment will vary the declaration to list relevant provisions of the Service Migration determination,” the ACMA says.

“This will enable the ACMA to issue infringement notices for contraventions of the listed provisions of the Service Migration Determination, from three months after the date on which they are listed.”

Peter Dinham

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