Priority Assistance Policy Position
August 2021

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The current situation

Priority Assistance is currently available exclusively to telecommunications consumers with a diagnosed life-threatening medical condition. It is a service that provides faster connections and fault repairs for fixed phone services. Fixed phone services are delivered over a range of different technologies, including using the copper network and the National Broadband Network (NBN). Currently, Telstra is the only retail service provider (RSP) obligated to provide Priority Assistance services, however other RSPs can choose to also provide Priority Assistance to consumers with life-threatening medical conditions.

The industry-wide Priority Assistance requirements[1] outline that RSPs that offer Priority Assistance must provide those customers with connection, reconnection or repair of their fixed phone service within 24 hours in urban and rural areas, and within 48 hours in remote areas.[2] Where these timeframes cannot be met, RSPs offering Priority Assistance must provide Priority Assistance customers with an interim or alternative service. RSPs offering Priority Assistance must also test a Priority Assistance customer's fixed phone service if they have two or more faults in a three-month period.

The issues

The current Priority Assistance arrangements and timeframes were developed under a different telecommunications environment that didn't include broadband. As such, the current arrangements are outdated and need to be reviewed due to the changing technology and consumer expectations.

The essentiality of digital connection

Community expectations and the need for digital connectivity have changed since the development of the current Priority Assistance service obligations. Fixed phone and broadband services alike are now supplied over the NBN and other networks, and a contemporary understanding of an essential telecommunications service now includes broadband.[3]

Responsibility for Priority Assistance

It is well recognised that telecommunications are an essential service, and there is general agreement that the telecommunications industry shares the responsibility of keeping

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[1] Industry Code C609:2007 Priority Assistance for Life Threatening Medical Conditions. Available: https://www.commsalliance.com.au/Documents/all/codes/c609

[2] As outlined in the Industry Code, 'to a large extent, the Code extends requirements currently applying to Telstra to all Suppliers who choose to offer Priority Assistance' (pi). It is worth noting that Telstra is not required to follow the Industry Code – instead it must follow the rules set out in its carrier licence.

[3] Indeed, in its 2019 response to Part B of the Consumer Safeguards Review – Reliability of Services, the Australian Competition and Consumer Commission stated that 'Broadband services are now as important, if not more important, than fixed-line voice services for many consumers' (p2).

consumers connected.[4] Despite this, as outlined above Telstra is currently the only RSP obligated to provide Priority Assistance services. Although other RSPs can elect to provide Priority Assistance services to their customers,[5] iPrimus is the only other RSP that elects to do so.[6] This limits consumer choice for people requiring Priority Assistance services and has historically meant that these consumers pay more for their voice services.[7]

Timeframes

The fact that RSPs now rely on infrastructure or services provided by a third party to deliver fixed phone services (for instance, NBN Co) means that RSPs are no longer solely responsible for meeting connection and repair timeframes. This can lead to delays in connections and repairs that are beyond the control of RSPs and can result in consumers being left on interim services indefinitely.

Interim services

Currently, Priority Assistance customers are only offered interim services for their fixed phone service. As mentioned above, in some instances consumers are left to rely upon interim services for extended periods of time, and often these interim services do not offer the full functionality of their regular connection (particularly in the NBN fixed footprint).

Eligibility and registration

The current process of requiring approval from a doctor or medical practitioner to apply for Priority Assistance can be onerous and costly for consumers. It can also be time-intensive, particularly for consumers living in remote or rural areas where access to medical professionals can require significant travel. Furthermore, consumers report that the process of re-registering for Priority Assistance every three years doesn't take into consideration the time and effort required to obtain a medical certificate. In addition, current eligibility requirements for Priority Assistance are limited and do not adequately reflect the essentiality of being connected for different groups (for instance, people living in regional, rural or remote parts of Australia).

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[4] As canvassed in Part B of the Consumer Safeguards Review.

[5] As mentioned above, RSPs electing to do so must meet the minimum requirements outlined in the Industry Code.

[6] As outlined in the ACMA's Communications Report 2018-2019, at 30 June 2019 iPrimus had 48 Priority Assistance customers, while Telstra had 141,803. Available: https://www.acma.gov.au/sites/default/files/2020-04/Communications%20report%202018-19.pdf It is worth noting that iPrimus does not offer Priority Assistance for new customers or customers who don't already have Priority Assistance on their fixed line service. Information available: https://www.iprimus.com.au/support/priority-assistance/

[7] For more information see ACCAN's submission to Part B of the Consumer Safeguards Review, available: http://accan.org.au/our-work/submissions/1529-consumer-safeguards-review

Priority Assistance that is fit for purpose

The following outlines ACCAN's position of what an updated, consumer-focused and responsive Priority Assistance arrangement would entail.

To adequately support consumers who require priority connections and repairs, the current regulations regarding Priority Assistance must be completely reworked. Revised Priority Assistance arrangements must address the current lack of consumer choice, must recognise the importance of fixed broadband voice and data services, and must broaden eligibility and streamline registration processes. These revised Priority Assistance arrangements must in turn be adequately promoted to all communications consumers, including through community engagement programs that inform consumers about Priority Assistance and how to register to receive this vital service.

The essentiality of digital connection

Access to broadband is no longer a choice – having a broadband connection is increasingly vital to all aspects of life. In particular, reliable access to broadband services (not just medical alarms or satellite phones) during an emergency is crucial to the health (and possibly the survival) of telecommunications consumers. For instance, people living in remote areas without immediate access to emergency services may rely on a broadband connection to research first aid or determine what steps they should be taking in a life-threatening situation. Other people may use broadband services to monitor health conditions or send regular information to telehealth practitioners. Consequently, it is ACCAN's position that updated Priority Assistance obligations must be extended to include priority connection and repair of fixed broadband data services.

Expanding Priority Assistance services to include all broadband connections and repairs would not only meet the current expectations of consumers but would also reflect the legislated right to broadband services provided by the new Universal Service Guarantee (USG).[8] The USG includes the updated Statutory Infrastructure Provider (SIP) obligations which commenced on 1 July 2020.[9] These SIP obligations apply to NBN Co and other network providers and require SIPs to connect premises and supply wholesale broadband services. Under these obligations NBN Co is obligated to offer a standard broadband service with peak speeds of at least 25 Megabits per second (Mbps) download, and 5 Mbps upload.

Ensuring priority connection and repair of broadband services is vital for many consumers and would acknowledge the range of services and supports that consumers access through

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[8] Information available: https://www.communications.gov.au/what-we-do/phone/phone-services/universal-service-guarantee-telecommunications
[9] Information available: https://www.communications.gov.au/what-we-do/internet/telecommunication-reform-package

broadband connections. A Priority Assistance service for broadband would also recognise that broadband services have the capability to offer more accessible ways of communicating than the fixed phone service (such as for people who are Deaf or have speech impairment).

Responsibility for Priority Assistance

It is ACCAN's position that all RSPs must offer Priority Assistance services, at no additional cost, to existing and prospective customers. Consumers requiring Priority Assistance must only pay what they would typically pay for their existing service of choice. Requiring all RSPs to offer Priority Assistance would ensure greater consumer choice and may lead to greater competition based on Priority Assistance performance. ACCAN understands that requiring all RSPs to offer Priority Assistance services is a significant change to existing arrangements. As such, ACCAN recognises that this change would likely need to be implemented in stages. RSPs with a greater ability to provide interim services to Priority Assistance customers, for example consumers with access to mobile networks, could be among the first RSPs to be covered by the updated obligations, followed by those with less access or fewer resources. Updated Priority Assistance regulations must outline clear, standardised criteria for all RSPs to implement, to ensure consumers have equitable access to priority connections and repairs regardless of which RSP they use. This would include, for example, criteria ensuring free installation, power backups, mobile broadband-enabled phones/devices with battery backup[10] and mobile broadband-enabled modems (or interim satellite services where mobile coverage is limited) for Priority Assistance customers.

However, as RSPs do not have full control over networks and infrastructure, the new Priority Assistance regime requires regulated obligations on the wholesale network providers as well as RSPs. This is essential to ensuring that connection, reconnection and repair timeframes are appropriately met in all instances. Without these regulatory settings, there is an increased risk of adverse consequences for consumers across Australia in need of priority connection, reconnection and repairs.

Whilst we understand there will be some implementation challenges, ACCAN believes the technology exists to facilitate this expansion of Priority Assistance obligations. The process of establishing appropriate commercial arrangements with network owners may be the most time-consuming part of this process, however, ACCAN does not believe this poses an insurmountable barrier. ACCAN suggests this process should be expedited through the establishment of regulated obligations that detail consistent connection and repair timeframes and obligations for all fixed service wholesalers to be held to.

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[10] Such as the Priority Assist Phone currently offered by Telstra. This particular phone offers emergency voice calls via the 3G/4G Telstra mobile network, and up to 8 hours of battery backup during mains power outages. More information available: https://crowdsupport.telstra.com.au/t5/home-phones/priority-assist-phone-faqs/ta-p/855330

Timeframes

ACCAN's current view is that the existing timeframes for priority connection and repair (within 24 hours in urban areas and within 48 hours in remote areas) would be appropriate for the updated Priority Assistance service. As outlined above, obligations that cover all fixed service wholesalers, not just NBN Co, would need to be developed to support RSPs to meet these timeframes for Priority Assistance customers.[11]

These regulated obligations are best achieved by the Minister exercising the Ministerial rule-making powers authorised under Statutory Infrastructure Provider (SIP) arrangements, in order to achieve an industry wide standard that would apply to NBN Co and other wholesalers. To ensure the updated Priority Assistance arrangements appropriately meet the needs of consumers and reflect the supply chain relationships of all stakeholders involved in providing Priority Assistance services, these obligations must be developed in consultation with consumers, RSPs and wholesale network providers. As ACCAN has argued elsewhere, the establishment of regulated obligations would provide greater certainty (about service levels and expectations) to network operators, RSPs and consumers alike.[12]

Regulated obligations relating to Priority Assistance would require appropriate oversight, in recognition of the essential nature of communications services. As a minimum, ACCAN recommends there must be enforceable penalties for missed deadlines to incentivise both RSPs and wholesalers to meet connection and repair timeframes for Priority Assistance customers. The existing regulatory responsibilities of the Australian Communications and Media Authority (ACMA) would need to be revised and expanded to include oversight of these standards and the updated Priority Assistance arrangements more broadly.

Interim services

Interim services form a crucial element of a Priority Assistance service. Priority Assistance customers must be assured more than one form of access to communication services. It is ACCAN's position that interim services must always offer functional equivalence to existing services, or the service ordered. Keeping consumers connected to a broadband, voice or data service via backups, mobile broadband-enabled modems and/or Uninterruptible Power Supplies (UPS) would offer the most functional equivalence to their existing service.

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[11] This echoes recommendation 1 of the 2019 Department of Communications' Part B: reliability of services – Consumer Safeguards Review Final Report, which stated: 'Mandatory wholesale connection, fault repair and appointment keeping rules and associated benchmarks should be introduced during 2020.' Available: https://www.communications.gov.au/documents/part-b-reliability-services-consumer-safeguards-review-final-report

[12] ACCAN, 2020. 'ACCC inquiries into NBN access pricing and wholesale service standards', available: http://accan.org.au/our-work/submissions/1810-accc-inquiries-into-nbn-access-pricing-and-wholesale-service-standards

Service at premises	Interim service
Fixed line (e.g. nbn fixed footprint, Telstra copper network)	Mobile broadband-enabled phone/device with battery backup; Mobile broadband-enabled modem; mobile phone; or satellite if no mobile coverage at the premises
Fixed wireless (e.g. nbn fixed wireless footprint, Telstra Next G Wireless Link (NGWL))	Mobile broadband-enabled phone/device with battery backup; Mobile broadband-enabled modem; mobile phone; or satellite if no mobile coverage at the premises
High Capacity Radio Concentrator (HCRC) (e.g. Telstra voice service)	Satellite
Satellite (e.g. nbn satellite footprint)	Mobile phone; or satellite phone if no mobile coverage at the premises

In addition, it is ACCAN's position that any interim service must be decided upon in consultation with each Priority Assistance consumer. Individual consumers will be able to determine what the most appropriate and accessible interim service will be for them to use.[13] Consumers must be assured that interim services will work in the event of a power failure. The appropriate interim service must be provided to the consumer within the existing timeframes,[14] to the premises where their service is supplied, at no additional cost. [15] Where necessary, any instructions for how to use the interim service must be provided in a clear and easy to understand format. Finally, any interim service must only apply for the shortest period of time possible and Priority Assistance customers must be assured that they will not be left on the interim service indefinitely.

Eligibility and registration

Priority Assistance services must be made available more broadly, and eligibility must move away from the current medicalised model. As a first step, expanded Priority Assistance services must be available to people who have a critical need for connectivity and broadband, voice or data services. After Priority Assistance is expanded to those with a critical need for constant connectivity, it must be made available to those whose circumstances or activities place them at potential need of requiring Priority Assistance services.

This would ensure that Priority Assistance services are available to telecommunications consumers who would be 'at risk' if they were disconnected from their broadband or voice or

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[13] New Zealand's recently published Commerce Commission 111 Contact Code uses similar terminology, referring to 'an appropriate means for contacting 111' as 'a means that is appropriate for the specific circumstances of a vulnerable consumer, taking into account in particular the consumer's physical, mental and technical capabilities' (p15). The Code is available:
https://comcom.govt.nz/__data/assets/pdf_file/0020/228314/Commission-111-Contact-Code-17-November-2020.pdf
[14] The existing timeframes stipulate that interim services must be provided within 24 hours in urban and rural areas and within 48 hours in remote areas of the customer accepting the offer of an interim service.
[15] In line with obligations outlined in the Telecommunications Consumer Protections (TCP) Code.

data service. This could be broadly defined as consumers who have health conditions, disability, or otherwise self-identify as facing greater safety risks, and who do not have another type of telecommunications service (such as a mobile phone). This could include consumers with chronic illnesses or life-threatening medical conditions, consumers living on rural properties, consumers receiving residential disability or aged care support, or consumers experiencing (or at risk of experiencing) domestic or family violence.[16]

In terms of registering for Priority Assistance services, this process must be streamlined across providers and must be less administratively burdensome for consumers. The updated registration process must be accessible, easy to understand and straightforward for all consumers to complete independently or with minimal support. The application form must be available in plain English and a selection of community languages (including First Nations languages). It must be available in retail stores and on RSP websites. In addition, to ensure that people with limited literacy are able to receive Priority Assistance services, it must also be possible to complete the application process verbally (including in community and First Nations languages).

Furthermore, information about Priority Assistance services (including marketing materials) and the application process must be provided in a range of accessible formats (including Auslan resources) and community languages, to both new and existing telecommunications consumers.

At the registration stage, consumers must be able to identify whether their particular risk level is permanent or temporary. Consumers whose risk level is permanent must be granted ongoing Priority Assistance services, with no expiry or requirement to continually re-register. It must not be onerous for consumers to authenticate their status of being at permanent risk.

The revised registration process must also permit application forms to be certified by a broader range of professionals and community representatives. Those deemed 'persons of standing in the community' must be able to certify that a consumer would be at risk if they were disconnected from their broadband, voice or data service (such as ADSL). Alternatively, certification authority could be extended to existing lists or categories of trusted professionals, such as the list of approved witnesses for statutory declarations in Australia.[17] Allowing trusted professionals or persons of standing in the community to certify application forms would reduce some of the administrative barriers and/or costs for consumers seeking to access Priority Assistance services.

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[16] New Zealand's Commerce Commission 111 Contact Code provides a draft application form for consumers to use to be considered a 'vulnerable consumer'. It provides four scenarios of situations where a consumer may be considered 'at particular risk' under the 111 Contact Code, including being at risk of domestic or family violence; having medical conditions such as dementia or diabetes; being at an increased risk of falling; or recovering from surgery.

[17] Available: https://www.ag.gov.au/legal-system/statutory-declarations/who-can-witness-your-statutory-declaration#list

Scenarios

Under the existing Priority Assistance arrangements 'at risk' consumers, such as those outlined in the below examples, do not have their communications needs met. The updates ACCAN has suggested in this policy position would help ensure that these 'at risk' consumers would receive a fit for purpose service that meets their (permanent or temporary) communications needs.

Example one – difficulty applying for Priority Assistance

Lucas lives in a regional town. He has a spinal cord injury and type 2 diabetes. Lucas needs reliable access to his accessible fixed phone handset as he regularly uses this service to arrange support workers.

Lucas has in the past struggled to compile the required documentation for Priority Assistance registration in the required timeframe. In-person visits to his specialists and healthcare practitioners in the neighbouring town are time consuming and expensive, and it can take weeks to arrange an appointment that aligns with the availability of his support workers.

The current Priority Assistance registration process does not meet Lucas's needs. Lucas requires a more flexible registration process that recognises his permanent need for Priority Assistance services.

Example two – narrow eligibility requirements for Priority Assistance

Sally is a farmer in a remote part of Australia. She often uses quad bikes and occasionally uses heavy machinery. From time to time, Sally sustains minor scrapes and bruises when doing work around the farm. She does not have immediate access to emergency services, and often relies on her broadband connection to confirm how to treat different injuries. While Sally has not sustained a serious injury while working on her farm, she is concerned about what would happen if her broadband connection was unavailable for a more serious medical situation.

Under current arrangements, Sally is not eligible for Priority Assistance, despite her increased risk of injury on her farm. Sally would benefit from the existing Priority Assistance eligibility requirements being expanded, as well as the expansion of Priority Assistance to cover fixed voice and data services.

Example three – lack of choice for Priority Assistance providers

Jamie lives alone and is waiting for their JobSeeker application to be approved. They are also recovering from a hip replacement. For peace of mind Jamie applied to be temporarily covered by Priority Assistance arrangements while they recover. However, given Jamie has no active income, they are reviewing their household expenses and hoping to save some money by changing to a different RSP. Jamie was frustrated to learn that they could not keep their Priority Assistance service when moving to another RSP.

The existing Priority Assistance arrangements mean that Jamie is unable to move to another provider that offers greater value for money while also offering the additional Priority Assistance assurances they currently require. A requirement for all RSPs to offer Priority Assistance services would support Jamie and others in their situation.

Appendix: Table summarising differences

Priority Assistance (PA) Feature	Current arrangements	ACCAN's proposed arrangements
Services covered	Fixed phone services	Fixed phone and data services
Availability through RSPs	Telstra is obligated to provide PA and other RSPs may elect to do so (only 1 other does)	All RSPs would be required to provide PA services
Connection, reconnection or repair timeframes	Within 24 hours in urban and rural areas, within 48 hours in remote areas	Within 24 hours in urban and rural areas, within 48 hours in remote areas
Interim services	Must offer customers a service for voice telephone or equivalent service for consumers with disability where voice telephony is not practical.	Would offer as close to functional equivalence to existing services as possible; must work in the event of a power failure
Cost to customer	No additional fee above and beyond what the consumer already pays for their existing service	No additional fee above and beyond what the consumer already pays for their existing service
Obligations	Telstra must provide PA and other RSPs may choose to provide PA	Regulated obligations on wholesale network providers and RSPs
Eligibility	People with life-threatening medical conditions (need to meet eligibility criteria)	People with a critical need for connectivity and voice and/or data services
Registration process	Requires approval from a doctor or medical practitioner. Requires re-registration every three years	Consumers would be able to apply for a temporary or permanent PA service, with no re-registration required for permanent PA customers. A broader range of professionals/community representatives would be able to certify the application form.