

Report of ITU Asia-Pacific Regional Meeting of Consumer Societies



**10 – 11 October 2000
Brisbane, Australia**

**ITU Asia-Pacific Regional Meeting of Consumer Societies
Brisbane, Australia, October 10-11, 2000**

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Introduction

The successful inaugural meeting of this group was held in Colombo in October 1999¹. This follow-on event was held in Brisbane at the kind invitation of the Australian Telecommunications Users Group (ATUG). A full list of participants is provided at Annex 2. Thanks are due especially to Allan Horsley, Managing Director of ATUG, for his hard work in not only enabling the meeting to take place at all, and making the practical arrangements, but also acting as Chairman throughout.

Both formal sessions and informal interchanges among the participants were animated and fruitful. A brief account of the main points covered during the presentations and ensuing discussions is given below, and an edited collection of most of the papers delivered both this year and last is also planned. A great benefit of the meeting was the valuable contacts set up among the participants.

The programme of presentations was as follows:

Keynote address:

Paper 1: Improving consumer awareness - inefficiencies impairing affordability (K K Gunawardana)

Session 1: The changing telecoms environment

Paper 2: Trends of telecoms development in Australia (A Horsley, ATUG)

Paper 3: Pricing and consumer interests (W Withers, ITU)

Paper 4: Self-regulation of telecoms in Australia (N Whitehead, ACA)

Session 2: Telecoms services and the consumer interest

Paper 5: Deregulation of cellular telecom business after monetary crisis in Indonesia (A Pambagio, ICO)

Paper 6: Affordability of basic residential telephone service (C B Milne)

Paper 7: Internet – Access, Growth and Potential in India (C L Unadkat, IUCI)

Session 3: Consumer societies in telecoms – their activities and influence

Paper 8: Liberalisation – demonopolisation and the consumer (Dr T H Chowdary, TUGI)

Paper 9: Consumer participation in Australian policy making (H Campbell, CTN)

Paper 10: Philippine Country Report: Telecoms industry status and the TUGP (D S Deveza, TUGP)

Paper 11: Structure of telecoms regulation and user influence: the recent Ministerial enquiry in New Zealand (E Newman, TUANZ)

Summary of presentations

Paper 1: Improving consumer awareness - inefficiencies impairing affordability

Mr K K Gunawardana opened the proceedings by making explicit the shared assumptions that:

- access to modern communications networks is not just a human right but, as these networks grow in spread, size and importance, has become a basic necessity for economic and social integration, and even for survival.
- telecoms regulators have the responsibility for developing and implementing the necessary telecoms policies to provide access for all. The regulator's first aim should be to meet the people's telecoms needs. These needs cannot be fully understood by a traditional "top-

¹ The report of that meeting is available at <http://www2.itu.or.th>.

down” approach. This must be complemented by a “bottom-up” approach, including consultation of the people in question, which is most easily done by enabling their societies’ participation in the regulatory process.

He went on to explain the structure of the ITU, and its desire that Sector Membership “should be open to the widest range of entities commensurate with the aims of the ITU”. At present, however, it appears that telecoms consumer societies could not be admitted into membership even if they found a way to pay the fees. The only way for a consumer society to participate in ITU discussions is as part of their government delegation.

As part of the follow-up of the previous meeting in Colombo, efforts were made to involve consumer societies in the ITU D Study Group. A paper on ***The establishment of an independent regulatory body*** prepared by the Telecoms Users Group of India was not accepted for presentation, despite the importance of the topic and its relation to another paper by the regulator of Bangladesh².

He drew attention to some current developments associated with growing Internet use:

- Telecoms use per line is growing rapidly, especially driven by the demand for Internet services, even in low-income countries, where national policy aims to promote affordable access to internet services. Experience in India (see Paper 7 below), where lower Internet prices have stimulated correspondingly higher usage, suggests that higher domestic call charges may not in fact be needed to stem revenue losses from falling international settlement rates.
- More Internet use could achieve higher off-peak network utilisation. To avoid its causing PSTN congestion at peak times, however, additional line capacity may be needed. Better Internet service may also be achieved by xDSL or similar technology over existing copper pairs.
- The high cost of backbones, and lack of facilities for efficient routing of regional Internet traffic, is another obstacle to affordable service. In this context, neutral and transparent platforms for the exchange of Internet traffic (peering) are desirable, and may overcome interconnection controversies. Economies could be achieved, and at the same time quality of service improved, by co-operation to set up such platforms among those Internet Service Providers (ISP) with an interest in exchanging traffic. This should be encouraged by regulators.
- Slavish adherence to cost-based pricing for each network element is unpragmatic and counter-productive. An enlightened market-driven approach to pricing is called for, taking account of consumers’ perceptions of value.

He stressed that technological change, rising usage and improved utilisation are leading to falling unit costs of telecoms in all countries with reasonably mature competitive markets. But these benefits do not always permeate through to consumers, who therefore need to be aware of these trends and to stress that falling costs should be reflected in prices. Because of falling unit costs, it should often be possible for any necessary “price rebalancing” to take place without significant real increases in any tariff element.

Paper 2: Trends of telecoms development in Australia

Allan Horsley’s presentation explained developments in Australia over the past decade and a half, with special reference to the significant part that ATUG has played in

² Both papers are available at <http://www2.itu.or.th>

promoting debate and influencing outcomes. He also outlined the main challenges that ATUG now faces. Key points from this session included:

- The Australian situation as regards user group involvement in telecoms policy-making is now excellent compared with most other countries, with users being systematically consulted (and their views taken into account) on all key issues. The main remaining procedural challenge is to increase the speed of decision-making, though it must be accepted that consensus-seeking is inevitably slow.
- It has taken many years of patient effort to achieve the present state of affairs in Australia. The model that has evolved is specific to Australian social and cultural conditions: other countries wanting to follow the Australian lead would need to adapt the model to meet their own needs.
- Significant achievements include the introduction of open competition, large falls in long-distance and international call charges, and the establishment of a self-regulatory Industry Forum which develops Codes of Practice. Continuing shortcomings include inadequate wholesale and interconnect arrangements, and often poor sales practices. User groups still have a long agenda.

An unanswered question was whether it is reasonable to expect unfunded user groups to handle the considerable burden of consultation that is likely to result from open consultative policy processes like Australia's.

Paper 3: Pricing and consumer interests

Bill Withers presented his work in progress on adapting the OECD's price comparison approach so as to be meaningful in the Asia-Pacific, including developing countries. Important points from the session were:

- International experience now makes it clear that liberalisation does promote growth in telecoms and, overall, lower prices. However, the distribution of the gains from liberalisation varies greatly among user groups, with greater gains tending to accrue to those who make the most calls and especially the most international calls. These are most likely to be larger businesses.
- It is too early to share detailed results from the current study. Already, though, it is clear that there are large price variations among the 5 Asia-Pacific countries studied, especially in line rentals.
- There are many different approaches to pricing decisions, depending on the public and/or private goals involved. Network growth, which requires affordability, can be at least as important as cost-orientation. Input from consumer representatives is vital to achieving balanced outcomes.

Paper 4: Self-regulation of telecoms in Australia

Neill Whitehead discussed in more depth the Australian self-regulatory arrangements. Key points included:

- The Australian Communications Industry Forum (ACIF) works within a clear legal framework (created by the Telecom Act 1997) which permits the enforcement of registered codes of practice.

- As an industry-owned and managed body, ACIF is a recent development which could only have been set up in the context of a relatively mature industry. ACIF is still refining and improving its approach.
- ACIF has had some initial successes: several Codes of Practice have been registered. There are still difficulties with speed and with achieving full participation, especially by smaller companies and user groups who cannot find the necessary resources.

Paper 5: Deregulation of cellular telecom business after monetary crisis in Indonesia

Agus Pambagio outlined the position of the cellular industry in Indonesia in the current unsettled environment. Key points included:

- Wireless technologies (including cellular, satellite and fixed radio access) have a major contribution to make to achieving universal service in Indonesia, because of the relative ease with which they can reach many islands and a scattered population.
- There has been rapid growth in takeup; but cellular coverage is still limited and prices are too high for a mass market. Prepayment has been popular but the necessary cards became black market items.
- Multiple problems (political, economic and social) underline the importance to Indonesia of getting an independent regulator, who will be able to recognise real needs and take the necessary steps to enable industry to fulfil those needs.

Paper 6: Affordability of basic residential telephone service

Claire Milne summarised her recent investigations into affordability:

- The meaning of affordability, though intuitively obvious, is hard to pin down objectively. However, by making a number of assumptions, it can be modelled quantitatively.
- Using national data, the model can be used to predict the effect of rental changes. In certain circumstances, this shows sharp rental increases as being likely to slow line growth. The effect of higher or lower inequality of incomes can also be modelled.
- Tariff rebalancing is likely to be good for some and bad for others. Usually, it is bad for the less well-off who are likely to make fewer calls.
- The results of modelling underline the need to plan tariffs to meet the needs of several distinct market segments, including: those who have a phone line but may have difficulty affording an increased rental; those who want to subscribe to the phone for the first time; and those who are unlikely to be able to afford their own phone for the foreseeable future.

Paper 7: Internet – Access, Growth and Potential in India

Chirag Unadkat outlined how IUCI works and the difference that it has made to Internet growth in India:

- A very substantial internet user base has been set up in India in 5 years from nothing. Prices have fallen and quality of service has risen. Huge potential is seen for further growth, especially cable-TV driven.
- A particularly promising market at present appears to be e-commerce for housewives, who because of difficulties with transport and storage need to shop frequently. India's low labour costs can make home delivery and on-the-spot cash payment an economic option.

- Big names on the Board have helped IUCI have a major impact, but a forward-looking incumbent and sector deregulation have also been essential factors.
- IUCI operates virtually without funding, as members meet their own costs and specific expenses such as events are covered by sponsorship (which is available because IUCI has become a recognised brand name).
- IUCI sees itself as having a continuing but changing role, as users and the industry mature.

Paper 8: Liberalisation – demonopolisation and the consumer

Mr. T H Chowdary spoke of recent experience in India, including the activities of the Telecoms Users Groups. His important points included:

- High licence fees, and revenue sharing, such as have prevailed in India, are a good example of regulation with little regard to the consumer interest. Such practices have been known to practically double prices.
- Consumer consultation on prices is meaningless without access to cost data. Unfortunately, this is what Indian user groups have been faced with. It is mere lip-service to the principle of consultation.
- It is vital to build observance of the consumer interest into the structure of the regulator through the appointments process, as well as consulting on specific topics. The regulator must be financially independent of the Government and immune to capture by the incumbent.
- Consumer organisations perform a valuable service, particularly in surveying grass-roots experiences and opinion. They deserve financial support from the regulator, as well as official recognition.
- Where teledensity is low, communications convergence brings many more consumers into the picture. Those who listen to the radio or watch television will be included, as well as the relatively few who use telephones.

Paper 9: Consumer participation in Australian policy making

Helen Campbell outlined CTN's organisation and experience and lessons learned. Important points included:

- CTN is a membership organisation, whose members are primarily community groups (representing, for example, older women, parents of isolated children, people with a disability, or aboriginals).
- CTN works on a modest scale, but could not operate without an external funding source. Early funding was provided by Telecom Australia, but this was withdrawn after a disagreement about charges for directory enquiries. A happier arrangement now prevails, with the Department for Communications, Information Technology and the Arts providing the bulk of CTN's funding, subject only to "output" measures such as number of meetings attended. However, future funding is always uncertain.
- CTN works with other user organisations wherever possible. However, it champions the interests of residential consumers, which do not always align with those of business users. An important example is service to rural users: CTN's focus is to keep prices low, while business users' priority is improved quality, if necessary at higher prices.

- Australians feel a strong sense of ownership of and involvement in the national communications network, which they have built. CTN expects a continuing call for its advocacy work – as each issue is resolved, a new one arises.

Paper 10: Philippine Country Report: Telecoms industry status and the TUGP

Dennis Deveza summarised the work of the Philippines Telecoms User Group.

- Recent rapid (if uneven) growth has been facilitated by a clear government vision for Information Infrastructure, and commitment to liberalisation at every industry level. A highly competitive industry has been established, especially for international traffic.
- Major problems with suppliers do continue, however. An example is bills arriving many months or even years late. The TUGP has taken direct action to combat such problems, including a “user strike” when telecoms usage was withdrawn for a period.
- The TUGP, as a group of major corporations jointly representing a high proportion of all telecoms revenues in the country, can assist its members in practical ways, both technical and commercial, as well as significantly influencing policy. Carriers are admitted as non-voting members: their financial support is offered because of the value they derive from information about and contacts with corporate user members.

Paper 11: Structure of telecoms regulation and user influence: the recent Ministerial Enquiry in New Zealand

Ernie Newman introduced the work of TUANZ in the context of the recently published report of the Ministerial Inquiry into telecoms in New Zealand, which had recommended setting up an Electronic Communications Commission as sector regulator.

- “Liberalisation” has had little effect during the past decade in the absence of an industry regulator. Too little regulation can have as deadening an effect on an industry as too much.
- The recent proposal is for a very light-handed regulator whose primary role is facilitation of agreement among members of the new Industry Forum.
- TUANZ is happy with this outcome, and indeed was instrumental in bringing it about. Telecom NZ however claims that it will seriously set back progress.
- Outstanding issues include the Kiwi Share, ie the definition of basic residential service. This is of special importance to NZ farmers. TUANZ will engage fully in resolving this issue, though it does feel that farmers wanting internet-capable lines should be prepared to pay business rentals for them.
- TUANZ works hard to earn its undoubted influence. It researches its positions carefully both among its own user community and internationally. Once its views are formulated, it states them in a consistent and professional way.

Summary of discussion

Wide-ranging discussion included the following issues and viewpoints.

Consumer societies' organisation and methods

Functions of consumer bodies

It is important to recognise the difference between advocacy and complaints functions. "Advocacy" means pressing for policies in the interests of consumers generally, while "complaints" means helping individuals with their problems or grievances. Some consumer societies do both advocacy and complaints work, while others may do either one of these. Often, local organisations may deal mainly with complaints, while policy issues may be best dealt with at national level. Knowledge of complaints is a valuable input to policy-making.

Whatever the function(s), the question arises of whether the societies should have a continuing existence, or whether as the telecoms industry becomes "normally" competitive the societies' efforts will no longer be necessary. While views differ on the long-term outlook, the conference agreed that the societies would continue to be needed for the foreseeable future; however, that they need continually to review their priorities and shift the focus of their activities as appropriate. For example, IUCI, having succeeded in its initial goal of establishing a flourishing competitive internet industry in India, and gone through a phase of dealing with technical problems, is now acting almost as an industry forum.

Funding for consumer bodies – the need for independence

Consumer societies' funding mechanisms vary, but, as in the case of regulators, it is essential that the mechanisms guarantee independence to voice views which may be critical of the industry. Business users' groups have an opportunity to raise funds through providing the industry with valuable market information, and through organising high-profile events which are seen as worthy of sponsorship. They can do this (and even, as a last resort, use telecoms "strikes" as a pressurising tactic) because their full membership accounts for a significant proportion of telecoms companies' revenues. Dependence on any one funding source (eg the subscription from one large company) is however always risky.

Residential users' societies lack such funding opportunities. Some user groups admit both business and residential consumers into membership, but this can lead to fraudulent use by businesses of the low-cost residential membership category; there can also be conflicts of interest between the groups, especially on the question of whether, and if so how, business tariffs should cross-subsidise residential tariffs.

The Australian CTN is probably unique in the world, existing to represent the interests of residential telecoms consumers and financed by the Australian Government. Its members are mainly not individuals but community organisations representing groups such as disabled people, residents of remote areas, or the elderly. This model may be viable in developing countries, where a coalition of existing community groups (including for example faith groups and youth organisations) could attract aid funding.

Influencing methods

Useful points on influencing methods included:

- The importance of consistency in public statements, and of speaking authoritatively based on demonstrable facts.
- Regular magazines produced by the societies themselves are of considerable value, but correspondingly take a lot of effort.

- Judicious use of statements released to the ordinary press can also have very useful effects, at much lower cost.
- When speaking with senior people such as Government Ministers, “solutions” are much more likely to be remembered than “problems”.

The meeting requested the ITU to produce guidelines for setting up and funding consumer societies.

Regulatory arrangements

Goals of regulation

The regulator’s primary goal should be to promote consumer welfare, using competition policy and other available instruments to that end. Understanding the specific meaning of consumer welfare will be vital to achieving the goal, and consulting with consumer societies will make an important contribution to that understanding. Ideally, the special status of consumer societies in the regulatory arrangements should be officially recognised.

To avoid undue influence on the regulator by incumbents and other vested interests, open procedures for the appointment and removal of regulators, and for regulatory decision-making, are essential. The regulatory authority should be constituted in such a way as to make “capture” by regulated parties difficult if not impossible. These issues are discussed in detail in two papers already referred to earlier in this report (see report on Paper 1 above).

Comparable information for all market segments

If consumers are to get the maximum benefit from competition, good comparable information on market offerings is essential. Both national and international comparisons of prices for a range of “baskets” are needed. These should represent, for example, typical usage patterns for low, medium and high user residential consumers as well as small and large businesses with and without overseas interests. Achieving this is a major challenge.

Quality of service comparisons are also very important but even harder to achieve. Complementary systems of measurements and indicators, such as operators’ own measurements, independent opinion surveys and complaints data, are of great value in forming a rounded picture. How best to regulate quality of service is unresolved; penalties related to quality of service indexes are worth considering but may have unwanted side-effects, and payments to individual customers for service failures may be preferable. From the customer viewpoint, the performance of telephones and other end-user equipment should be included to give meaningful end-to-end results.

Participative regulation

An open consultative approach is the best way to arrive at solutions which work well for all parties. If consumer societies are to respond meaningfully to consultations, however, they are likely to need support. Even funded groups can find it a significant burden to respond to all relevant consultations. Full background information, in a form understandable by a lay person, is an obvious prerequisite for good quality responses.

As has been discovered the hard way in New Zealand, too little formal regulation can stifle industry development just as effectively as too much. In the quest for the happy medium, self-regulation and co-regulation (where the regulator retains back-up enforcement powers) may play useful roles.

Factors on which the success of self-regulatory initiatives depend include:

- An open consultative culture

- Well-informed consumer groups with adequate resources to participate
- A forum structured so as to minimise obstacles to progress
- Ability of the regulator to act if progress is inadequate

Price, quality and universal service

In all countries, universal access or universal service will be evolving concepts. Australia is working towards universal broadband access (but is not ready for it yet), while India's current goal is a payphone in every village. Today's low teledensity countries do have some advantages which may enable them to progress faster than today's high teledensity countries have done in the past. For example, their populations are less set in their habits and more ready to adopt innovative services. Again, low delivery costs coupled with unsatisfactory alternative shopping facilities may facilitate an early take-off of e-commerce in India.

Local research is important for understanding local needs and priorities, including price packages which are appropriate and affordable. Market segmentation and a range of packages will be necessary to provide access for all economically – and luckily new technology has made “one tariff fits all” obsolete. Bill control mechanisms, including prepayment, have an important role to play alongside actual tariff levels in achieving affordability. Service costs are often unknown, and where they are known always include a large proportion of more or less arbitrarily allocated joint and common costs; they should rarely if ever be a driving factor in pricing decisions. Below-cost rentals for some or all can be entirely justifiable in terms of rapid network expansion.

Obviously, for a sustainable industry, overall revenues must cover overall costs on an ongoing basis. Whether or not it is in users' interests for governments to charge operators spectrum charges or licence fees is unresolved, but there is a strong feeling that this can only be justifiable up to certain levels. This question requires proper study.

Cellular and other wireless technologies may be the technology of choice for basic service provision, especially where, as in Indonesia, population is sparse or geography difficult. The example of Grameenphone in Bangladesh, where village people resell cellular service a call at a time, merits careful attention elsewhere.

Price/quality differentiation (where customers are offered a choice between higher quality at a higher price and the reverse) is desirable in principle but can be hard to achieve in practice.

Conclusions and actions

The meeting concluded that the exchange of information and ideas had been of great mutual value, and that this needed to continue. Similar meetings should be held in future, with wider participation, but more importantly contacts and mutual support needed to be facilitated at all times. Telecoms and especially the Internet offer us the tools to achieve this.

With the aim of widening participation in this work by consumer bodies, and of obtaining both national and international recognition, the group agreed on a statement of shared principles and aims to be known as the Brisbane Declaration. This is attached. Annex 1 to the Declaration is of independent importance as an initial list of agreed actions and areas for collaboration.

K K Gunawardana
ITU
November 2000

Attachment

Involvement of consumer representatives in telecoms policy making: the Brisbane Declaration

Considering the changes taking place throughout the world in telecommunications and associated industries, including:

- rapidly increasing technological capabilities and reducing unit costs of communications, with convergence among traditional telecommunications, broadcasting, information technology and banking sectors;
- the pervasiveness of these technologies and their growing importance in virtually every domain of human endeavour, including of course the smooth functioning of the global economy, but also for example education, healthcare, safeguarding the environment, and social, cultural and political development;
- structural rearrangements, with an increased role for the private sector, a reduced operational role for governments, and increased rivalry among suppliers;

and considering also that:

- sector regulators have been or are being set up in almost all countries, to help bring about the transformation to an open and fair competitive environment in accordance with the particular circumstances and requirements of each country;
- the primary objective of these regulators should be to bring the maximum benefits to the widest national community, and in particular to all users and potential users of telecoms services, through economic development of the sector;
- in the spirit of greater community involvement which is also growing throughout the world, groups now exist in many countries which can represent the interests of these users in policy debates;

we, the undersigned, representing user groups in different countries, declare our belief that:

- to sustain a healthy balance among the interests of all sector stakeholders, the integral involvement of such user groups in the continuing process of policy development is essential;
- consumer participation is both good business and good government: it enables products and services to meet real needs (which in turn means they will be used more effectively and efficiently), and it leads to more workable regulation (which in turn increases compliance and confidence in the government).

We therefore call on all relevant responsible entities at both international and national levels to:

- ensure that regulators are and remain truly independent, and that they adopt an open and transparent approach to their duties which facilitates the widest possible public contribution to decision-making;
- invite participation in all stages of the policy development process by user and consumer groups, recognising their special status as representatives of a wider user base, and ensuring that they are provided with enough detailed information to enable them to make a meaningful contribution;

- in the public interest, support the formation and operation of such groups, by financial contributions, provision of specialised expertise and skills development opportunities, or otherwise.

We also declare our intention of working together in future for mutual support, in ways which are illustrated in the Annex to this paper.

Signed:

Annex 1 Topics for collaboration by consumer groups

Topics of importance on which we expect collaboration to be fruitful include:

- identification of service and tariff packages which meet real needs and provide recognisable value, while remaining affordable and offering reasonable returns to industry as well as choice to consumers;
- in different environments, study of the meaning of affordability, linked with the acceptability of various levels of quality of service, and how best to ensure that required levels are achieved;
- ongoing benchmarking of levels of price and quality of service which will permit meaningful comparisons both between countries and between suppliers, for a range of market sectors including low usage residential consumers as well as high usage business users;
- study the advantages and disadvantages for consumers of alternative approaches in the allocation of and payment for necessary valuable resources such as licences, spectrum, telephone numbers and Internet addresses.

We intend to support our collective interests by sharing information and experience, both in person at live meetings and remotely using the Internet and other relevant information technologies, in such areas as:

- significant industry developments of which consumers should be aware, including in particular those with potential to reduce costs;
- examples of innovative products and services in our own countries;
- educational material which may help consumer representatives offer fully informed views;
- methods of successfully establishing and operating consumer bodies and effectively exercising influence, including collaborative initiatives with other organisations, and the optimal use of regular consumer publications and the general press.

