



# **Telecommunications (Consumer Complaints) Record-Keeping Rules**

Submission by the Australian Communications Consumer Action Network to the Australian Communications and Media Authority

16 April 2018

## About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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# 1. Introduction

ACCAN thanks the ACMA for the opportunity to comment on its draft Telecommunications (Consumer Complaints) Record-Keeping Rules (RKR). ACCAN is strongly supportive of the RKR as they will improve consumer decision-making, complaints handling, and effective monitoring of complaints trends and levels. The resulting reports will also inform policy development.

ACCAN believes that the RKR are of vital importance to the ACMA's ongoing monitoring and enforcement role. As noted by the TIO in its Annual Report, complaints about services delivered over the NBN increased by more than 100 per cent in the year 2016/17.<sup>1</sup> The rapid increase in consumer complaints to the TIO about NBN services represents a clear need for more transparency over what complaints Carriage Service Providers (CSPs) are receiving and what resolution (if any) is being reached. This will allow the regulator to identify and respond to systemic issues more effectively as they will have access to data about complaints that have not been escalated to the TIO.

Both industry and consumers have highlighted the importance of having access to more than just the escalated complaints statistics reported on by the TIO as these are not an accurate reflection of the health of the industry. Gas and electricity providers have been required to report on internal complaints statistics for a number of years, and this has been welcomed by industry players as an opportunity to build consumer trust.

CSPs have argued that the introduction of the RKR will mean a decline in customer service as RSPs will dismiss consumer concerns and neglect to record complaints. However, ACCAN does not agree that this will or should be the case, as customers are more likely to judge a company on how it handles complaints than on whether or how many complaints it receives. CSPs should welcome the RKR as an opportunity to build customer trust and attract new business. In any case, ACCAN notes that the ACMA will need to work actively to get sustained and accurate data from industry and to enforce the RKR.

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<sup>1</sup> <https://www.arnnet.com.au/article/635875/phone-internet-service-issues-hit-10-million-aussies/>

## 1.1. List of recommendations

ACCAN recommends that:

Recommendation 1: All CSPs are required to comply with the RKR, not just those with more than 30,000 services in operation.

Recommendation 2: CSPs should report on more than only their top three complaint types.

Recommendation 3: Reporting of complaints types should contain more detail.

Recommendation 4: A complaint type is added to cover inappropriate sales.

Recommendation 5: CSPs should report on the total number of resolved complaints in addition to the total number of complaints received.

Recommendation 6: CSPs should report on the resolution of each complaint (e.g. what remedy was provided).

Recommendation 7: CSPs should record and report the complaint type for complaints about services delivered over other networks, as well as over the NBN.

Recommendation 8: There is clarification of how complaints with multiple issues are recorded and reported.

Recommendation 9: There is clarification of whether 'days' refers to business days or business and non-business days.

Recommendation 10: Clarify the timeframe for completion of the auditor's report.

Recommendation 11: There is clarification over what information will be made publically available.

## 2. Response to Consultation Document

### 2.1. Response to question 7

**Does the proposal for the RKR to apply to providers with 30,000 and above consumer services in operation mean that adequate complaints information will be available to consumers and industry?**

All CSPs should be required to comply with the RKR

As noted by the ACMA in its consultation paper, setting the threshold at 30,000 will cover approximately 97% of residential and small business customers. The ACMA also notes that it has been careful to balance the regulatory burden on commercial operators with improving the customer experience.<sup>2</sup>

ACCAN submits that the RKR should apply to all RSPs selling services to residential and small business customers. Telecommunications service providers should be collecting data of the type specified in the RKR as a matter of good practice. If a carriage service provider has adequate complaint-handling processes in place, complying with the RKR should not require them to collect any additional data. ACCAN would argue that the additional requirement of reporting this data quarterly and in a specified format to the ACMA would not impose an undue cost or burden on CSPs.

Recommendation 1: All CSPs are required to comply with the RKR, not just those with more than 30,000 services in operation.

### 2.2. Response to question 10

**We propose that CSPs report on their top three most prevalent complaint categories to the ACMA. Are the proposed complaint types appropriate to enable categorisation of consumer complaints? If not, what additional categories would you suggest?**

CSPs should report on more than just the top three issues

The consultation paper proposes that CSPs should be required to report on their top three most prevalent complaints about NBN services by complaint type for each reporting period, and asks whether the proposed complaint types<sup>3</sup> are appropriate to enable the categorisation of complaints.<sup>4</sup>

ACCAN submits that in order for the ACMA to effectively monitor complaint trends and levels CSPs should be required to list more than just their top three complaints by complaint type. ACCAN would also query why the RKR propose that CSPs should only list the top three when they are collecting data about each complaint type. We suggest that it would be more useful if CSPs were required to

<sup>2</sup> ACMA, NBN Complaints Handling Consultation Paper, p. 8.

<sup>3</sup> Proposed complaint types are: billing and payments; changing suppliers; connection; complaints (handling or management); contracts; credit and debit management; faults; privacy; and speed.

<sup>4</sup> Consultation Paper, p.9.

list all complaint types in order of the most to least complaints received (i.e. there are nine complaints types so CSPs should list, in order, which category received the most complaints, and so on). This requirement would make quarter-by-quarter report comparisons more transparent and useful to consumers and other stakeholders. It would also allow for a more accurate cross-industry analysis and importantly allow for the identification of systemic issues.

The consultation document also asks whether the proposed complaint types are appropriate to enable categorisation of consumer complaints.

ACCAN recommends that CSPs should also be required to report complaint types in more granular detail (i.e. disaggregate the reported on data) than is currently envisaged by the nine complaints categories in the RKR. ACCAN would suggest that the ACMA investigate requiring CSPs to use the same complaints categorisation as the TIO.

An additional benefit of more detailed reporting would be to provide consumers with the appropriate ‘language’ with which to articulate their complaints. This is particularly important for vulnerable consumers who may struggle to identify or describe technical issues when dealing with service providers, or where they are attempting to engage in alternative dispute resolution.

ACCAN and its members receive regular reports, in particular from financial counsellors, of vulnerable consumers being upsold products and contracts that they do not need and cannot afford. We suggest that a complaint type is added to cover inappropriate sales.

Recommendation 2: CSPs should report on more than only their top three complaint types.

Recommendation 3: Reporting of complaints types should contain more detail.

Recommendation 4: A complaint type is added to cover inappropriate sales.

## 2.3. Response to question 11

### **Are there any additional measures that you would recommend including in the RKR?**

#### Require CSPs to record additional information about complaints

In addition to the information the RKR propose CSPs record about complaints, ACCAN recommends that they are also required to record the following:

- CSPs should record and report the number of total resolved complaints in addition to the number of complaints received as this will provide a clearer picture of through-put and complaints handling performance.
- For each reported on complaint record and report how it was resolved – i.e. what was the remedy, or what remedy was offered?

### Require CSPs to record and report on legacy network complaint type

Currently the RKR requires that for broadband and voice services delivered over legacy, mobile and other networks (i.e. not over the NBN) that only the number of complaints received should be reported on. ACCAN recommends that CSPs should be required to report complaint type as well, as this will give a clearer picture of issues and complaints-handling performance in relation to non-NBN services.

Recommendation 5: CSPs should report on the total number of resolved complaints in addition to the total number of complaints received.

Recommendation 6: CSPs should report on the resolution of each complaint (e.g. what remedy was provided).

Recommendation 7: CSPs should record and report the complaint type for complaints about services delivered over other networks, as well as over the NBN.

## 2.4. Additional comments

### Clarify how complaints with multiple issues will be recorded

ACCAN requests that the ACMA clarifies how complaints with multiple issues (complaint types) will be recorded and reported on by CSPs.

### Clarify definition of 'days' in the draft RKR

Section 12 refers to "a period of no later than 15 days" whereas section 14(2) states "no later than 21 days." As the former is a multiple of five it implies *business days*, whereas the latter, as a multiple of seven, implies three weeks including non-business days. The RKR should be amended to clarify whether or not 'days' refers to business days or business and non-business days.

### Clarify timeframe for auditor's report

Part 5 of the RKR states the ACMA may require a CSP to engage an auditor to audit its compliance with the rules. The current draft sets out timeframes for: providing the audit terms of reference (ss. 14(2) and 14(4)); notifying the ACMA of the choice of auditor (ss. 15(2) and 15(4)); and for how long the CSP has to provide the ACMA with the completed auditor's report (s. 16(2)). However, the RKR does not set a time limit for how long the auditor has to complete the report once the terms of reference have been agreed. ACCAN recommends clarifying a timeframe for completion of the auditor's report.

### Publication of reports

ACCAN acknowledges that the ACMA has not yet decided on the form of public reports or how data will be presented and requests to be involved in any stakeholder consultation on this topic. We would also request clarification over what data will be included in the report – i.e. will all the data that CSPs are required to report to the ACMA under the RKR be publically available?

Recommendation 8: There is clarification of how complaints with multiple issues are recorded and reported.

Recommendation 9: There is clarification of whether 'days' refers to business days or business and non-business days.

Recommendation 10: Clarify the timeframe for completion of the auditor's report.

Recommendation 11: There is clarification over what information will be made publically available.