

Submission

21 September 2023

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Re: Draft G651:2023 Customer Authorisation Industry Guideline

The Australian Communications Consumer Action Network (**ACCAN**) thanks Communications Alliance for the opportunity to comment on the Draft G651:2023 Customer Authorisation Industry Guideline (**the Draft Guideline**).¹

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

ACCAN welcomes the efforts of Communications Alliance to incorporate previous ACCAN feedback into the draft version of the new Guideline.² This includes the insertion of disability equipment Codes and Standards to be read alongside the Guideline, and the provision of accessible formats of information on the Customer Authorisation (**CA**) capture principles.³

However, ACCAN has also identified gaps in the Draft Guideline that limit equitable access to a CA for Customers with disability. These gaps include:

- The absence of a requirement for the Gaining Service Provider (**GSP**) to provide information in accessible formats.
- A lack of clarity on penalties and fees for early cancellation of a contract with a Service Provider (**SP**).
- No specification on the minimum number of days required for a transfer from a Losing Service Provider (**LSP**) to be completed.
- No specification on the minimum number of days required for a CA to be executed.

Furthermore, ACCAN submits that the Draft Guideline must mandate that any cancellation fee incurred by the Customer for early cancellation must be a genuine estimate of the provider's loss, and that Carriage Service Providers (**CSPs**) must consider and accommodate the needs of all Customers with communication disabilities.

Please see Attachment A for more detailed comments on the Draft Guideline.

¹ Communications Alliance, *Industry Guideline: DR G651:2023 Customer Authorisation (the Draft Guideline)*, September 2023. https://www.commsalliance.com.au/_data/assets/pdf_file/0019/95113/DR-G651-2023-public-comment-draft.pdf.

² Australian Communications Consumer Action Network (ACCAN), *Submission: Scheduled review of Customer Authorisation Industry Guideline (G651:2017)*, March 2023. <https://accan.org.au/files/Submissions/2023/ACCAN%20Customer%20Authorisation%20Industry%20Guideline%20submission.pdf>.

³ See *the Draft Guideline*, pp. 2-3, p. 11.

We thank Communications Alliance for the opportunity to comment on the Draft Guideline. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at info@accan.org.au.

Yours sincerely,

Elie El-Khoury Antonios
Disability Policy Officer

Attachment A:

Comments on Draft G651:2023 Customer Authorisation Industry Guideline

Section 1.1.3

Section 1.1.3 of the Draft Guideline lists other relevant codes and guidelines that the authorisation guideline should be read in conjunction with.⁴ ACCAN supports the inclusion of the *Information on Accessibility Features for Telephone Equipment Code (C625)* to be read in conjunction with the Draft Guideline. The *Information on Accessibility Features for Telephone Equipment Industry Code (C625:2020)* offers Equipment Suppliers guidance on what information they need to provide on the functional characteristics of Customer Equipment (CE) used in standard telephone services.⁵ Access to information on the functional characteristics of CE used in standard telephone services can help inform the decision of customers with disability to obtain a CA and transfer to a GSP.

Section 1.1.4 (a)

ACCAN agrees with section 1.1.4 (a) of the Draft Guideline, which is that the Draft Guideline should be read in the context of the *Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities (AS/ACIF S040) 2015*.⁶ This Standard seeks to ensure that the CE which is used primarily by people without disability, should also cater for the needs of people with disability.⁷ Reading the Guideline in conjunction with this Standard, is important towards ensuring the CE outlined in a transfer of services is accessible to people with disability, as well as those without disability.

Section 3.1

Section 3.1 of the Draft Guideline specifies the information the GSP must provide to the Customer prior to executing a CA. As previously expressed by ACCAN, section 3.1 of the Draft Guideline must require information to be provided by the GSP to the Customer in a range of accessible formats, prior to a CA being executed.⁸ These formats include:

- Auslan;
- Braille;
- Easy English;
- Plain Language;
- HTML;
- Audio and vision description;
- Closed captions;
- Different community languages;
- PDF;
- MS Word; and

⁴ See the Draft Guideline, p. 2.

⁵ Communications Alliance, *C625:2020 Information on Accessibility Features for Telephone Equipment Industry Code: Introductory statement*, April 2020 https://www.commsalliance.com.au/_data/assets/pdf_file/0013/1345/C625_2020.pdf.

⁶ See the Draft Guideline, p. 3.

⁷ Commonwealth of Australia, *Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service — Features for special needs of persons with disabilities — AS/ACIF S040) 2015*, p. 2 <https://www.legislation.gov.au/Details/F2015L00191/Download>.

⁸ See ACCAN, *G651:2017 submission*, p. 6.

- RTF.⁹

Providing information in accessible formats will help to ensure Customers with disability are able to access information from the GSP on an equitable basis. As such, section 3.1 of the Draft Guideline should be amended to require the GSP to provide information to the Customer in a range of accessible formats.

Section 3.1 (b)

Section 3.1 (b) of the Draft Guideline stipulates the GSP must provide information to the Customer, stating:

“That the Service will remain active with the LSP until the Transfer is completed, and that the Customer should continue to contact the LSP in relation to the provision of services and fault restoration until the Transfer is completed.”¹⁰

Section 3.1 (b) does not specify the minimum number of days required for the transfer from the LSP to be completed. This makes it difficult to provide clarity to Customers on how long the transfer of providers will take, and how long their information will stay with the LSP. Additionally, the Telecommunications Industry Ombudsman (**TIO**) states that the GSP must advise the consumer when the transfer is complete, preferably on the day it happens, otherwise within five working days.¹¹ Additionally, both parties should commit to completing the transfer as soon as practicable and address any problems quickly.¹²

As such, section 3.1 (b) should be amended to require the GSP to advise the Customer of when the CA has been completed no longer than five working days from when the transfer is complete.

Section 3.1 (c)

Section 3.1 (c) of the Draft Guideline provides that the GSP must advise the Customer that:

“In respect of the Service(s) or Service Identifier(s) being Transferred, whether the LSP’s obligation to supply products and services, including any facilities, incentives and benefits, ceases on completion of the Transfer.”¹³

ACCAN has previously submitted that the inclusion of the word ‘whether’ in this clause, implies that the LSP’s service obligations may not cease after the completion of the transfer.¹⁴ Further, section 3.1 (c) does not provide any explanation for why the LSP’s obligations to supply products or services may or may not cease after the completion of the transfer.¹⁵ This makes it difficult for Customers to understand how long the transfer of providers will take, and how long their information will stay with the LSP.¹⁶

⁹ See ACCAN, *G651:2017* submission, p. 6.

¹⁰ See *the Draft Guideline*, p. 9.

¹¹ Telecommunications Industry Ombudsman, *Transfer of services - in detail*, March 2016, <https://www.tio.com.au/guidance-notes/transfer-of-services-in-detail>.

¹² *Ibid.*

¹³ See *the Draft Guideline*, p. 9.

¹⁴ See ACCAN, *G651:2017* submission, p. 7.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

As such, section 3.1 (c) should be amended to mandate that GSP must inform the Customer of the reasons for why the LSP's service obligations may or may not cease upon the completion of the transfer.

Section 3.1 (e)

Section 3.1 (e) of the Draft Guideline includes a provision for penalties and cancellation fees if a Customer chooses to exit their existing contract with their SP early.¹⁷ ACCAN has argued that any cancellation fee imposed needs to be a genuine reflection of the impact of the early cancellation on the SP.¹⁸ This is important because the TIO has received complaints from consumers that the exit fee charged by providers for cancelling a contract "does not appear to be a genuine estimate of the provider's loss."¹⁹ As such, section 3.1 (e) should be amended to state that any cancellation fee incurred by the Customer for early cancellation must reflect a genuine estimate of the provider's loss.

Section 4.1, paragraph 5

Section 4.1, paragraph 5 outlines the different forms a CA can be recorded in, including 'paper based, electronic, internet pages or voice authorisations recorded on audio media'.²⁰ ACCAN welcomes the accessible formats of information listed underneath section 4.1 paragraph 5 of the Draft Guideline.²¹ ACCAN however, has two concerns over the following statement:

"NOTE: CSPs should consider the needs of people with particular communication disabilities."²²

The first concern is the use of the word 'should' in the above statement. The use of 'should', implies that CSPs are not mandated to consider the needs of people with disability, and that they could potentially choose not to consider these needs. As such, the statement should be amended to remove the word 'should', and replace it with 'must' instead, to require CSPs to consider the needs of people with disability.

Secondly, the statement refers to people with 'particular communication disabilities'. The use of the word 'particular', may imply that CSPs only need to consider and accommodate people with certain communication disabilities, instead of all people with communication disabilities. As such, the above statement should also be amended to remove the word 'particular', to ensure the needs of people with all kinds of communication disabilities are considered.

Section 5.1

Section 5.1 of the Draft Guideline specifies the content that needs to be included in the CA.²³ As previously submitted by ACCAN, section 5.1 of the Guideline should specify that the CA must include information on cancellation fees and penalties for early cancellation.²⁴ Including this information will enable Customers to become more informed about the implications of early cancellation of their contract with their new SP. As such, section 5.1 of the Draft Guideline must be amended to require the CA to include information on cancellation fees and penalties for early cancellation.

¹⁷ See *the Draft Guideline*, p. 9.

¹⁸ See ACCAN, G651:2017 submission, p. 7.

¹⁹ Telecommunications Industry Ombudsman, *Contracts*, March 2016, <https://www.tio.com.au/guidance-notes/contracts>.

²⁰ See *the Draft Guideline*, p. 11.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*, p. 12.

²⁴ See ACCAN, G651:2017 submission, p. 8.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.
