



20 July 2020

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By email: Gemma.Denton@acma.gov.au

Cc: Erin.Ferguson@acma.gov.au; Melissa.Jordan@acma.gov.au; Kathleen.Stevenson@acma.gov.au

Dear Gemma

RE: Feedback on the Review of NBN Consumer Experience Rules – Service Continuity Standard and Service Migration Determination

Thank you for providing ACCAN with the opportunity to give feedback on draft instruments *Telecommunications (NBN Continuity of Service) Industry Standard 2018* (Service Continuity Standard) and *Telecommunications Service Provider (NBN Service Migration) Determination 2018* (Service Migration Determination).

In our submission to the January 2020 review of the NBN Consumer Experience Rules, ACCAN expressed its support for the critical consumer protections framework established under the Rules. We welcome the ACMA's efforts to further improve the clarity of key definitions and provisions in the Service Continuity Standard and Service Migration Determination.

ACCAN is supportive of the majority of changes under review, most of which are non-contentious and provide meaningful clarification of important provisions. However, we have concerns in relation to provisions about sharing information on the causes of and solutions for non-operational NBN services.

S.5(23)(4)(a - b) of the Service Continuity Standard and s.5(16)(5)(a - b) of the Service Migration Determination have been amended to contain the following provision in circumstances where an NBN CSP is required to prepare a remediation plan for a consumer with a non-operational NBN service. Changes to the original instruments are shown in red.

Australian Communications Consumer Action Network (ACCAN)
Australia's peak body representing communications consumers

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A plan mentioned in subsection [1 or 2] must contain the following minimum requirements:

- (a) if a consumer requests information about the cause of the problem with the NBN service – a diagnosis of the issue that has caused the NBN service to be not operational;
- (b) if a consumer requests information about how the issue will be remediated – the steps required to remediate the issue and establish an operational NBN service;

ACCAN questions the need for the removal of NBN CSPs' obligation to provide information outlined in (a - b) in all applicable circumstances. It is ACCAN's view that all consumers in circumstances outlined in s.5(23) of the Service Continuity Standard or in s.5(16) of the Service Migration Determination must be provided with information about the cause of their NBN connection problem, and how this problem will be remediated. This information should be provided with an appropriate level of detail and communicated by the NBN CSP in plain language, as is required under the Telecommunications Consumer Protections Code.¹

There are a number of reasons why the onus for sharing information about NBN service faults and proposed remediation should lie with CSPs in all circumstances, and these are detailed below.

Consumers may not anticipate the right questions to ask

Consumers cannot be expected to anticipate the right questions to ask in order to find out essential information about NBN service issues. Resolving telecommunications problems can be extremely stressful, frustrating and confusing for consumers, especially if the problem is persistent and has involved multiple contacts with their provider. This may impact their ability to respond to and interrogate the CSP at point of contact. In ACCAN's view, if a consumer is confused about a connection issue, it is more commonly because the CSP has provided unclear or conflicting information at different times, rather than the technical nature of the information.

Consumers may need to verify information provided by NBN CSPs

It takes an average of 2.6 contacts for a consumer to resolve an issue with their provider.² In circumstances where the consumer has raised an NBN service issue across multiple contacts, current provisions in the Standard and Determination allow them to verify the consistency of information the CSP has given across those contacts. For example, if a CSP's technician informs the consumer that a service is non-operational for one reason, but at a later date the consumer is given another explanation, the consumer is able to ascertain there is an inconsistency in how the problem has been understood by the CSP, and the consumer can seek clarity on this.

Consumers may need to recall information during dispute resolution

It is important that the CSP provides as much information as possible about the nature of an NBN connection issue, and its plan for remediation. Should the issue escalate to internal or external

¹ TCP Code 3.1.1: A Supplier must communicate with Consumers in plain language.

² ACCAN 2020, *Can You Hear Me? Ranking the customer service of Australia's phone and internet companies*, <https://accan.org.au/our-work/research/1523-can-you-hear-me-ranking-the-customer-service-of-australia-s-phone-and-internet-companies>

dispute resolution, the consumer is then able to share that information to the complaints handler in order to establish an accurate timeline of the problem, and how it has been understood by the CSP.

Generally speaking, when a consumer is faced with a connection issue they want to be told:

- Why the issue has occurred,
- What the CSP plans to do to rectify the issue and,
- How long the CSP expects this to take.

The onus should not lie with the consumer to seek information about why their connection is not working, and how it will be fixed. There may be some circumstances in which a consumer does not require detailed information about problems and remediation for a faulty connection. However, in ACCAN's view, this would be the exception, not the rule.

Other comments

We note that s.5(16)(2) of the Service Migration Determination and s.5(23)(1) of the Service Continuity Standard have been adjusted to specify that certain timeframes apply once the CSP is *aware* that a connection is non-operational. We note that while this approach has been adopted elsewhere in the instruments, a best practice approach involves CSPs closely monitoring service performance, rather than relying on consumers to make contact and raise issues. We would be extremely concerned should this adjustment contribute to additional delays in fixing non-operational services, and consider the ACMA should monitor to ensure this does not eventuate.

Thank you again for inviting our feedback on proposed changes to the Service Continuity Standard and the Service Migration Determination. Should you wish to discuss our position further, please contact us at Rebekah.Sarkoezy@accan.org.au or on (02) 9288 4000.

Sincerely,

Rebekah Sarkoezy
Policy Officer