

Proposed amendments to the Telecommunications (Consumer Complaints Handling) Industry Standard 2018

14 March 2025

Recommendations

This Submission recommends the Australian Communications and Media Authority (ACMA):

1. Amend the definition of complaint, urgent complaint, and urgent network outage complaint to meet community expectations.
2. Include greater consideration of consumer vulnerability by introducing a definition of vulnerability, obligations for carriage service providers to consider vulnerability when prioritising complaints and recognition of the inherent vulnerability of consumers experiencing a service outage.
3. Include outages caused by natural disasters in the definition of network outage complaint.
4. Regarding remedies and resolutions, place an obligation on carriage service providers to return the consumer to the state they were in prior to the complaint to the extent that is reasonably practicable.
5. Further reduce the response times outlined in Part 3 and 3A.
6. Require CSPs to seek consent before closing a complaint or network outage complaint.
7. Enable consumers to achieve complete resolution of all network outage-related issues through a single complaint.
8. Introduce greater minimum requirements for complaints handling and network outage complaints handling processes.
9. Enable complaints to be made by or on behalf of a class of consumers.

10. Include obligations that require CSPs to report breaches or non-compliance with obligations and timeframes, including systemic issues, on an annual basis to the ACMA.
11. Introduce training requirements for complaints handling personnel.
12. Clarify the role of the Telecommunications Industry Ombudsman.
13. Differentiate a provider's complaints handling policy from a complaint handling process.

About this submission

The Australian Communications Consumer Action Network (**ACCAN**) is pleased to provide this submission and attached commentary to the ACMA regarding the Proposed amendments to the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (CHS)* Consultation Paper. Consumer complaints are a critical mechanism to ensure telecommunications services are meeting the needs of consumers. ACCAN encourages the development of comprehensive complaint protections that prioritise positive consumer outcomes. This submission is endorsed by Consumer Action Law Centre (**CALC**).

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**Australian Communications
Consumer Action Network**

Australian Communications Consumer Action Network

ACCAN is the peak national consumer advocacy organisation for communications working to achieve trusted, accessible, inclusive, affordable and available communications and digital services for all Australians.

Introduction

ACCAN welcomes the review of the CHS and supports the objectives outlined by the Minister for Communications in the *Telecommunications (Complaints Handling Industry Standard Amendment) Direction 2024 (the Direction)*.

Telecommunications is an essential service in Australia. People use and rely on communications services every day to access work, education, health, government services and much more. Because of this, consumers expect their telecommunications services to work and when problems arise, they expect their provider to be responsive in fixing problems. Complaints are an essential source of information that can help telecommunication providers improve service delivery and should therefore not be viewed negatively by an organisation. Fit-for-purpose, efficient, effective and consumer focused complaint handling is fundamental for CSPs to improve service delivery.

An important driver of the amendments to the CHS is the Post-Incident Review of the Optus outage of 8 November 2023 (**the Bean Review**), undertaken by Richard Bean, which considered the adequacy of customer complaints and compensation processes following the outage.¹ The review found the definition of complaint did not meet community expectations. The definition resulted in instances where a customer's attempt to resolve a fault or service issue was not classified as a complaint unless they specifically stated they wanted it to be treated as one.²

While the Bean Review recommended changes to the definition of 'complaint' in the context of network outages, the Direction contemplates that the ACMA will undertake a comprehensive review of the CHS. ACCAN agrees that this is a good opportunity to revisit the definition of 'complaint' to ensure it remains appropriate for all consumers, meets community expectations and is consistent with the role of telecommunications as an essential service.

ACCAN welcomes amendments to the CHS which are directed at improving the overall efficiency, timeliness and responsiveness of complaints management. Policies and processes that are more 'consumer focussed' will provide consumers with greater confidence that their complaints will be handled and resolved professionally, quickly and smoothly. Consumers should not feel discouraged and disappointed by their complaints experience.

In this regard, ACCAN cautions against the presumption that a fall in the number of consumer complaints to telcos and the Telecommunications Industry Ombudsman (**TIO**) since the introduction of the CHS in 2018 indicates telco service delivery has improved. The decline also reflects consumer fatigue.³ Research from the Consumer Policy Research Centre (**CPRC**) found that 55% of people had a telecommunications challenge in the past year but of those, only 46% lodged a complaint with their telco provider.⁴

When consumers do complain, they are met with excessive wait times and long periods before a complaint is resolved. Recent research from ServiceNow found telco customers were left on hold for

¹ Richard Bean, *Review into the Optus Outage of 8 November 2023* (Final report, March 2024) <<https://apo.org.au/sites/default/files/resource-files/2024-04/apo-nid326618.pdf>>.

² Explanatory Memorandum, *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (Cth) 2 ('Explanatory Statement').

³ Consumer Policy Research Centre, *Barriers to Effective Dispute Resolution in the Telecommunications Industry* (Research report, July 2024) ('CPRC Report').

⁴ CPRC Report, 4.

an average of 1.8 hours.⁵ ACMA complaint performance data from 2023-24 shows the time taken to resolve complaints increased by 15%, up from 5.2 days to an average of 6 days.⁶ Further, TIO complaint data from the year ended June 2024 found 63% of all complaints regarded telcos delaying action or not acting at all on consumer issues.⁷ The CPRC Report also found falling levels of awareness of the TIO, with only 10% of people who complained escalating their complaint to the ombudsman.⁸ ACCAN considers that there is considerable room for improvement in complaints handling and management by service providers.

ACCAN also supports amendments that are directed at empowering consumers at all stages of the complaints process, from being able to easily locate information that clearly explains how to make a complaint, having a clear understanding of how their complaints will be handled, being informed about the status and progress of their complaint within the provider's systems, and understanding internal and external escalation pathways. ACCAN's submission sets out our overarching concerns and our responses to the questions raised in the Consultation Paper.

Overarching comments and concerns

Definition of complaint

ACCAN considers the draft CHS does not reflect the intent of the Minister for Communications for the ACMA to conduct 'a broad review of the 2018 Standard'.⁹ ACCAN notes the ACMA has updated the CHS to include provisions regarding network outage complaints, as set out in the Direction, however, we consider that there is considerable room for many other parts of the original instrument to be enhanced to ensure it meets community expectations.

ACCAN considers the definition of 'complaint' is not as wide as it could be and there are gaps in the types of complaints that attract the protections of the Complaints Handling Standard. This does not reflect best practice for identifying and handling complaints among other essential services. The Explanatory Statement to the Direction states that 'while subparagraph 6(1)(a) specifically refers to network outages, it is expected that when considering the objectives outlined under subparagraph 6(1)(c), the ACMA will consider the definition of 'complaint' and its application for all consumers'.¹⁰

The draft definition is:

'(a) an expression of dissatisfaction made to a carriage service provider by a consumer in relation to its telecommunications products, its complaints handling process or its network outage complaints handling process, where a response or resolution is explicitly or implicitly expected by the consumer; or

(b) a network outage complaint; but it does not include:

⁵ Zoe Smith, '123m hours on hold: Worst customer wait times revealed', *Herald Sun* (online, 26 February 2025) [2] <<https://www.heraldsun.com.au/news/national/aussies-spending-111-hours-on-hold-as-customer-wait-times-soar/news-story/718e832869ed6795c66aa87406e91752>>.

⁶ ACMA, 'ACMA releases 2023–24 telco complaint data' (Media release 24/2024, 2 October 2024).

⁷ TIO, 'Annual complaints data reveals telco consumers remain frustrated by stubborn challenges' (Media release, 2 October 2024) <<https://www.tio.com.au/news/annual-complaints-data-reveals-telco-consumers-remain-frustrated-stubborn-challenges>>.

⁸ CPRC Report, 16.

⁹ Explanatory Statement, 3.

¹⁰ Ibid 6.

(c) an initial call to request information or support or to report a fault or service difficulty unless a consumer advises that they want that call treated as a complaint; or

Note: An initial call from a consumer indicating that they cannot establish or maintain connection with a carriage service is a service outage report.

(d) an issue that is the subject of legal action.'

The drafting of the definition is unclear and may be interpreted in multiple ways, including:

- A complaint is (a) or (b) so long as (b) does not include (c) or (d).
- A complaint is (a) or (b) or (d).

ACCAN considers the definition of complaint should:

1. Cover complaints about issues other than telecommunications products or complaint handling processes. For example, an issue raised about staff conduct outside a CSP's complaints handling processes would not be considered a complaint. We consider that definition should be expanded to anticipate a broader spectrum of complaints.
2. Be sufficiently clear that a customer does not need to indicate that the matter should be treated as a complaint. ACCAN notes that this was one of the recommendations arising from the TIO input to the Bean Review. We note that part (a) of the definition of 'complaint' is consistent with Australian Standard AS/NZS 10002:2022, Guidelines for complaint management in organisations, which is an accepted benchmark in Australia. We are nevertheless concerned that the reference in the definition of 'complaint' to a response being explicitly or implicitly expected by the consumer, as well as service difficulty reports under part (c) of the definition, may undermine this. As drafted, (c) still requires consumers in this instance to 'know the appropriate processes for ensuring their communication with their telecommunications provider is classified as a 'complaint'' and therefore, does not meet the intent of the Direction.¹¹

ACCAN recommends the definition of complaint include all expressions of dissatisfaction made to a CSP by a consumer. ACCAN recommends amending the definition to:

'(a) an expression of dissatisfaction made to a carriage service provider by a consumer; or

(b) a network outage complaint.'

Complaint prioritisation

ACCAN supports complaint prioritisation that centres on consumer vulnerability and the risk of harm experienced by consumers. ACCAN supports priority being given in the following order:

1. Urgent network outage complaints
2. All other network outage complaints
3. Urgent complaints (not involving network outages)
4. Standard complaints

¹¹ Explanatory Statement, 6.

Consideration of consumer vulnerability

ACCAN considers the draft CHS does not sufficiently consider consumer vulnerability and how it may manifest in a CSP's complaint handling processes. ACCAN recommends the draft CHS develop a broad definition of consumer vulnerability that aligns with the considerations included in ACMA's statement of expectations for consumer vulnerability¹² and includes:

- Consumers who are experiencing or may experience financial hardship, as defined by *Telecommunications (Financial Hardship) Industry Standard 2024*.
- Consumers who are experiencing or may experience domestic, family and sexual violence, as defined by the upcoming *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025*.
- People with disabilities or accessibility requirements.
- Culturally or linguistically diverse consumers, including non-English speaking or English as a second language consumers.

ACCAN recommends the draft CHS introduce overarching obligations on CSPs to consider consumer vulnerability and the risk of harm when prioritising, escalating and resolving complaints or when commencing legal action. To better protect vulnerable consumers, legal action by CSPs should be prohibited for at least 14 working days instead of 7 working days after the consumer is advised of the outcome of their complaint.

The CHS should place a proactive obligation on CSPs to identify the needs of the consumer and offer appropriate and tailored assistance throughout the complaints handling process. This would require complaint handling personnel to actively prioritise and escalate consumer complaints if they have identified the consumer is experiencing vulnerability. Further, the CHS should place a proactive obligation on CSPs to consider the risk of harm to the consumer of their complaint remaining unresolved. This would require CSPs to take actions to resolve the complaint commensurate with the seriousness of the complaint.

In addition, ACCAN recommends the draft CHS recognise the inherent vulnerability of all consumers facing a service outage, even if this experience is temporary for some. While certain groups, such as consumers with disabilities or critical medical needs, may experience heightened vulnerability, the impact of a service disruption extends to all consumers. A service outage can disrupt crucial activities for any individual, regardless of their background. This could include loss of communication, disruption to work and education, financial impacts, social isolation and safety concerns. These impacts are often exacerbated for consumers in regional, rural and remote areas who have little or no redundancy in telecommunications services.

Definitions of 'urgent complaint' and 'urgent network outage complaint'

To ensure the draft CHS meaningfully considers consumer vulnerability, ACCAN supports amending the definition of an urgent complaint to place an obligation on CSPs to 'be proactive in identifying and responding to consumers in vulnerable circumstances'.¹³

¹² ACMA, *Consumer vulnerability: expectations for the telecommunications industry* (May 2022) 6-8.

¹³ Ibid 5.

ACCAN recommends amending the definition of urgent complaint to (changes in **highlight** and ~~strikethrough~~):

- (a) where the complaint is made by a consumer who is, or may be, experiencing financial hardship, **as defined by the Telecommunications (Financial Hardship) industry Standard 2024** and where the subject matter of the complaint can reasonably be presumed to directly contribute to or aggravate the financial hardship of that consumer; or
- (b) where the possibility of disconnection, suspension or restriction of a service is imminent or has occurred ~~and where due process has not been followed~~; or
- (c) which involves a priority assistance consumer and the service for which they are receiving priority assistance; **or**
- (d) **where a complaint is made by a consumer who is, or may be experiencing domestic, family and sexual violence, as defined by Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025; or**
- (e) **where a complaint is made by a consumer who is, or may be experiencing, vulnerability and where the subject of the complaint can reasonably be presumed to directly contribute to or aggravate the vulnerability of that consumer; or**
- (f) **a service outage report that is determined under section 17B as not a network outage complaint; or**
- (g) **where a consumer has expressed a need for urgent assistance.**

Similarly, ACCAN recommends amending the definition of urgent network outage complaints to ensure it appropriately covers consumers who may experience heightened vulnerability during a network outage. ACCAN considers it inappropriate that urgent network outage complaints are limited to complaints received through real-time or near real-time communication methods. Considering the nature of network outages, consumers may have little choice as to what communication methods are available to them. Further, real-time or near real-time communications may not be appropriate for consumers with accessibility requirements or other vulnerabilities.¹⁴

As drafted, the urgent network outage complaint definition may rely on consumers having to specify their complaint is urgent for it to be treated as such. ACCAN recommends amending the definition of urgent network outage complaint to (changes in **highlight** and ~~strikethrough~~):

- (a) ~~where the consumer has expressed a need for urgent assistance using a real-time or near real-time communication method provided under section 16 of the CCO Standard;~~ or
- (b) which involves a priority assistance consumer and the service for which they are receiving priority assistance; or
- (c) **where a complaint is made by a consumer who is, or may be, experiencing financial hardship, as defined by the Telecommunications (Financial Hardship) Standard 2024; or**
- (d) **where a complaint is made by a consumer who is, or may be experiencing domestic, family and sexual violence, as defined by Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025; or**
- (e) **where a complaint is made by a consumer who is, or may be experiencing, vulnerability and where the subject of the complaint can reasonably be presumed to directly contribute to or aggravate the vulnerability of that consumer.**

¹⁴ ACMA, *What consumers want – Consumer expectations for telecommunications safeguards* (Position paper, July 2023) 9.

Exemption of natural disasters from definition of network outage complaint

ACCAN notes that the definition of ‘network outage complaint’ explicitly excludes outages caused by natural disasters. ACCAN questions the rationale behind this exclusion. ACCAN considers that the source of outages is irrelevant to whether consumers should be protected by the CHS.

Communications services are essential services, and outages caused by natural disasters have significant economic and social impacts.¹⁵ Ensuring effective complaint mechanisms for these outages is vital for consumer protections in Australia. ACCAN acknowledges that natural disasters are beyond the control of CSPs and that the speed of restoring services in catastrophe affected areas is dependent upon emergency and reconstruction efforts in the area. We nevertheless consider it imperative that disaster-affected consumers are adequately protected through appropriate complaint handling processes.

ACCAN recommends the ACMA include requirements in the CHS that give priority to natural disaster-related outages in network outage complaints, as these events are often widespread, heighten consumer vulnerability and demand urgent response mechanisms. This should be achieved by removing the exclusion in the definition of network outage complaints and including within the CHS additional complaints handling requirements to specifically respond to the needs of consumers affected by catastrophe.

Consumers’ right to tailored remedies and resolutions

ACCAN supports the requirements at 13(1)(e) and 17D(3)(c)(i) that outline a consumer’s right to tailored remedies and resolutions. ACCAN supports drafting of 17D(3)(c)(i) be expanded to mirror the drafting of 13(1)(e) to ensure consumers receive the same protections irrespective if their complaint is related to a network outage.

ACCAN considers that the CHS should recognise that network outages often have implications beyond disconnection and that tailored resolutions are required to address the range of harms a consumer experiences due to disconnection. For remedies and resolutions, ACCAN recommends the ACMA introduce an overarching obligation for CSPs to return the consumer to the state they were in prior to the complaint to the extent that is reasonably practicable.

Complaints management and response times

ACCAN welcomes amendments that have been made to shorten complaints resolution timeframes over those in the current CHS. ACCAN has some outstanding concerns that the response times in the draft CHS do not meet community expectations or adequately reflect the essential nature of communications services.

Australians rely on communications services every day for work, education, healthcare, wellbeing and connection. Consumers are exposed to physical, economic and personal harms when they suffer issues with their telecommunications services. Efficient, effective and timely resolution of complaints is critical to ensuring consumers stay connected and protected from harm.

ACMA’s *What consumers want* position paper outlines that ‘consumers expect that telcos will answer their enquiry or fix their issue or problem at first contact or within a reasonably short time,

¹⁵ TIO, *Investigating complaints about essential mobile services* (Systemic investigation report, July 2022) 20.

where possible, and do what they promised to do'.¹⁶ However, data from the CRPC report reflects telcos are failing to deliver positive outcomes for consumers. The report found that 'close to a third of people who made a complaint said their telco took longer than a week. More than a fifth experienced unresolved or lengthy resolution times of more than 30 days— some up to 260 days at the time of survey'.¹⁷ Further, the TIO has consistently reported delayed or no action from telcos as 'being the number one source of complaints received since Q4 2020'.¹⁸

The response times for urgent complaints outlined in Part 3 of the draft CHS remain too long and do not reflect consumers expectations of their telcos to resolve issues efficiently and effectively. The CHS allows CSPs 2 working days to resolve urgent complaints. As drafted, if a consumer contacts a CSP with an urgent complaint on Friday, the CSP has until the following Tuesday to propose and implement a resolution, potentially leaving the consumer without connection for 4 days. Given that an 'urgent complaint' is a complaint by someone who is or may be affected by financial hardship, involves a disconnection or risk of disconnection, or involves a priority assistance consumer, this delay risks harming consumers who are in need of urgent assistance.

Further, the draft CHS allows CSPs 15 working days after the receipt of a complaint to **implement** a resolution. This can amount to more than 3 calendar weeks which is an unacceptable response time for an essential service. ACMA complaints data shows the industry average (weighted) to resolve complaints is 5.5 days.¹⁹ ACCAN considers 10 working days for a CSP to **propose** a resolution is excessive when most CSPs are resolving complaints in their entirety in a much shorter timeframe.

Considering the CHS permits CSPs to reasonably delay the resolution of complaints, the provisions set out in section 12, 13 and 15 act as benchmarks for CSPs to meet. Therefore, ACCAN considers the response times must be timely and reflect consumer expectations. ACCAN recommends that:

- CSPs must resolve urgent complaints 3 calendar days after receipt, with 1 calendar day to propose a resolution and 2 calendar days to implement the resolution.
- CSPs must resolve complaints 6 working days after receipt, with 4 working days to propose a resolution and 2 working days to implement the resolution.

Definition of network outage

Question 1: Is aligning the definition of network outage with the definitions for 'major outage' and 'significant local outage' from the Customer Communications Standard appropriate? If not, please explain why and describe any alternative and/or other approaches that could be used to define 'network outage'.

ACCAN considers that harmonisation of definitions with the Customer Communications Standard (CCO) is essential to establish clear obligations on CSPs and ensure consistent protections for consumers. However, ACCAN considers the definition of 'significant local outage' proposed at section 5 of the CCO to be unworkable. As outlined in ACCAN's submission to the ACMA's consultation in relation to the CCO, the 1,000-service threshold is too high and risks excluding

¹⁶ ACMA, *What consumers want – Consumer expectations for telecommunications safeguards* (Position paper, July 2023) 3.

¹⁷ CRPC Report, 14.

¹⁸ ACMA, *What consumers want – Consumer expectations for telecommunications safeguards* (Position paper, July 2023) 24.

¹⁹ ACMA, *Telco complaints-handling performance* (Report, 18 December 2024) <<https://www.acma.gov.au/publications/2022-10/report/telco-complaints-handling-performance>>.

smaller but highly impacted communities, particularly where telecommunications options are limited. It could also mean that remote communities are systematically overlooked because they may not have 1,000 services in operation.

While ACCAN considers that syncretisation between the CCO and CHS is critical, ACCAN considers the CHS must reflect the Direction's objectives to establish fit-for-purpose, consumer focused protections related to network outages.

Definition of network outage complaint

Question 2: Does the amended definition of 'complaint', combined with the new 'network outage complaint' definition, give effect to the direction's objective of ensuring consumers who contact their provider in relation to a network outage can attract the protections of the Complaints Handling Standard? If not, please explain why and describe any alternative and/or additional approaches that could be used to meet the objective.

Question 3: Currently network outage complaints would not be raised if the outage is due to an unplanned adverse impact and the sole or predominant cause is a natural disaster. Should this exception be removed? If so, please explain why and how this could work in practice.

ACCAN has outlined its concerns regarding the definition of 'complaint' earlier in this submission. ACCAN considers the proposed definition to be insufficient, lacking consumer focus and does not remove the need for a consumer to state that they want their matter to be treated as a complaint in order to attract the protections of the CHS. Similarly, the exemption of natural disasters from network outage complaints ought to be revised given that consumers affected by outages caused by natural disasters should be prioritised in the same way as other outages.

Prioritisation of network outage complaints

Question 4: Is the approach of prioritising the restoration of services over the resolution of other complaints related to network outages appropriate? If not, please explain why and describe any alternative and/or additional approaches that could better meet the objective of prioritising complaints relating to network outages in the direction?

ACCAN considers the prioritisation of restoring services is appropriate and reflects the essential nature of communications services. Consumers who are disconnected from their service due to an outage are exposed to various serious harms, including physical, economic and social harms.²⁰

Question 5: Are the proposed processes and actions to prioritise complaints from consumers affected by network outages reasonable and practical? If not, please explain why and describe any alternative and/or additional approaches that could better meet the objective of prioritising complaints relating to network outages in the direction?

ACCAN considers the proposed processes and actions to prioritise complaints related to network outages would benefit from greater clarity and explicit drafting. ACCAN notes 17A(b)(ii) requires

²⁰ TIO, *Investigating complaints about essential mobile services* (Systemic investigation report, July 2022) 20.

CSPs have internal processes for prioritising network outage complaints, however, the draft CHS does not make explicit the obligations and requirements that this process must consider.

CSPs will likely develop internal processes to triage network outage complaints and prioritise complaints based on their severity. As outlined above, ACCAN recommends the draft CHS be expanded to require CSPs internal prioritisation of network outage complaints:

- takes into account vulnerabilities the consumer may be experiencing; and
- considers the risk of harm a consumer is exposed to as a result of the network outage.

Question 6: The proposed drafting envisages that, if the network problem is rectified but this does not achieve the default resolution of a network outage complaint (restoration of service), then the consumer will need to actively contact their CSP to seek assistance before their network outage complaint is closed. Also, if the default resolution is achieved but the consumer remains dissatisfied with this outcome, they will need to raise a new complaint through the standard, non-network outage complaints process. Are these approaches appropriate? If not, please provide details of alternative ways to manage these scenarios.

ACCAN considers these approaches are inappropriate and do not meet the Direction's objectives.

Providers should seek consumer consent prior to closing a network outage complaint

ACCAN supports a requirement on CSPs to seek consumer consent prior to closing a network outage complaint. As drafted, the CSP can close a network outage complaint without consumer consent, thus placing an administrative burden on the consumer to open a new complaint case if they are dissatisfied with the CSPs actions or resolution. This does not meet the intention of the Minister as set out in the Explanatory Statement that consumers avoid dealing with multiple persons to resolve their complaint and needing to repeat their complaint multiple times.²¹

Consumers should not be required to open multiple complaints regarding a network outage issue

Drafting of 17D does not sufficiently outline the actions a CSP must take if the default resolution is not successful or if a consumer seeks a tailored resolution. 17D(3)(c)(ii) does not clearly obligate the CSP to notify a consumer that they must proactively contact their provider if the default resolution was unsuccessful. Further, the section does not set out the obligations on a CSP if a consumer notifies them that the default resolution failed.

ACCAN considers that requiring a consumer to open a separate complaint should they be dissatisfied with the default resolution or seek a tailored resolution under 17D(3)(c)(i) is not fit-for-purpose or consumer focused. This process places an administrative burden on consumers to reiterate their complaint to different complaints handling personnel and be subject to the response times of both the CSP's network outage complaints handling process and regular complaints handling process. In this instance, the combined maximum timeframe for resolution will exceed 18 working days.

ACCAN considers the draft CHS must set minimum requirements for the process by which the consumer can seek further resolution if they are not satisfied with the default resolution, or it was

²¹ Explanatory Statement, 9.

not implemented successfully. ACCAN recommends the draft CHS introduce clauses to section 17D to the effect that:

'After a consumer notifies the provider that the default resolution was not implemented successfully under 17D(3)(c)(ii), a carriage service provider must:

- (a) provide a proposed resolution of the complaint within 3 calendar days if the complaint is a network outage complaint or 1 calendar day if the complaint is an urgent network outage complaint*
- (b) if the consumer accepts the proposed resolution, implement that resolution within 2 calendar days for a network outage complaint, or 1 calendar day for an urgent network outage complaint*
- (c) seek confirmation from the consumer within 1 working day of implementing the resolution if it was successful*
- (d) seek the consent of the consumer to close the complaint*
- (e) not close the complaint less than 5 working days after requesting (d)*

After a consumer notifies the provider that they would like to seek a tailored resolution under 17D(3)(c)(i), a carriage service provider must:

- (a) provide a proposed resolution of the complaint within 4 working days if the complaint is a network outage complaint or 2 calendar days if the complaint is an urgent network outage complaint and*
- (b) if the consumer accepts the proposed resolution, implement that resolution within 2 working days for a network outage complaint, or 1 calendar day for an urgent network outage complaint*
- (c) seek confirmation from the consumer within 1 working day of implementing the resolution if it was successful*
- (d) seek the consent of the consumer to close the complaint*
- (e) not close the complaint less than 5 working days after requesting (d)'.*

Question 7: Is the requirement for CSPs to help keep certain categories of customers connected who contact them in a network outage, and who may be at risk of extra harm due to the loss of service, appropriate and practical? If not, please explain why and describe any alternative and/or additional approaches that could be used.

It is appropriate for CSPs to prioritise assistance for certain categories of customers who may be at a higher risk of harm due to a network outage than other consumers. As outlined earlier in the submission, ACCAN considers complaint prioritisation processes must involve meaningful consideration of consumer vulnerabilities.

Contact methods to make a network outage complaint

Question 8: Are the proposed methods suitable for consumers to contact their CSP about service problems that may be related to network outages? If not, please explain why and describe any alternative and/or additional approaches that would be more appropriate and enable network outages to be captured and handled under the Complaints Handling Standard.

ACCAN considers the contact methods specified at 10B(g) are appropriate. ACCAN supports a requirement on CSPs to make available the maximum number of communication channels possible for a consumer to contact and lodge a complaint with a CSP during a network outage. Further, ACCAN supports a requirement for CSPs to make contact channels available outside regular business hours during natural disasters or network outages.²²

Other changes relating to network outage complaints

Question 9: Do the proposed requirements in the network outage complaints-handling process set out all the information that would help consumers understand and use this complaints process. Are there aspects of this complaints process that should be changed, added or removed? If so, please explain why and describe any alternative approaches that would be more appropriate.

There are several key areas ACCAN considers the draft CHS can improve regarding network outage complaints to ensure the protections are consumer focused and meet community expectations.

Greater requirements on a provider's network outage complaints handling process

Requirements on a provider's network outage complaints handling process under 10B(1)(o) are ambiguous, lending themselves to inconsistent interpretation and implementation across CSPs.

ACCAN recommends amending the draft CHS to (changes in **highlight** and ~~striketrough~~):

'(1) A network outage complaints handling process must:

(o) ~~set out each potential step in the process for dealing with a service outage report and a network outage complaint, including the steps for~~ clearly outline all the steps a provider undertakes to handle a service outage report and a network outage complaint. These steps must include:

...(viii) ~~setting out options that might be available under section 17D for urgent network outage complaints;~~ the procedures for identifying and handling urgent network outage complaints, including how those procedures differ from handling network outage complaints and options that are available under 17D for urgent network outage complaints.'

Complaints made by or on behalf of a class of consumers

ACCAN has received feedback from the Indigenous Consumer Assistance Network (ICAN) regarding complaints on network outages in rural and remote communities. ACCAN's stakeholders frequently notify us of weeks-long outages in remote communities and ongoing issues with providers response times and complaints handling processes. ICAN has experienced an instance where a provider could

²² TIO, *Investigating complaints about essential mobile services* (Systemic investigation report, July 2022) 20.

not locate a regional or remote address and asked the consumer for exact co-ordinates. In this case, the provider did not accept the complaint as it couldn't locate the address of the complainant. As such, the provider was unable to provide any specific information to the consumer beyond an update regarding the general area.

Critically, ACCAN is aware that providers' complaints handling processes do not have a capacity to handle complaints from a whole community. ICAN has advised that when making complaints regarding a community-wide outage, the provider seeks an exact address when the complaint they are raising is regarding a whole region's access to a reliable service. This requires each member of the affected community to raise a complaint in order to receive the protections of the CHS.

The Bean Review addressed similar concerns regarding consumers filling individual complaints yet seeking a widespread remedy for all affected consumers, in this case, compensation. The Review stated:

*'Requiring very large numbers of customers to initiate individual complaints in a situation where the fault and its impact is known is unfair to consumers and wasteful of resources in both telecommunications providers and the TIO. A super-complaint system enabling complaints to be made by or on behalf of a class of customers, or a class order system enabling the TIO to order compensation for a class of customers, would be an appropriate reform in this area.'*²³

ACCAN supports the Review's recommendation of a mechanism in the CHS that allows complaints to be made by or on behalf of a class of customers to ensure each individual consumer is not burdened to make a complaint regarding persistent community-wide outages.

Question 10: Do the proposed amendments to complaints monitoring and analysis, complaints record-keeping and reasonable assistance obligations appropriately adapt these rules to incorporate the introduction of a network outage complaints category? If not, please explain why and describe any alternative approaches that would be more appropriate for these areas.

Parts 4-6 impose obligations on the CSP to establish processes, procedures and systems for monitoring complaints and importantly, analyse complaint records to identify systemic issues and problems. The draft CHS does not require CSPs to report breaches of the instrument to the ACMA, nor the outcomes of reviews. Given the importance of timely and responsive complaints handling for network outages and urgent complaints, ACCAN considers that the CHS should place obligations on CSPs to report breaches or non-compliance with obligations and timeframes, including systemic issues, on an annual basis to the ACMA. The ACMA can then take appropriate action to help improve industry complaint handling practices.

Improved display of complaints handling processes

Question 11: Are the proposed amendments likely to make it easier for consumers to find their CSP's complaints handling process and improve transparency of this process? If not, please explain why and describe what alternatives or additional measures would achieve this in a way that meets the direction's objectives?

²³ Richard Bean, *Review into the Optus Outage of 8 November 2023* (Final report, March 2024) 35
<<https://apo.org.au/sites/default/files/resource-files/2024-04/apo-nid326618.pdf>>.

ACCAN supports the proposed amendments to the draft CHS to increase the visibility and accessibility of information relating to a provider's complaints handling support services. To improve clarity, ACCAN supports amending 8(3) and (4) to adopt appropriate terminology (changes in **highlight** and ~~strikethrough~~):

*(3) A carriage service provider must ensure there is a direct link on the homepage, **accessible from the primary navigation menu**, and the help, **contact** or support section or area of its website via which a consumer can access information displayed on its website that:*

- (a) sets out how to contact the provider to make a complaint, including a table or list identifying each of the contact details the provider has specified under paragraphs (1)**(h)**, (k) and (ka); and*
- (b) includes an express statement that the contact information provided under paragraph (a) can be used to make a complaint.*

(4) The links referred to in subsection (3) must be:

- (a) clear and prominent;*
- (b) include the word "complaint" **or** its plural ~~or another variation of that word~~; and*
- (c) for the link that ~~is included on~~ to the help, **contact** or support section or area of the website - accessible from ~~a main heading~~ **the primary navigation menu**.'*

Easier to contact CSP to make a complaint

Question 12: Are the proposed amendments likely to make it easier for consumers to contact their CSPs with a complaint and have it treated as a complaint? If not, please explain why and describe what alternatives or additional measures would achieve this in a way that meets the direction's objectives?

ACCAN supports the proposed amendments to increase visibility of ways in which a consumer can contact their CSP to make a complaint. Consumers often struggle to find their provider's complaints contact details and often attempt contact through systems not designed for complaints handling.²⁴ Concerningly, data from the CPRC Report found that 13% of consumers who didn't lodge a complaint didn't know how to / where to start.²⁵ When a consumer cannot find the appropriate methods to contact their CSP for assistance or to make a complaint, it leads to poor outcomes where consumers are transferred between several personnel and unable to access a timely resolution.

CALC have recently reported that financial counsellors are receiving many calls to the National Debt Helpline (**NDH**) from confused telecommunications customers seeking to speak to their CSP because they have been unable to reach their CSP through an easily accessible phone number or because the NDH phone number is the only one provided in correspondence from their CSP. Although it is our preference that all residential customer servicing CSPs be required to provide a dedicated direct phone number for their customers, more needs to be done to make a CSP's direct contact details

²⁴ TIO, *Investigating complaints about essential mobile services* (Systemic investigation report, July 2022) 22-23.

²⁵ CPRC Report, 13.

easily accessible and prominent for customers, including on all bills, so they can direct their issues to the CSP to attempt to resolve it in the first instance. ACCAN supports a requirement on CSPs to ensure that where their contact detail information is specified on a website or in communications, it is displayed most prominently, compared to those provided in relation to other organisations or support services.

In addition, ACCAN considers the timeframe at 8A(b) is too long and a delay in updating contact details will prevent consumers from accessing efficient and timely resolutions. ACCAN considers providers should be required to ensure the contact details on their website under 8A are corrected or updated if they are changed within 2 hours of the change. ACCAN also supports a requirement on providers under 8(1A) to include a telephone menu option in the first menu that explicitly states 'complaint' or its plural, akin to clause 8(4)(b).

Improved accessibility to make a complaint

Question 13: Are the proposed amendments likely to make it easier and more accessible for consumers to contact their CSPs with a complaint? If not, please explain why and describe any alternatives or additional measures that would achieve this in a way that meets the direction's objectives?

ACCAN supports the amendments to increase access to complaints handling however recommends improvements to strengthen the draft CHS and ensure it is fit-for-purpose, transparent and consumer focused. As outlined earlier in the submission, there is a lack of meaningful consideration of vulnerability within the draft CHS. Consumers with vulnerabilities often struggle to make a complaint and seek appropriate support from their provider.²⁶

ACCAN received input from the Federation of Ethnic Communities' Councils of Australia (**FECCA**) which highlighted language barriers and lack of awareness and familiarity with available complaint-handling services to be factors that deter people to lodge telco complaints in the first place. A major barrier for many multicultural communities in engaging with complaints handling services includes low level of English, although disaggregated data around this remains scarce.

An example provided in feedback to FECCA was related to over-the-phone complaints, which is one of several ways in which telco complaints can be reported and handled. Connecting with telco complaints handling services through the phone often requires the individual to speak to an automated voice before reaching an employee. People with lower English proficiency and accents have found this to be a challenge, with some giving up before even reaching the complaints service provider. In ensuring more accessible complaint mechanisms, it is important to offer multilingual support with free translation and interpretation available and actively disseminated to customers.

ACCAN notes the draft CHS is largely silent about the training requirements and support for CSP complaint handling personnel. Rather, the standard relies on personnel having access to the relevant complaints handling process, information and understanding the minimum requirements of the CHS. ACCAN supports the CHS being brought into alignment with the ACMA's statement of expectations

²⁶ TIO, *A time for change – Three years of systemic investigations in review* (Systemic investigation report, June 2023) 11; See also FECCA, *Access and Equity to Feedback and Complaints Mechanisms for Multicultural Communities* (Report, December 2017) <<https://fecca.org.au/wp-content/uploads/2017/12/FECCA-Access-and-Equity-Report-Final.pdf>>.

regarding consumer vulnerability which sets out providers ‘conduct regular and specific training in all relevant systems, processes, policies and procedures for all staff who may interact with consumers experiencing, or at risk of experiencing, vulnerability’.²⁷ ACCAN recommends the CHS adopt training requirements akin to section 26-28 of the *Telecommunications (Financial Hardship) Industry Standard 2024 (the Financial Hardship Standard)*.

ACCAN also supports a requirement for CSPs to provide additional support for their frontline complaint handlers to help them respond to difficult complainants. Responding to complainants can sometimes be difficult because they are distressed, angry or appear to be threatening. CSPs should be obliged to train staff to handle these types of complaints and be provided with support to manage the risk of vicarious trauma.

Further, ACCAN recommends the draft CHS can better address barriers to making a complaint via implementing the following:

- Include a definition of vulnerability and placing a proactive obligation on CSPs to identify and support the needs of consumers throughout the complaints handling process.
- Require CSPs to provide free translation of the complaints handling process and network outage complaints handling process into 10 community languages including Braille, Auslan, Easy English, and most used First Nations languages.
- Require CSPs to provide free translation or interpretation services and information on how to access these services on the CSP’s website, and readily available for staff in all contact channels including in-store, online and over the phone.²⁸
- Require CSPs to clearly communicate to consumers and help them to understand the complaints handling process, their rights and obligations.
- Place an obligation on CSPs to ensure their customer scripts, phone menu options and similar communications are in plain English and regularly reviewed.²⁹
- Require CSPs to conduct an annual review of complaint handling policies, practices, and complaints to identify the barriers that exist for consumers experiencing vulnerability in accessing complaints handling, and to furnish these reports to the ACMA.³⁰

Shorter complaint resolution times

Question 14: Will the proposed changes to complaint resolution timeframes allow sufficient time for CSPs to resolve a complaint in a way that meets the Direction’s objectives? If not, please explain why and describe any alternative and/or additional approaches that could be used to meet those objectives.

ACCAN welcomes the proposed changes to complaint resolution timeframes. While these response times are an improvement, ACCAN has some outstanding concerns regarding the timeframes for urgent complaints as outlined earlier in this submission.

²⁷ ACMA, *Consumer vulnerability: expectations for the telecommunications industry* (May 2022) 9.

²⁸ Ibid 11.

²⁹ Ibid.

³⁰ Ibid 10.

Clearer information about the TIO

Question 15: Will the proposed changes, combined with existing obligations, provide consumers with clear and sufficient information at appropriate times in relation to avenues for external dispute resolution, specifically the TIO? If not, please explain why and describe any alternative and/or additional approaches that could be used to achieve that outcome.

ACCAN supports the proposed changes to promote the TIO and ensure consumers are made aware of their right to external dispute resolution. ACCAN considers CSPs have a critical role to play in making consumers aware of their rights to promote positive consumer outcomes. Concerningly, the CPRC report found only 30% of people who complained agreed their telco provider helped them understand their rights.³¹

ACCAN notes 10(d) of the draft CHS specifies a consumer can take their complaint to the TIO after the provider has had a 'reasonable opportunity to **resolve** a complaint'. This drafting does not align with the TIO's Terms of Reference which specify the TIO will manage a complaint after the CSP has had a 'reasonable opportunity to **consider** the issues'.³² ACCAN considers there is a material difference between a CSP's opportunity to consider a complaint compared to resolving a complaint. The TIO has advised it may deal with a complaint if a consumer has made reasonable attempts to contact their provider. However, the draft CHS limits the TIO to handling a complaint after the provider has a 'reasonable opportunity to **resolve** a complaint'.

Following the timeframes outlined in the draft CHS, this can amount to 15 working days between a CSP receiving a complaint to the implementation of its resolution. ACCAN considers this an unnecessary delay that obscures consumers rights and will contribute to negative consumer outcomes. ACCAN recommends the ACMA amend 10(d) to syncretise with the TIO's Terms of Reference to ensure consistency and the prioritisation of consumer rights.

ACCAN supports the requirement for CSPs to explicitly provide the information in 10(d) and recommends amending 10(d)(ii) to (changes in **highlight**):

*'includes the statement: "If you are not satisfied with how we have handled your complaint, you have a right to take it to the Telecommunications Industry Ombudsman, **a free and independent external dispute resolution service**"; and'*

In addition, ACCAN notes there are no requirements for CSPs to provide the information in 10(d) at any point of the network outage complaints process. ACCAN recommends consumers are provided the information in 10(d) at the time a CSP:

- acknowledges a complaint under section 12 and 17C.
- provides a notification to the consumer at 17D(3)(c).
- notifies of a delay at 14(2), regardless of the expected duration of the delay.
- closes a complaint or network outage complaint at 17D(6).

³¹ CPRC Report, 14.

³² TIO, *Terms of Reference* (January 2025) 6 <https://www.tio.com.au/sites/default/files/2024-12/TIO_Terms%20of%20Reference.pdf>.

Alignment with the Financial Hardship Standard

Question 16: Will the proposed changes to align the Complaints Handling Standard with the Financial Hardship Standard adequately support financial hardship consumers with a relevant complaint to have their complaint treated urgently? If not, please explain why and describe any alternative and/or additional approaches that could be used to do so.

ACCAN considers the proposed changes to the draft CHS to align with the Financial Hardship Standard are appropriate. ACCAN supports the CHS explicitly citing the *Telecommunications (Financial Hardship) Industry Standard 2024* when the standard references financial hardship to ensure obligations are clear and consistent. Further, requiring providers to specifically record any customer vulnerabilities identified during a complaint would better align the CHS with CSPs' obligations under the Financial Hardship Standard.

Commencement and transition arrangements

Question 17: What is the earliest practical date before 30 June 2025 for the amended standard to commence? Should it commence earlier than 30 June 2025? If so, please explain why and say what alternative date would be appropriate.

ACCAN considers 30 June 2025 an appropriate date for the standard to commence. ACCAN considers any extension to this date risks delaying the onset of materially updated consumer protections.

Other arrangements

Question 18: We are seeking feedback on whether any other changes or new rules are needed so that a revised Complaints Handling Standard meets the direction's objectives. If so, please describe any additions or changes you think would be appropriate and explain why.

ACCAN is concerned the draft CHS conflates complaints handling processes with a complaint handling policy. ACCAN considers there are material differences between a process and a policy that the standard does not account for. By conflating the policy and process, ACCAN considers the draft CHS risks inconsistent application by CSPs.

ACCAN considers the draft CHS should require CSPs develop a complaint handling policy that outlines the principles, intent and framework that underpin the complaints handling process. ACCAN supports the CHS clearly defining the minimum requirements of the complaints handling policy and complaint handling process. Distinguishing a complaint handling policy from the complaints handling process will allow a CSP to more effectively monitor and evaluate their complaints handling and lead to greater clarity for consumers.

Conclusion

ACCAN thanks the ACMA for the opportunity to provide feedback on the draft amendments to the draft CHS. ACCAN considers consumer complaints offer invaluable insight to CSPs to improve their products and services and demonstrate their commitment to positive consumer outcomes.

Telecommunications are an essential service. Consumers suffer various harms when they experience issues with their telecommunications services. Efficient, effective and timely resolution of complaints is critical to ensuring consumers stay connected and protected from harm.

ACCAN considers several key amendments are needed to the draft CHS to ensure the regulatory framework is fit-for-purpose, consumer focused and meets community expectations for years to come. Should you wish to discuss any of the issues outlined in this submission, please do not hesitate to contact Rebekah Palmer, Communications and Policy Officer, at rebekah.palmer@accan.org.au.

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. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)
