



9 October 2013

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Telecommunications Industry Ombudsman
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Dear David,

ACCAN would like to thank the TIO for the opportunity to engage further on the issue of publishing comparative complaints data. We maintain that contextualising TIO complaints by services in operation (SIO) will make a significant contribution to informed consumer choice. ACCAN would like to use this opportunity to update and respond to issues raised in the early consultation.

Who should publish the data?

ACCAN is of the firm belief that the TIO should be the body to publish this contextualised data. This is the best method of ensuring the data is presented in an independent and common sense manner, which best represents the TIO's deep knowledge of its own information gathering processes.

The substantive information being gathered for these metrics are the complaints, not the SIOs. Given the TIO codes these complaints, the TIO is best suited to publishing them in a contextualised form. We believe passing this data to a third party to contextualise may lead to confusion over the meaning behind the codes and weaken the confidence in the data. Consumer confidence is key in a self-regulatory environment and should be promoted to the fullest extent.

In this context we believe it would be disappointing if industry was unwilling to provide SIO data to the TIO for this purpose. ACCAN understands that this type of information is already provided to the ACMA and the ACCC through various reporting measures. By working with these regulators, the TIO could ensure that the information it requires does not represent an unnecessary duplication of reporting requirements on industry and thus defray any additional cost related to this obligation.

In the meantime, ACCAN suggests the TIO begin contextualising complaints using publically available information and call on industry to support this process by providing more up to date and accurate data. For example, it is currently possible to estimate the market size of the major providers using ABS data to determine the total number of services in each market. Then applying ACCC data on market share, published in the ACCC telecommunications report, it is possible to estimate the total number of services by provider.¹ ACCAN understands this method is not as accurate as each provider

¹ ACCC, 2013, 'ACCC Telecommunications Report' <http://www.accc.gov.au/publications/accc-telecommunications-report/accc-telecommunications-report-2011-12>

reporting their SIO across the categories. However, given what is now a 7 month delay in industry metric reporting requirements under the TCP Code, we believe this approach could provide the impetus for accelerating self-reporting of SIO information.

Industry proposals

'Customer Satisfaction Survey'

ACCAN is encouraged to see industry initiatives like Communications Alliance's National Customer Satisfaction Survey to collect consumer feedback. This survey adds value to understanding macro-level customer opinions. However, ACCAN believes this is not a substitute for the data collected by the TIO. While the survey provides a good overview, the metrics do not drill down into the substantive pressure points facing telecommunications consumers.

For example, landline transfer complaints collected by the TIO, when contextualised by telecommunications provider, may be important to policy makers, industry and consumers alike. For policy makers it has the potential to highlight competitive constraints in areas such as number portability and delays in connection. It can then be used to frame competition policy and code development. From a consumer point of view it gives some indication of providers who may have problems with customer transfers and allow this to be factored into purchasing decisions. Finally, from an industry perspective it creates a competitive standard which should drive improvement in transfer processes. Overall, access to this information should aid the development of a competitive and efficient market.

Communications Compliance Metrics

Despite the delays, ACCAN is also encouraged by Communications Alliance, Communications Compliance and the ACMA's efforts to develop metrics around TCP Code compliance.² However, we do not see these efforts as a duplication of what the TIO is proposing. For example, the TIO collects mobile coverage complaints from consumers.³ The TCP Code's equivalent metric is limited to ensuring compliance with advertising and customer information provisions. For example, 4.1.3(h) of the Code requires a supplier to provide relevant information about mobile coverage.⁴

Having access to information about coverage and actually having coverage are two distinctly important measures. One of the most important features of a properly operating free market is ensuring access to information about products and services. While information like coverage maps are a good first step they are but one piece of information a consumer is likely to use to inform themselves.

² Communications Alliance, 2013, 'Publishing Comparative Complaints Data submission' http://www.tio.com.au/_data/assets/pdf_file/0020/137432/CA-submission_TIO-Consultation-Paper-on-Publishing-Comparative-Complaints-Data.pdf

³ TIO, 2012, 'Complaint statistics January-March 2013', <http://www.tio.com.au/publications/blog/complaint-statistics-january-march-2013>

⁴ *Telecommunications Consumer Protection Code* 4.1.3(h)

Conclusion

Once again ACCAN would like to thank the TIO for providing an opportunity for further engagement with this issue. We believe there are a number of advantages in making this data open, customisable and publically available. It has the potential to:

- Place a greater importance on service providers working with the TIO to provide speedy resolutions to customer complaints as poor performers will be easily identified.
- Provide a form of 'market intelligence' for consumers comparing customer service standards
- Be used in innovative ways when combined with other data sets
- Provide a useful source of information for evidence-based policy and regulation.

ACCAN acknowledges the efforts of the TIO in developing better data metrics for complaints and welcomes further involvement in this process.

Sincerely,



Xavier O'Halloran
ACCAN Policy Officer