



Telecommunications (Consumer Complaints Handling) Industry Standard 2018

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

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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.

Contact

Isabel Durie
Policy Officer

PO Box 639,
Broadway NSW, 2007

Email: info@accan.org.au

Phone: (02) 9288 4000

Fax: (02) 9288 4019

Contact us through the [National Relay Service](#)

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1. Introduction

ACCAN thanks the ACMA for the opportunity to provide feedback on its draft Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (the Standard). ACCAN strongly supports the development of this Standard as it places greater importance on the need to effectively handle complaints by enhancing and supporting the ACMA's enforcement role in the industry. We also consider there are compelling grounds for the Standard to apply to all complaints, not just those relating to the NBN.

This Standard is particularly important in light of the significant rise in complaints in the telecommunications industry. In its 2016-2017 Annual Report, the Telecommunications Industry Ombudsman (TIO) reported a 41.1% increase in complaints from the previous year¹. The TIO's has recently announced research showing that one in two Australians have experienced an issue with their phone or internet service.² TIO six month update complaint data for July-December 2017 shows an overall increase in complaints across all services, indicating that there are systemic issues across the board that need to be addressed,³ demonstrating the need for improved oversight and scrutiny of complaints handling.

ACCAN recently commissioned its own research survey⁴ to measure the customer service experience of telecommunications consumers. This research found 51% of all respondents had contacted their telco provider about a question or problem in the last 12 months (excluding contact to pay a bill or top up an account). Results also highlighted that 50% of respondents who lodged a complaint with their provider found the process difficult, with 15% of these respondents reporting it to be very difficult. Over half (54%) of the respondents waited more than three weeks for a proposed resolution from their provider, longer than the acceptable timeframe permitted in the Telecommunications Consumer Protections (TCP) Code⁵ and proposed in the Standard.

These alarming statistics mirror the ongoing frustration experienced by consumers while switching to the National Broadband Network (NBN). The rollout of the NBN has brought with it a myriad of issues for consumers that are amplified by increasing reliance on telecommunications as an essential service. This reliance means that consumers both require and expect the ability to quickly and easily resolve issues they have with phone or internet services.

ACCAN thus sees a need for a strong regulatory and compliance framework for complaint handling, and for the industry more broadly, to ensure providers are meeting these needs and expectations.

¹ TIO 2017, 2016-2017 Annual Report: http://www.tio.com.au/_data/assets/pdf_file/0018/250911/Telecommunications-Industry-Ombudsman-Annual-Report-2017.pdf, p.28

² TIO 2018, One in two Australians highlight an issue with their phone or internet service: <http://www.tio.com.au/publications/media/judi-jones-commsday-speech-2018>

³ TIO 2018, July-December six month update: <https://sixmonthupdate.tio.com.au/#goals>

⁴ Survey results will be released shortly on ACCAN's website: <http://accan.org.au/>. The survey was conducted in February 2018 to measure the customer service experience of telecommunications consumers.

⁵ Communications Alliance 2015, Telecommunications Consumer Protections Code, pp.69-70

We welcome this Standard and note that the Australian/New Zealand Standard for complaint management⁶ should be used as a benchmark during development.

We see the current raft of ACMA initiatives not only as beneficial for consumers, but also for telecommunications service providers. A recent report⁷ by the Society of Consumer Affairs Professionals Australia has highlighted the benefits for all industries to implement effective complaint handling processes. The report illustrated that when companies invest in good complaint handling, their return on investment can be very high, up to 1000% (up to \$10 for every \$1 invested), and that where complaints are inadequately handled, the repercussions for the company can be costly.

⁶ Standards Australia: <https://www.standards.org.au/standards-catalogue/sa-snz/publicsafety/qr-015/as-slash-nzs--10002-colon-2014>

⁷ SOCAP 2018: <http://socap.org.au/resources/return-on-investment-of-effective-complaints-management/>

1.1. Recommendations

Our submission makes the following recommendations:

- Recommendation 1:** The Standard should include more explicit obligations about when an RSP must provide information to customers about their right to escalate their complaint to the TIO, TIO contact details, and limit discouragement to customers of exercising this option.
- Recommendation 2:** Complaint-handling processes should be set out in writing and in plain language, and should be available online, over the phone, via email, letter, fax, and instore.
- Recommendation 3:** Where a complaint cannot be resolved at first contact, RSPs should, where possible, promote the use of a nominated complaint manager as a co-ordinating point of contact for customers for the life cycle of their complaint.
- Recommendation 4:** The definition of ‘complaint’ is amended to eliminate confusion.
- Recommendation 5:** The definition of ‘consumer’ is amended to better protect small businesses. The annual spend on telecommunications services should be increased to \$70,000
- Recommendation 6:** The definition of ‘financial hardship’ is amended to enable flexibility when dealing with consumers facing financial hardship.
- Recommendation 7:** The definition of ‘resolution’ is amended to clarify that where action is required, the complaint will not be concluded until that action is implemented.
- Recommendation 8:** The timeframe in 15(3) should be extended to 10 working days.
- Recommendation 9:** AS/NZS 10002:2014 should be used as a benchmark for developing the Standard.
- Recommendation 10:** When a RSP proposes a resolution to a consumer complaint, they must advise that consumer of the underlying issue to help prevent reoccurrence of the issue.
- Recommendation 11:** Consumers should be provided with written records of any decisions and key communication relating to their complaint.
- Recommendation 12:** The timeframe for advising customers of internal and external escalation should be revised to 2 working days.
- Recommendation 13:** The timeframe under 16(2) must not be in addition to the timeframe specified in 13(g).
- Recommendation 14:** 17(a) should specify a timeframe of 5 working days.
- Recommendation 15:** The timeframe for acknowledging a complaint should be revised to 24 hours.
- Recommendation 16:** The timeframe for proposing a resolution should be revised to 10 working days.
- Recommendation 17:** The timeframe for implementing a resolution should be revised to 5 working days.
- Recommendation 18:** Where there is a delay in resolving a complaint, the timeframe for resolving the complaint should be specified as 5 working days.
- Recommendation 19:** The timeframe for advising a consumer of the avenues for external dispute resolution when there is a delay in providing a resolution should be revised to 5 working days.
- Recommendation 20:** Obligations that remain the same as those set out in Chapter 8 of the TCP Code should come into effect immediately. Where new and/or altered obligations are included, industry should be given a reasonable time to implement.

2. Responses to the draft Telecommunications (Consumer Complaints Handling) Industry Standard 2018

2.1. Response to question 1

Does the draft standard properly protect telecommunications consumers who make a complaint to their provider?

ACCAN considers there is room for strengthening the Standard to better protect telecommunications consumers making a complaint. In order to support best outcomes for consumers we propose the following:

2.1.1. Information about the TIO

The Telecommunications Industry Ombudsman (TIO) provides an important option for telecommunications consumers who are unable to have a problem or fault resolved directly with their retail service provider (RSP). ACCAN sees the need to have a strong obligation for RSPs to inform their customers of their right to escalate a complaint to the TIO after giving the RSP the opportunity to provide a resolution, and that consumers should not be discouraged from doing so.

There is scope for strengthening the proposed obligations relating to the provision of TIO information as set out in **10(e)** and **14(2)(c)** of the draft Standard. These provisions could be improved by explicitly setting out when and in what form consumers are informed about the TIO.

ACCAN's customer service experience survey⁸ found that for respondents wanting to or who had lodged a complaint with the TIO, nearly half (48%) claim that it was difficult to find the information on how to do so. It is unclear in **10(e)** how the right to contact and the details of the TIO are communicated to consumers and at what point. Further consideration should be given to including a more explicit obligation in the Standard, for example that all customer information about helplines and how to complain include a statement about the customer's right to go to the TIO, and under what circumstances, along with TIO contact details.

ACCAN has heard from numerous consumers that they have been discouraged by their RSP from escalating their complaint to the TIO, particularly in instances where the complaint is deemed by the RSP as being beyond its control. These reports are supported by ACCAN's recent survey⁹ finding that 32% of respondents who either escalated a query or lodged a formal complaint with their provider or the TIO reported they were discouraged from doing so by their RSP.

⁸ Survey results will be released shortly on ACCAN's website: <http://accan.org.au/>

⁹ Ibid

This data indicates the Standard should include a provision that prevents RSPs from discouraging customers from escalating their complaint to the TIO or other external dispute resolution bodies.

Recommendation 1: The Standard should include more explicit obligations about when an RSP must provide information to customers about their right to escalate their complaint to the TIO, TIO contact details, and limit discouragement to customers of exercising this option.

2.1.2. Accessibility- Section 8

Complaint-handling processes provided by RSPs need to be readily accessible to all consumers. This means that the process itself needs to be set out in language that is easy to understand, and in a multitude of formats. We see room for improvement in Section 8 of the Standard, and propose the following changes (changes/additions italicised):

- **8(1)(a) be set out in writing:** To ensure the process is accessible to all consumers, including those who may have low literacy skills or for those whose first language is not English¹⁰, we propose this read: *'be set out in writing, in plain language'*.
- **8(1)(b):** This sets out where consumers can find information about a RSP's complaints handling process. It is not sufficient that this is available only on 'the carriage service provider's website'. There are consumers who are not online, such as many older Australians, and who require access to the process via other means. Consistent with **8(1)(h)** allowing consumers to make complaints via different methods, this provision must allow consumers to access the complaints handling process by telephone, letter, email, fax and online. We propose the following:
 - *'be made available to the public on the carriage service provider's website, and where requested, over the telephone, via email, letter, fax and instore, in a concise form that sets out...'*

Recommendation 2: Complaint-handling processes should be set out in writing and in plain language, and should be available online, over the phone, via email, letter, fax, and instore.

2.1.3. Complex dispute resolution

Telecommunications consumers expect and require that complaint resolution is fast and simple. As per the obligation set out in **13(a)** ('resolve a complaint on first contact'), ACCAN considers first contact resolution (where reasonably possible) paramount to ensuring consumers have a positive and efficient experience of complaints handling processes. ACCAN's customer service survey¹¹

¹⁰ FECCA 2017 <http://fecca.org.au/wp-content/uploads/2017/12/FECCA-Access-and-Equity-Report-Final.pdf>, p.4

¹¹ Survey results will be released shortly on ACCAN's website: <http://accan.org.au/>

illustrated that 42% of respondents failed to have their query or complaint resolved on first contact, with the average number of contacts given as 2.6.

The practice of multi-tiered internal dispute resolution by larger RSPs means that when consumers are required to make multiple contacts to a provider, the process can become complicated, frustrating and time consuming. Consumers, and/or their authorised representatives, are frequently passed between different teams when trying to have a complaint resolved. Consumers are not properly informed about the role of each team and who has authority to fix the issue, and often they are provided with contradictory information regarding their issue. For example, consumers can deal with an Escalated Complaints Team, a Special Assistance Team, a High Risk Team, Credit Management teams and so on, without being properly informed about the distinction between the roles of these teams. This situation is exacerbated further when there are multiple entities involved in the supply chain.

To ensure a streamlined and easy complaints handling process for consumers, it would be ideal for RSPs to aim to provide customers with the contact details for a nominated complaints handling representative who will be their point of contact for their complaint. Consideration should be given to including a requirement that where a complaint is not resolved at first contact, the customer is provided with contact details for a customer service staff member who can guide their complaint through internal processes, and be the anchor point of contact for the customer.

Recommendation 3: Where a complaint cannot be resolved at first contact, RSPs should, where possible, promote the use of a nominated complaint manager as a co-ordinating point of contact for customers for the life cycle of their complaint.

2.1.4. Definitions

The definitions in Part 5 of the Standard reflect those used in the TCP Code. Whilst most of these are adequate, ACCAN sees the need to update and amend some definitions. We propose amendments to the following:

Complaint:

There is scope for ambiguity relating to the difference between an enquiry and a complaint. To help address this, ACCAN proposes that the definition of a complaint provided in AS/NZS10002:2014¹² be used as a benchmark:

‘Expression of dissatisfaction made to or about an organization, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.’

¹² Standards Australia and Standards New Zealand 2014: Guidelines for complaint management in organizations, p.6

This would entail amending the first paragraph of the definition used in the draft Standard to the following:

‘complaint means an expression of dissatisfaction made to a carriage service provider in relation to its telecommunications products, *services, or staff*, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected by the consumer.’

Further, the second paragraph of the definition used in the Standard is incompatible with the first paragraph. The second paragraph states that a complaint is not

‘an initial call... to report a fault or service difficulty unless a consumer advises that they want that call treated as a complaint...’

ACCAN considers that when a customer calls their RSP about a fault or problem with their service, they are expressing dissatisfaction and require and expect a resolution, therefore this constitutes a complaint. This second paragraph creates an inconsistency in the definition, which could have the practical effect of allowing the report of a fault by a customer to not be treated in the same way and within the same timeframes as a ‘complaint’. This is not an acceptable outcome.

To better align with the definition of a complaint provided in AS/NZS10002:2014, and to eliminate the problems caused by the carve out in the second paragraph, ACCAN suggests the second paragraph be altogether removed.

Recommendation 4: The definition of ‘complaint’ is amended to eliminate confusion.

Consumer:

ACCAN’s small business members have raised concerns that the definition of ‘a business or non-profit organisation’ is unrealistic and outdated, thus requiring amendment. The estimated annual spend of ‘no greater than \$20,000’ is deemed too low to encompass most small businesses and many not for profit organisations. This figure needs to be significantly increased to reflect the current context in which many small businesses rely heavily on access to multiple telecommunications services to operate (for example, internet, voice services, mobile and EFTPOS). ACCAN research in 2013 found that 92% of small business respondents used 3-5 distinct telecommunications service types¹³.

¹³ ACCAN 2013: <http://accan.org.au/our-work/research/535-small-business-telecommunications-service-use-and-experience>

The recent ACCAN Small Business Advisory Forum¹⁴ discussed the definition of small business and has recommended that the figure for the annual spend on telecommunications services be increased to \$70,000.

We also question the wording in **(b)(i)** under the definition of *consumer*, relating to the ‘opportunity to negotiate the terms of the consumer contract’. We suggest that ‘reasonable opportunity’ be changed to *reasonable capacity*, as this more accurately reflects the reality that most small businesses do not have access to in-house legal advice and cannot afford external legal advice to negotiate a contract.

Recommendation 5: The definition of ‘consumer’ is amended to better protect small businesses. The annual spend on telecommunications services should be increased to \$70,000

Financial Hardship:

Based on wide consultation with our members in the context of the current TCP Code review, ACCAN has highlighted the need to amend the definition of financial hardship. Similarly, the definition in the Standard needs to be updated to more accurately reflect the circumstances in which financial hardship can arise.

The definition should be updated to comprehensively acknowledge that an array of circumstances can cause financial hardship and to encourage providers to be flexible and empathetic when dealing with complaints made by those facing financial hardship. The TIO Guide¹⁵ uses a definition that recognises that hardship can be temporary (e.g. a farmer experiencing drought conditions) or entrenched (e.g. a low income individual with limited capacity to meet current commitments).

Similarly the TIO Guide acknowledges that hardship can be minor and severe. In all these circumstances, different responses will be needed by the provider in order to assist customers to remain connected to essential communications services. ACCAN proposes that the definition of Financial Hardship in the Standard be amended to acknowledge these realities, and reflect the wording of the TIO Guide as follows (new wording in italics):

‘Financial Hardship means a situation where:

- (a) a Customer is unable to discharge the financial obligations owned by the Customer under their Customer Contract or otherwise discharge the financial obligations owed by the Customer to a Supplier, due to:

¹⁴Held on 11 April, 2018. Participating ACCAN small business members included COSBOA, NSW Farmers Association, NSW Small Business Commissioner and individual small business owners.

¹⁵ TIO 2017: Assisting and responding to customers in financial hardship: Principles and practices- guide for telecommunications providers: http://www.tio.com.au/data/assets/pdf_file/0009/169776/TIO_FinancialHardship-Guidelines-2nd-edition-28-April-2017.pdf, p.5

- (i) *the customer experiencing temporary financial difficulty due to a number of competing financial commitments that fall due at the same time, restricting their ability to meet existing financial commitments in a timely manner;*
- (ii) *the customer facing financial difficulty as a result of family violence and/or economic abuse;*
- (iii) *the customer experiencing entrenched financial difficulty due to ongoing physical, mental, economic or cultural barriers that limit their ability to manage their financial commitments.*

Recommendation 6: The definition of ‘financial hardship’ is amended to enable flexibility when dealing with consumers facing financial hardship.

Resolution

The definition of ‘resolution’ is confusing, as it refers to ‘bringing that complaint to a conclusion’ yet also states that ‘it does not include the implementation of that resolution.’ ACCAN sees this as problematic in that if a resolution involves a course of action, and this action is not implemented, the complaint cannot be said to be resolved. We suggest that the wording ‘it does not include the implementation of that resolution’ be deleted, and replaced with alternative wording that captures this point.

Recommendation 7: The definition of ‘resolution’ is amended to clarify that where action is proposed and agreed on, the complaint will not be concluded until that action is implemented.

2.1.5. Complaints management and response times - Part 3

Part 3 of the Standard sets out rules for how RSPs must manage and provide resolutions for complaints. In order to ensure these provisions support the best outcomes for consumers, we recommend amendments (proposed changes in italics) to **15(3)**:

- **15(3) ‘must not commence legal proceedings against a consumer...’:** We propose amending to ‘A carriage service provider must not commence *or recommence* legal proceedings against a consumer...’

RSPs and debt collectors should not be able to continue litigation beyond the minimum that is necessary to preserve their legal rights. 7 working days from closure of a complaint seems a short timeframe to allow the customer to take the further action of escalating the complaint to the TIO or another EDR agency. In contrast RSPs are given far lengthier times to resolve complaints.

A good benchmark can be found in ASIC’s guide on complaints handling requirements for financial firms and credit providers¹⁶. This guide states that legal proceedings must be halted while a ‘dispute is being handled at IDR’ as this ‘will enable the dispute to be genuinely handled at IDR and also allow the disputant a reasonable opportunity to lodge their dispute with an EDR scheme’.

Additionally, we also question why 7 working days has been used in 15(3) whereas other timeframes are in blocks of 5 or 10 working days. We thus propose this timeframe be increased to **10 working days**.

Recommendation 8: The timeframe in 15(3) should be extended to 10 working days.

2.2. Response to question 2:

Are there any additional measures that should be incorporated into the Standard? Please provide additional data and/or evidence to support position.

ACCAN proposes the following measures should be incorporated into the Standard:

2.2.1. Australian/New Zealand Guidelines for complaint management in organisations (AS/NZS 10002:2014)

The Australian/New Zealand Standard ‘Guidelines for complaint management in organizations¹⁷’ sets a benchmark for complaints handling. ACCAN recommends that at a minimum, the ACMA’s Complaints Handling Standard reflect the principles and obligations of AS/NZS 10002:2014. The draft Standard should be checked for consistency against AS/NZS 10002:2014.

Recommendation 9: AS/NZS 10002:2014 should be used as a benchmark for developing the Standard.

2.2.2. Advising of underlying issues

In our feedback to Communications Alliance on the Complaint Handling chapter of the TCP Code (Chapter 8), we suggested that when consumers are provided with a proposed resolution for their complaint, they also be informed, where appropriate, of the basic technical reason for the problem arising. ACCAN has found that many consumers in the NBN switchover report not knowing what the

¹⁶ ASIC 2018, ‘Licensing: Internal and external dispute resolution’: <http://download.asic.gov.au/media/4644516/rg165-published-14-february-2018.pdf>, p.28

¹⁷ Standards Australia and Standards New Zealand 2014: Guidelines for complaint management in organizations, p.5 (Under Scope)

problem was, and that either it was fixed without explanation or the issue continues and no one explains why. Consumers are confused as to whether the problem is at network, RSP or on premises equipment level, and what (if anything) they can do to prevent its recurrence.

An example of this was brought to ACCAN's attention by our member The Isolated Children's Parents' Association of Australia (ICPA) who highlighted this as being particularly frustrating for rural and regional consumers using Sky Muster services. ICPA noted that outages have been frequent in the initial rollout of Sky Muster yet when service issues are resolved customers are not notified when the fault has been rectified or what the actual problem was and how it could be prevented from reoccurring. ICPA carried a federal motion at its 2017 conference to lobby nbn co and RSPs 'to notify customers, in writing, of rectification to their service and reasons for that rectification.'¹⁸

To ensure consumers are better informed about the resolution of their complaint, we propose the following amendments:

- **13(g):** 'provide written confirmation of a proposed resolution of a complaint, within 15 working days of receiving the complaint, *including providing basic information about the underlying issue,*'
- **13(h):** 'provide written confirmation of a proposed resolution of an urgent complaint, *including providing basic information about the underlying issue, and...*'

Recommendation 10: When a RSP proposes a resolution to a consumer complaint, they must advise that consumer of the underlying issue to help prevent reoccurrence of the issue.

2.2.3. Decisions and advice should be provided in writing

ACCAN believes that consumers should be informed where possible of significant information relating to complaints handling, in writing, even where the primary mode of contact has been over the phone. It is important for consumers to have records of decisions that have been made about their complaint, for their future reference and to ensure they do not have to rely on memory alone, or the word of their provider.

We propose the following amendments:

- **12(b) acknowledging complaints:** 'acknowledge a complaint *in writing* received by...'
- **14(1) delays:** 'A carriage service provider must advise consumers *in writing* of any delay...'
- **14(2) delays:** '...within that period advise the complainant *in writing* of:...'
- **14(3) delays:** '...advise the complainant *in writing* of the matters set out in paragraphs...'
- **15(1)(c)-(e) prioritisation, escalation and EDR:** 'a carriage service provider must within 5 working days of receiving that communication advise the consumer *in writing* about:

¹⁸ ICPA 2017: <https://www.icpa.com.au/documents/download/1091/federal-conference-conference-minutes/federal-conference-reports-2017-alice-springs-1/federal-conference-motions-and-results-2017.pdf>, p.7

- **15(2)(c)-(d) prioritisation, escalation and EDR:** ‘a carriage service provider must advise the consumer *in writing* about:’

This may be alongside verbal communication but it is important the consumer also receive a written record.

Recommendation 11: Consumers should be provided with written records of any decisions and key communication relating to their complaint.

2.3. Response to question 3:

Where we have proposed a new time frame for an obligation currently existing under the TCP Code (see page 3 of the consultation paper), are those time frames appropriate? If not, why not?

Solving an issue or fault should be an efficient and fast process for telecommunications consumers. We have set out below our feedback on the proposed new time frames for the Standard:

- **8(1)(c):** ACCAN agrees that the complaints-handling process should be made available to a consumer ‘as soon as practicable’.
- **14(1):** ACCAN agrees that the CSP must advise of any delay ‘as soon as possible’.
- **15(1):** **five working days** to advise a consumer of internal and external escalation processes is too long. If a consumer decided that their complaint is urgent they deserve to be informed of their options sooner. We suggest this be changed to **2 working days**.
- **16(2):** ACCAN agrees with this proposed timeframe of **five working days**. This must not be in addition to the timeframe specified in **13(g)** to provide a proposed resolution.
- **17:** ACCAN agrees with this proposed timeframe. However, we think this requires another timeframe to explicitly set out how long the CSP has to advise the consumer that they were unable to make contact. We suggest that this timeframe be specified in **17(a)** as **five working days**: ‘advising, within 5 working days, that they were unable to contact them’

Recommendation 12: The timeframe for advising customers of internal and external escalation should be revised to 2 working days.

Recommendation 13: The timeframe under 16(2) must not be in addition to the timeframe specified in 13(g).

Recommendation 14: 17(a) should specify a timeframe of 5 working days.

2.4. Response to question 4:

Part 6 of the Standard (reasonable assistance) sets out new obligations on carriers and wholesale CSPs to help retail CSPs resolve consumer complaints. Will the obligations in Part 6 be effective in helping retail CSPs to resolve consumer complaints that involve other entities in the supply chain?

ACCAN supports the obligations set out in Part 6 of the Standard.

2.5. Response to question 5:

Are there any elements of the draft Standard that are inconsistent with community expectations?

ACCAN considers that the timeframes in the Standard should be shortened to ensure fast resolutions for communications consumers. We propose the following amendments:

- **12(b):** Today's consumers would expect **acknowledgment** of their complaint within a shorter timeframe than **2 working days**. Consideration should be given to shortening this timeframe to within 24 hours, given that in most circumstances sending an acknowledgment of a complaint is likely to be an automated process.
- **13(g):** ACCAN is concerned that **15 working days** (or three weeks) is too long for telecommunications consumer to wait for a complaint to be resolved. Many consumers rely on their telecommunications products and services to engage with their work, finances, access to important services (such as government websites and apps), and communicate with others. If a consumer is unable to use their telecommunications service or product properly and their complaint does not fall into the 'urgent complaint' category, then three weeks can be a long time to wait for a proposed resolution. We propose that the timeframe for providing a proposed resolution be shortened to **10 working days**.
- **13(j):** Further to the above comment, if the RSP must actively implement the proposed resolution (in instances where it cannot be resolved at the time the proposed resolution is provided), the added **10 working days** means a consumer could wait up to **five** weeks for their complaint to be resolved. ACCAN considers this is too long and should be shortened to **5 working days**.
- **14(2)(b) 'the new timeframe for resolving the complaint':** ACCAN finds this section highly problematic and could potentially allow RSPs to set a new timeframe for proposing a resolution to a complaint that is unreasonable and inconsistent with consumers' expectations. We question why there is no maximum timeframe explicitly stated and propose that this be amended to **5 working days** and read:
 - 'the new timeframe, *of not more than 5 working days*, for resolving the complaint...'
- **14(2)(c) 'of the avenues for external dispute resolution including the TIO, where it is expected that the delay will be longer than 10 working days...':** We propose that this be changed to **5 working days** to align with our suggestion for **14(2)(b)**, reading:
 - 'where it is expected that the delay will be longer than **5 working days** and is not caused by a notified mass outage of service.'

Recommendation 15: The timeframe for acknowledging a complaint should be revised to 24 hours.

Recommendation 16: The timeframe for proposing a resolution should be revised to 10 working days.

Recommendation 17: The timeframe for implementing a resolution should be revised to 5 working days.

Recommendation 18: Where there is a delay in resolving a complaint, the timeframe for resolving the complaint should be specified as 5 working days.

Recommendation 19: The timeframe for advising a consumer of the avenues for external dispute resolution when there is a delay in providing a resolution should be revised to 5 working days.

2.6. Response to question 6:

Are there any elements of the draft Standard that cannot be reasonably implemented or complied with for technical, operational or other reasons? For example, what are feasible time frames for the Standard to take effect, noting the three-month limit specified by the Ministerial Direction and the fact the Standard largely reflects the obligations in Chapter 8 of the TCP Code. Please provide detail.

ACCAN considers that where the obligations in the Standard are the same as those already required in the TCP Code, these should come into effect immediately once the Standard is finalised. Where new provisions or changes to TCP Code obligations have been made, we accept that industry should be given a reasonable time to implement these changes.

Recommendation 20: Obligations that remain the same as those set out in Chapter 8 of the TCP Code should come into effect immediately. Where new and/or altered obligations are included, industry should be given a reasonable time to implement.

3. Conclusion

ACCAN again thanks the ACMA for the opportunity to provide comment on this draft Standard. We welcome the introduction of this Standard as it provides heightened protection to telecommunications consumers who inevitably require the ability to make complaints.

As illustrated in this submission, there is still room to improve and strengthen the obligations set out in the Standard to ensure providers are implementing a complaint handling process that is efficient and easy for consumers to use. ACCAN is most concerned that the timelines for providing and implementing a resolution to a complaint are too generous and could leave consumers without adequate access to essential telecommunications services for too long.

The Standard should support transparent, accessible and timely provision of information regarding complaints handling processes, including options for external dispute resolution. This involves tightening and updating key definitions to eliminate confusion and reflect the needs and expectations of today's consumers.