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Scheduled review of Customer Authorisation Industry Guideline (G651:2017)

Submission by the Australian Communications Consumer Action
Network (ACCAN) to Communications Alliance

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 communications services that are trusted, inclusive and available for all.

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.

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Executive Summary

The Australian Communications Consumer Action Network (**ACCAN**) thanks Communications Alliance for the opportunity to comment on the scheduled review of Customer Authorisation Industry Guideline (G651:2017) (the Guideline).¹ The Guideline seeks to provide common information to all telecommunications Customers about transferring services, and to specify the information Customers or their Authorised Representative must provide to their Gaining Service Provider (**GSP**), to obtain a valid Customer Authorisation (**CA**).²

The Guideline must protect the rights and interests of telecommunications Customers throughout the CA process. ACCAN's submission highlights that the protection of these rights and interests is inhibited by a lack of clarity on the CA transfer process, the limited guidance on the use of cancellation fees, and the inaccessibility of CA information for people with disability. ACCAN's submission addresses these concerns by proposing seven amendments to the Guideline:

1. Amend section 1.1.3 to state that the Guideline be read in conjunction with:
 - a) The Information on Accessibility Features for Telephone Equipment Industry Code (C625:2020); and
 - b) The Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities (AS/ACIF S040) 2015.
2. Amend section 3.1 to introduce a clause that requires the GSP to provide information to the Customer in accessible formats.
3. Amend section 3.1 (b) to require the GSP to advise the Customer of when the CA has been completed no longer than five working days from when the transfer is complete.
4. Amend section 3.1 (c) to mandate that GSP must inform the Customer of the reasons for why the Losing Service Provider's (**LSP**) service obligations may or may not cease upon the completion of the transfer.
5. Amend section 3.1 (e) to state that any cancellation fee incurred by the Customer for early cancellation must be a genuine estimate of the provider's loss.
6. Amend section 4.1 to include CA authorisations recorded in Braille and different community languages.
7. Amend section 5.1 to specify that the CA must include information on cancellation fees and penalties for early cancellation.

¹ Communications Alliance, *Scheduled review of Customer Authorisation Industry Guideline* <https://www.commsalliance.com.au/Documents/Documents-under-Review/current>.

² Ibid.

Comments on sections of the Guideline

Section 1.1.3

All Customers including those with disability, must have access to information on CA to make informed choice about whether to obtain a CA. Section 1.1.3 of the Guideline lists the other relevant codes and guidelines that the authorisation guideline should be read in conjunction with.³ Missing from this list are guidelines related to the accessibility requirements of Customers with disability. Customers with disability can refer to specific standards related to accessible Customer Equipment (CE) for standard telephone services. These standards include:

- The Information on Accessibility Features for Telephone Equipment Industry Code (C625:2020); and
- The Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities (AS/ACIF S040) 2015.

The Information on Accessibility Features for Telephone Equipment Industry Code (C625:2020) specifies the obligations of Equipment Suppliers (**ES**) to provide information on the functional characteristics of CE used in standard telephone services.⁴

The Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities (AS/ACIF S040) 2015, seeks to ensure that the CE which is used primarily by people without disability, should cater for the needs of people with disability.⁵

These Codes and Standards are integral to ensuring people with disability can access and utilise standard telephone services.

As such, section 1.1.3 should be amended to state that the Guideline be read in conjunction with:

- a) The Information on Accessibility Features for Telephone Equipment Industry Code (C625:2020); and
- b) The Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities (AS/ACIF S040) 2015.

³ Communications Alliance, *G651:2017 Customer Authorisation*, December 2017, p. 2
https://www.commsalliance.com.au/data/assets/pdf_file/0018/59301/G651-2017.pdf.

⁴ Communications Alliance, *C625:2020 Information on Accessibility Features for Telephone Equipment Industry Code: Introductory statement*, April 2020
https://www.commsalliance.com.au/data/assets/pdf_file/0013/1345/C625_2020.pdf.

⁵ Commonwealth of Australia, *Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service — Features for special needs of persons with disabilities — AS/ACIF S040) 2015*, p. 2 <https://www.legislation.gov.au/Details/F2015L00191/Download>.

Section 3.1

An effective CA transfer process requires the Service Provider (SP) and the Customer to be aware of their rights and obligations. Section 3.1 of the Guideline specifies the information the GSP must provide to the Customer prior to executing a CA.⁶ To ensure the information provided by the GSP is inclusive of people with disability, section 3.1 should include a clause on examples of accessible formats the information can be provided in such as:

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

As such, section 3.1 should be amended to introduce a clause that requires the GSP to provide information to the Customer in accessible formats.

Section 3.1 (b)

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

“that the Service will remain active with the LSP until the Transfer is completed, and that the Customer should continue to contact the LSP in relation to the provision of services and fault restoration until the Transfer is completed.”⁷

Section 3.1 (b) does not specify the minimum number of days required for the transfer to be completed, or the minimum number of days required for the GSP to advise the Customer of the completion of the transfer. This makes it difficult to provide clarity to Customers on how long the transfer of providers will take, and how long their information will stay with the LSP.

The Telecommunications Industry Ombudsman (TIO) states that the GSP must advise the consumer when the transfer is complete, preferably on the day it happens, otherwise within five working days.⁸ In addition, both parties should commit to completing the transfer as soon as practicable and address any problems quickly.⁹ As such, section 3.1 (b) should be amended to require the GSP to

⁶ Communications Alliance, *G651:2017 Customer Authorisation*, December 2017, p. 8
https://www.commsalliance.com.au/_data/assets/pdf_file/0018/59301/G651-2017.pdf.

⁷ Ibid.

⁸ Telecommunications Industry Ombudsman, *Transfer of services - in detail*, March 2016
<https://www.tio.com.au/guidance-notes/transfer-of-services-in-detail>.

⁹ Ibid.

advise the Customer of when the CA has been completed no longer than five working days from when the transfer is complete.

Section 3.1 (c)

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

“in respect of the Service(s) or Service Identifier(s) being Transferred, whether the LSP’s obligation to supply products and services, including any facilities, incentives and benefits, ceases on completion of the Transfer.”¹⁰

The inclusion of the word ‘whether’ in this clause, implies that the LSP’s service obligations may not cease after the completion of the transfer. Further, section 3.1 (c) does not provide any explanation for why the LSP’s obligations to supply products or services may or may not cease after the completion of the transfer. As such, section 3.1 (c) should be amended to mandate that GSP must inform the Customer of the reasons for why the LSP’s service obligations may or may not cease upon the completion of the transfer.

Section 3.1 (e)

Section 3.1 (e) of the Guideline includes a provision for penalties and cancellation fees if a Customer chooses to exit their existing contract with their SP early. Section 3.1 (e) states:

“that the Customer may have to pay a penalty or cancellation fee to their existing Supplier, and that there may be other consequences if they are ending their existing Customer contract with another SP early.”¹¹

The TIO has received complaints from consumers that the exit fee charged by providers for cancelling a contract:

“does not appear to be a genuine estimate of the provider’s loss.”¹²

Therefore, any cancellation fee imposed needs to be a genuine reflection of the impact of the early cancellation on the SP. As such, section 3.1 (e) should be amended to state that any cancellation fee incurred by the Customer for early cancellation must be a genuine estimate of the provider’s loss.

¹⁰ Communications Alliance, *G651:2017 Customer Authorisation*, December 2017, p. 8 https://www.commsalliance.com.au/_data/assets/pdf_file/0018/59301/G651-2017.pdf.

¹¹ Ibid.

¹² Telecommunications Industry Ombudsman, *Contracts*, March 2016 <https://www.tio.com.au/guidance-notes/contracts>.

Section 4.1

Section 4.1 of the Guideline provides a list of principles to capture a CA. Principle 5 of this list states:

“A CA may include, but is not limited to, paper based, electronic, internet pages or voice authorisations recorded on audio media.”¹³

To ensure CA authorisations are accessible and inclusive of all Customers, the list of CA authorisations should also include authorisations recorded in Braille and different community languages. As such, section 4.1 should be amended to include CA authorisations recorded in Braille and different community languages.

Section 5.1

Section 5.1 of the Guideline specifies the content that needs to be included in the CA.¹⁴ Along with the existing items listed, section 5.1 should also specify that the CA must include information on cancellation fees and penalties for early cancellation. Including this information will enable Customers to become more informed about the implications of early cancellation of their contract with their new SP.

As such, section 5.1 should be amended to specify that the CA must include information on cancellation fees and penalties for early cancellation.

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.

¹³ Communications Alliance, *G651:2017 Customer Authorisation*, December 2017, p. 11
https://www.commsalliance.com.au/data/assets/pdf_file/0018/59301/G651-2017.pdf.

¹⁴ Ibid.