



16 December, 2015

WC71 TCP Code Chapter 9 Review Working Committee
Communications Alliance

[Via online submission portal]

ACCAN thanks WC71 TCP Code Chapter 9 Review Working Committee (the Committee) for the opportunity to contribute to its public consultation. ACCAN believes the review has led to a number of positive changes which should both improve the efficiency of Communications Compliance and provide greater flexibility to smaller suppliers. However, we would encourage the Committee to consider further reform to address the lack of publically available, useful performance metrics.

Improving the transparency of customer service performance

The last missing piece of reform proposed in the Reconnecting the Customer Inquiry is information about customer service performance of individual service providers.¹ The Inquiry found this information was almost non-existent, and that this led to a lack of competition on customer service standards.

Efforts to address this have been taken through the release of quarterly 'Telecommunications complaints in context' data by the Telecommunications Industry Ombudsman (TIO) and Communications Alliance (CA). However, the voluntary nature of this reporting has meant a number of suppliers are yet to provide data, leaving consumers with a limited picture of how the market compares. For example, the removal of the iiNet group after its acquisition by TPG in 2015 is a backward step in the transparency of the industry data. The M2 group is also a notable exception from the data set, especially given its growth in customer share through acquisition.

Industry has been given ample opportunity to voluntarily address this problem. The limited data set has now been available for almost 18 months and the specifics of the proposal have been under discussion with industry for almost three years. Large players, such as TPG, have shown no indication that they will participate in a voluntary scheme. Not being a member of the industry peak body, TPG has also exhibited a lack of desire to engage with industry generally. As such, ACCAN believes responsible parts of the industry should be congratulated for their efforts to date, but a more robust solution now needs to be developed to encourage further participation.

In line with the Federal Government's agenda of 'red tape reduction', this solution does not need to extend beyond regulatory and reporting measures already in place as part of the Communications Compliance scheme. Communications Compliance already requires Suppliers to submit Services in Operation (SIO) information for the purposes determining fees. Under clause 9.7.1(b) of the Telecommunications Consumer Protection (TCP) Code, Suppliers must report to Communications

¹ ACMA, 2011, 'Reconnecting the Customer – Final public inquiry report', September 2011, p.92

Compliance metrics which relate to that Supplier's compliance with the TCP Code. Therefore it would be no great extension of existing reporting to use this information to develop a comparable SIO data set. Industry has already developed a set of standards through the voluntary scheme; this could be adopted to ensure there is consistent reporting across service providers. ACCAN believes these measures represent the lowest regulatory burden in achieving the goal of informed consumers and competitive customer service.

Recommendation 1: Insert a role for Communications Compliance in collecting services in operation data for use in comparative TIO complaint reporting.

Removal of the Customer Information Compliance Statement (CICS)

During the Committee process, ACCAN heard mixed reports on the use of CICS by Communications Compliance. Given the resource restraints on Communications Compliance, the CICS seemed to perform two useful functions. The document itself can be used in conjunction with real world testing to quickly ascertain the availability of customer information. Secondly, it drives good internal compliance practices among suppliers, as it requires them to do more than simply 'tick a box' to assert compliance.

Recent changes to the TCP Code remove requirements to provide certain customer information via a website. This removal creates an added burden on Communications Compliance in checking customer information located offline. The risk is that an under-resourced organisation will not be able to function as effectively without the aid of the CICS and as a result compliance levels may suffer.

We maintain that removing the requirement to provide a CICS is unlikely to improve compliance practices. Also, given responsible organisations are likely to be producing these documents for internal checking processes anyway, the removal of the CICS represents a limited regulatory saving.

Given the changes to customer information provision under the TCP Code, if this removal is adopted, we recommend that Communications Compliance and the ACMA place compliance checking resources into this area. Also, an assessment of the impact of this removal should be fed into the next TCP Code review.

Recommendation 2: Reinsert the requirement to produce a Customer Information Compliance Statement.

Registration of provider contact details with Communications Alliance

We understand the requirement for Suppliers to register contact details is an important step in building industry wide compliance. However, we believe this responsibility sits better with Communications Compliance, rather than the peak representative body Communications Alliance. Given this information will be used by Communications Compliance to remind suppliers about compliance reporting obligations, it seems inappropriate that it will not be directly managed by the organisation using the information.

Recommendation 3: Communications Compliance to administer its own contact database of suppliers.

Again we would like to thank the Committee for its consultation on the changes to Chapter 9 of the TCP Code. While we believe the reforms are mostly positive, not addressing the need for improved industry data and metrics represents a missed opportunity. We encourage the Committee to reconsider its position and are open to further discussion about how these metrics might be provided so that they are most meaningful to consumers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Una Lawrence', written in a cursive style.

Una Lawrence

Director of Policy