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COMMUNICATIONS
INDUSTRY FORUM



INDUSTRY GUIDELINE
ACIF G514:2003
ACIF CODE ADMINISTRATION AND
COMPLIANCE SCHEME

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1 INTRODUCTION

1.1 Objectives and Principles

- 1.1.1 The Australian Communications Industry Forum Limited ('ACIF') Code Administration and Compliance Scheme ('the Scheme') is intended to encourage and enhance industry compliance with its published Codes. This will occur by ensuring the following aims are pursued:
- (a) Code Signatory processes are made visible and easy to follow;
 - (b) Codes are promoted within the industry;
 - (c) Compliance and monitoring systems are effective;
 - (d) Regular reporting on the efficacy of this Scheme
- 1.1.2 The Scheme has been designed, not as a means for industry members to seek restitution, but to self-regulate Signatories' behaviour for the good of the whole industry. Participation in this Scheme does not limit any legal rights of Signatories. However, if at any stage a particular Complaint is the subject of court or tribunal proceedings, or is under consideration by any other body (for example the ACCC), then ACIF or the ICI or the IAB may determine in his/her discretion that the matter will not be handled under this Scheme, and inform the parties accordingly.
- 1.1.3 The Scheme has been designed for speedy and independent resolution of Complaints with charging arrangements designed to provide accessibility, cost certainty and fairness.
- 1.1.4 In the case of ACIF Codes registered with the Australian Communications Authority (ACA), ACIF will use the full mechanisms of the Scheme before referring a Code breach or Complaint to the ACA.
- 1.1.5 Section 575(2) of the Telecommunications Act 1997 recognises the liability of Carriage Service Providers (CSPs) principals for the conduct of their agents when acting within the scope of their actual or apparent authority. To ensure consistency, this Scheme adopts the same standard for determining a Signatory's liability as that of Section 575(2).
- 1.1.6 This Scheme notes that the onus of Code compliance is on CSPs, and to the extent that they use dealers and agents as channels to market their services, a CSP will be responsible for the conduct their agent is engaged in on behalf of the CSP, in relation to a Code to which a CSP is a Signatory unless the CSP is able to establish that it took reasonable precautions and exercised due diligence to avoid the conduct.

1.2 Scheme Review

- 1.2.1 The Scheme is designed to ensure that industry self-regulation through ACIF is effectively administered. The Scheme will be reviewed periodically to ensure that administration and compliance issues are being effectively addressed.

1.3 Abbreviations

ACA	Australian Communications Authority
ACCC	Australian Competition and Consumer Commission
CCC	Code Compliance Coordinator
CEO	Chief Executive Officer
CSP	Carriage Service Provider
IAB	Independent Appeals Body
ICI	Independent Complaints Investigator
TIO	Telecommunications Industry Ombudsman referred to in Part 16 of the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>

1.4 Definitions

Code Signatory Agreement Form

The agreement an organisation signs in order to become a Code Signatory. A blank Signatory Agreement Form is at Attachment B of this document.

Code Signatory

An organisation that has completed an ACIF Code Signatory Agreement. By completing this Agreement, the organisation undertakes to comply with the provisions of the Code (for which the Code Participation Agreement has been completed and returned to ACIF) and the provisions of the Code Administration and Compliance Scheme with respect to that Code.

Complaint

Any expression of dissatisfaction or grievance with a telecommunications activity of a Code Signatory covered by the Code, but does not include a request for information of a general kind.

Compliance Checklist

A checklist developed by an ACIF Working Committee which aims to assist Code Signatories in assessing their internal compliance programs when signing up and complying with the ACIF Code. The information contained in the Checklist does not in any way limit the obligations of Code Signatories under the Code Administration and Compliance Scheme or the Code to which Signatories have signed. An example Checklist is at Attachment C of this document.

Days

Any reference to 'days' in this document refers to 'calendar' days as opposed to 'business' days.

Independent Appeals Body

An appeals body to which appeals are lodged, investigated and a determination made. The IAB operates independently and autonomously from ACIF and the ICI.

Independent Complaints Investigator

An arms-length resource who investigates and makes a determination on Code compliance and imposition of sanctions where required. The ICI operates independently and autonomously from ACIF.

Introductory Period

Codes may stipulate that certain rules will only take effect after a specified period of time after registration with the Australian Communications Authority. The period from when the Code is registered until the rules come into effect is referred to as the Introductory Period.

Reference Panel

Group of industry resources established/approved by and accountable to the ACIF Board to provide professional oversight of the particular areas of industry activity agreed by the Board.

Working Committee

Group of industry resources established by an ACIF Reference Panel and approved by the ACIF Board for specific assignments, such as the development of specific industry Codes. Working Committees are disbanded when no longer needed.

1.5 Referenced Publications

Industry Documents

Australia – *The Telecommunications Act 1997 (Cth)*

Australia – *Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)*

Australia – *The Trade Practices Act 1974 (Cth)*

Standards Australia – *AS 3806 – 1998 Compliance Programs*

ACIF Operating Manual for the Development of Codes, Standards, Specifications, Guidelines and other Supporting Arrangements (*May 2000: Version 4*).

2 CODE ADMINISTRATION & COMPLIANCE MECHANISMS

2.1 ACIF Responsibilities (general)

2.1.1 ACIF will administer Industry Codes. ACIF will be responsible for:

- (a) Participation (registration);
- (b) Publicity
- (c) Financial and Sanction Administration
- (d) Monitoring
- (e) Reporting

2.2 Participation

2.2.1 To be eligible to become a Code Signatory, a party must belong to one of the sections of the telecommunications industry to which the relevant Code applies.

2.2.2 Parties wishing to sign-up to a Code are required to complete ACIF's Code Signatory Agreement Form to register their Signatory status and intended compliance with the Code. Confirmation of Signatory status is required on a Code by Code basis. Acknowledgement in writing of Signatory status will be provided by ACIF to Signatories within a reasonable time. Signatory status to a Code will commence on the date of acknowledgement by ACIF of sign-up, unless otherwise stipulated.

2.2.3 Signatories wishing to withdraw their Signatory status to a Code must provide written notification of withdrawal at least three (3) months prior to the date of withdrawal. Signatories must also complete any Complaint investigation that has been lodged or is in progress. In the event that a Signatory seeks to withdraw from a Code within the three (3) month notice period, ACIF may nevertheless consent to the withdrawal where it is reasonable in the circumstance.

2.2.4 A Signatory register will be maintained by ACIF and will be publicised on ACIF's Website. The register will include Code Signatories by company name and the date of sign up to the Code. Amendment to ACIF's database and Website will be made upon the effective withdrawal by a Signatory.

2.2.5 ACIF may remove a Signatory from the Signatory register if the Signatory has failed to provide to ACIF any report required by the Code to which the party is a Signatory. ACIF must give the Signatory at least one month's notice before removing the Signatory from the Signatory register.

2.3 Publicity

2.3.1 At the commencement of each Code and periodically, ACIF will publicise the following:

- (a) Code objectives
- (b) Code participation

- (c) existence of ACIF's Code regime
- (d) Complaint handling procedures under the Codes.

- 2.3.2 Plain English will be used in all publicity material.
- 2.3.3 ACIF will make available information about Codes and Complaint handling procedures for Codes.
- 2.3.4 ACIF will make this information about Codes and Complaint handling available in a variety of ways, having regard to the most efficient and effective method. ACIF will consult with its Disability Advisory Body, and other bodies as required, in determining the manner in which relevant information will be made available in any particular circumstance.
- 2.3.5 If an end-user or group of end-users requests information on a relevant Code or Complaint process in a particular format, ACIF will use reasonable endeavours to ensure that the information is made available in the form requested, or in another form as agreed.
- 2.3.6 ACIF's Website and newsletter, as well as metropolitan and regional media will be used as the main publicity vehicles. ACIF's Website will publicise Code participation and will stipulate whether Code Signatories are members of ACIF.
- 2.3.7 Code Signatories will be required to inform and educate relevant staff regarding the following:
 - (a) the Code and its implications for staff; and
 - (b) their participation in ACIF's Code regime.
- 2.3.8 Code Signatories must inform their agents about Codes that are relevant to the agents and about their obligations to comply.
- 2.3.9 Guidance on effective education and training should be obtained from Standards Australia – AS 3806 - 1998 Compliance Programs.

2.4 Statements about Signatory Status

- 2.4.1 A Code Signatory must only make a statement about its Signatory status in relation to a Code it has signed. If the Signatory makes a statement in relation to more than one Code it has signed, it must specifically mention each Code. (for example, a Signatory cannot say it has signed 'Consumer Codes').
- 2.4.2 A Code Signatory must only make a statement about its Signatory status in relation to Codes which are registered by the Australian Communications Authority.
- 2.4.3 A Signatory must either use one of the preferred Signatory statements, or statements which follow the suggested themes for Signatory statements
- 2.4.4 The preferred Signatory Statements are as follows:
 - (a) XXXX is a Signatory to XXX ACIF Code, or
 - (b) XXXX has signed XXXX ACIF Code as a demonstration of its commitment to compliance with XXXX Code.
- 2.4.5 The suggested themes for Signatory statements are as follows:

- (a) Signatory has processes in place to comply with the ACIF XXXX Code provisions;
- (b) Signatory has staff education and training processes in place to comply with ACIF XXXX Code provisions;
- (c) Signatory has agreed to be bound by the ACIF G514:2000 Code Administration and Compliance Scheme (CACS) as well as regulators; and
- (d) By signing the Code, the Signatory supports the process of industry demonstrating its commitment to self regulation

2.4.6 A Signatory Statement must not imply that Signatory status, by itself, means the Signatory is fully compliant with the relevant Code and/or that the Signatory follows best industry practice.

2.4.7 A Signatory will lose the right to make a Signatory Statement in relation to an ACIF Code in the following situations:

- (a) When a Public Censure Notice sanction has been imposed against the Signatory under Clause 2.8.12 in relation to the relevant Code;
- (b) If the ACA or the ACCC has made a public statement about the Signatory's systemic non-compliance with the relevant Code and the ACIF Code Compliance Co-ordinator has consulted with the regulator about their public statement; or
- (c) If the Signatory has withdrawn its signature of the Code under Clause 2.2.3.

2.5 Use of Compliance Mark

2.5.1 A Code Signatory may use the ACIF Compliance Mark to indicate their Signatory Status in relation to a Code or Codes that the Signatory has signed.

2.5.2 If a Code Signatory uses the ACIF Compliance Mark, the Code Signatory must comply with the *ACIF Compliance Mark Rules*.

2.6 Compliance Systems

2.6.1 Prospective Code Signatories should have regard to the provisions of the Australian Standard on Compliance Programs, AS 3806 – 1998 prior to becoming Code Signatories. The development of internal compliance programs to comply with ACIF's Codes will be a matter for each Signatory.

2.6.2 ACIF will promote the use of internal compliance systems and, where requested, may provide guidance to Signatories on internal compliance programs. However, ACIF will not have any responsibility for evaluating the adequacy of compliance programs of Signatories. To assist organisations in assessing the adequacy of their internal processes for Code compliance, Code Signatories will be requested to complete a Compliance Checklist.

2.7 Monitoring

2.7.1 Where specifically required by a Code, ACIF will monitor compliance with Code provisions and the overall effectiveness of the Code in achieving its objectives by, for example:

- (a) *complaints* monitoring;
- (b) *compliance* monitoring;
- (c) *routine verification* of Code compliance by Signatories;
- (d) identification of systemic *Code issues and breaches*.

Complaints Monitoring

2.7.2 Collated statistics on consumer Complaints will be provided by the TIO and reported in conjunction with ACIF maintained information.

2.7.3 In respect of industry Complaints ACIF will maintain a Complaint Handling Database on which ACIF's staff will record and monitor the following information arising from each Code.

- (a) Code Participation
 - (i) number of Signatories
- (b) Complaint handling
 - (i) number and percentage of Complaints by subject matter
 - (ii) number and percentage of Complaints lodged by whom and against whom
 - (iii) number and percentage of Complaints determined by ACIF to be outside the scope of the Code and the reasons for matters being registered as such.
- (c) Compliance
 - (i) number and percentage of parties found to be in breach of the Code
 - (ii) number and percentage of parties complained against, found not to be in breach of the Code
 - (iii) number and percentage of parties in breach of the Code which implemented rectification strategies
- (d) Sanctions
 - (i) number and type of sanctions imposed and the outcome of rectification
- (e) Education and Publicity
 - (i) number and percentage of Signatories who have implemented Code education and publicity activities.

Compliance Monitoring

2.7.4 Compliance monitoring aims to assist with assessing the level of overall compliance of the industry. It does not aim to identify individual instances of Code breaches nor will ACIF have any responsibility for evaluating the adequacy of any end-products or services.

- 2.7.5 Compliance monitoring will be performed on Signatories' practices within the scope of the Code and will be conducted by various methods, including:
- (a) monitoring of end-products or services; and
 - (b) requesting information from Signatories about how they are managing their compliance with the Code.
- 2.7.6 Results of compliance monitoring will be compiled with other monitoring results and reported on an anonymous basis to the appropriate Reference Panel.
- 2.7.7 Where the compliance monitoring identifies an individual instance of significant Code non-compliance, including the failure to report as required under a Code, the ACIF CEO will promptly issue a confidential notification to the Signatory which will:
- (a) notify them of the compliance monitoring results;
 - (b) encourage their compliance with the Code;
 - (c) invite them to discuss the issue confidentially with ACIF (within a stated period of time).
- 2.7.8 If the Signatory does not respond to the ACIF CEO or the significant non-compliance continues and the breach relates to a registered Code, the ACIF CEO will refer the matter to the ACA and inform the Signatory accordingly.

Routine Verification of Code compliance by Signatories

- 2.7.9 Where a Code stipulates the need for routine compliance verification, Signatories will be required to meet the compliance requirements stipulated in the Code. The Code may identify both the information required and the timing of routine compliance verification reports. Such routine compliance reports must be provided to ACIF.
- 2.7.10 Where a verification report identifies non-compliance, advice will be issued to the Signatory identifying a timeframe for rectification in accordance with the Code. Where the rectification timeframe is not met, the ACIF CEO has the discretion to encourage compliance and provide assistance to the Signatory on a confidential basis.
- 2.7.11 Failure to provide a verification report will result in action being taken as stated under paragraphs 2.7.7 and 2.7.8.

Monitoring of systemic Code issues and breaches

- 2.7.12 Systemic Code issues and breaches will be monitored via regular reports received from other organisations including the TIO, ACA and ACCC.
- 2.7.13 Regular meetings will be held between ACIF and the TIO to ensure ACIF is aware of any emerging or systemic issues with ACIF Codes, as highlighted by consumer Complaints. Information from the TIO will also be provided to ACIF for Complaint monitoring purposes.

Monitoring - Assessment

- 2.7.14 ACIF will provide aggregated monitoring statistics (without the naming of Code Signatories) to Reference Panels. Where a Reference Panel identifies a potential issue with a Code, i.e. indication that the Code is

ineffective, the Reference Panel may conduct a review of the Code, in accordance with relevant ACIF document review policies and processes.

2.7.15 If the monitoring statistics identify a large number of Code breaches, the relevant Reference Panel will need to consider options for resolution, such as increasing the awareness about a Code by means of education conducted by ACIF.

2.8 Reporting

2.8.1 ACIF will report on this Scheme, including the incidence of Signatories' compliance and Signatories' reporting on compliance to:

- (a) the public via ACIF's Newsletter and Annual Report;
- (b) ACIF's members and Code Signatories via ACIF's Advisory Assembly, and
- (c) the appropriate Reference Panel via regular progress reports.

2.8.2 In accordance with Levels 2 and 3 of the Complaints management process, reporting of the number and type of Code Complaints and/or breaches will be done without identifying the Signatory by name.

2.8.3 Signatories found to be in breach of a Code will be identified by name only when the ICI has issued a Public Censure Notice under section 3.8.

2.8.4 If any information is made available to any person, which is over and above the information reported in ACIF's Annual Report and Newsletter, an administrative charge may be made by ACIF.

ACIF Publications

2.8.5 ACIF will report quarterly via ACIF's Newsletter on the monitoring statistics for each Code as per the requirements of the Scheme.

2.8.6 ACIF's Annual Report will report on the monitoring statistics of the Scheme where a Code review has occurred.

ACIF Advisory Assembly

2.8.7 From time to time, ACIF and relevant Reference Panels will report to the ACIF membership at ACIF's *Advisory Assembly* on monitoring statistics of this Scheme. This will include the results of Complaints monitoring, compliance monitoring and monitoring of systemic Code issues.

Reporting to Reference Panels

2.8.8 ACIF will provide regular progress reports to relevant Reference Panels to assist in their ongoing monitoring and review of Codes. The progress reports will document:

- (a) identified breaches of each Code and the remedial action taken (on an anonymous basis);
- (b) instances of dismissal of a Complaint;
- (c) publicity and education programs;
- (d) identified systemic Complaints and steps taken to address these;
- (e) statistics on Complaints and disputes, and their resolution, outlined in appropriate detail;

- (f) ACIF monitoring activities undertaken;
- (g) steps taken by industry Signatories in the development of in-house compliance systems;
- (h) costs and other details of financial administration;
- (i) continuous improvement in Code principles and administration;
- (j) developments in technology which are expected to have an impact on operational procedures covered by the Code, and the steps proposed to be taken by ACIF to address these issues.

2.9 ACA/ACCC Referral

2.9.1 In cases where ACIF becomes aware of and has attempted to resolve, serious and/or systemic breaches of Codes, ACIF will refer the matter to the relevant authority, e.g. the ACA or the ACCC.

2.10 Financial and Sanction Administration

2.10.1 ACIF will coordinate the financial administration of the Code compliance system and administration of sanctions. Sanctions will be determined by the ICI (or, if an appeal occurs, by the IAB). In administering the sanctions, ACIF will take no responsibility for the determination of sanctions, but will act as registrar to the process.

3 CODE COMPLAINT MANAGEMENT PROCESS

3.1 General

- 3.1.1 By signing up to an ACIF Code, a Signatory agrees to be bound by the Scheme and the rules of the Code including the potential for a graduated scale of sanctions for breaches of the Code to be applied. ACIF's Complaint management process is summarised in Attachments A and B.
- 3.1.2 Where a Code stipulates an introductory period, Complaints will not be accepted in respect of that Code to the extent they relate to events during the Introductory Period. Where a Code does not stipulate an Introductory Period, Complaints will be accepted from the date a party becomes a Signatory to the Code. However, Complaints against a Code Signatory will not be accepted to the extent they relate to events which occurred before the Signatory became a Signatory to the relevant Code.

3.2 Vicarious Liability

- 3.2.1 If:
- (a) conduct is engaged in on behalf of a Code Signatory by a director, employee or agent of the Code Signatory; and
 - (b) the conduct is within the scope of the actual or apparent authority of that director, employee or agent;
- the conduct is taken, for the purpose of the Code Complaint Management Process under section 2 of the Scheme, to have been engaged in by the Code Signatory unless the Code Signatory establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

3.3 Jurisdiction

- 3.3.1 Complaints about non-compliance with ACIF's Codes will arise in two broad categories, consumer Complaints and industry Complaints.

Consumer Complaints

- 3.3.2 Consumer Complaints are those made by end-users of services against Code Signatories. Consumer Complaints may be:
- (a) within the usual jurisdiction of the TIO and also covered by a Code; or
 - (b) not within the usual jurisdiction of the TIO but capable of being handled by the TIO as a result of the TIO consenting to take on functions and powers conferred by a Code: or
 - (c) not within the jurisdiction of the TIO but covered by a Code.
- 3.3.3 Consumer Complaints that are within the TIO's usual or extended jurisdiction will be referred to the TIO. In making that referral, ACIF will advise consumers that the TIO is an office of last resort. The consumer

will be advised to try to resolve the matter directly with the carrier/carriage service provider before approaching the TIO.

- 3.3.4 Consumer Complaints that are not within the TIO's jurisdiction will be noted by the ACIF Executive and recorded for Complaint monitoring purposes. The ACIF Executive may act in relation to such Complaints in its discretion.

Role of the TIO

- 3.3.5 The TIO may deal with Complaints that are within the usual jurisdiction of the TIO and also covered by a Code (3.3.2 (a) above). In dealing with such Complaints, the TIO will also report this to the ACIF CCC.
- 3.3.6 If the TIO consents, a Code may confer functions and powers on the TIO. (3.3.2 (b) above). In dealing with consumer Complaints, using these functions and powers, the TIO will have regard to the relevant Code provisions.
- 3.3.7 Where a consumer Complaint made against the Signatory is handled by the TIO, a Code Signatory agrees to pay the TIO's case handling costs and fees as determined by the TIO, and the TIO may recover those costs and fees direct from the Code Signatory. These charges may change from time to time and will be incurred for all Complaints dealt with by the TIO, irrespective of the outcome of each case. Signatories to a Code who are not members of the TIO agree to be bound by any determination or direction made by the TIO in accordance with the TIO's constitution.
- 3.3.8 Failure of a Code Signatory who is not a member of the TIO to pay the TIO's case handling costs and fees, or failure to accept a determination or direction of the TIO will constitute a breach of the Code and may be referred by the TIO to ACIF.
- 3.3.9 In instances where the TIO receives repeated Complaints against a Signatory regarding a Code breach, or a significant Code breach has occurred, the TIO may refer the matter to ACIF for consideration.
- 3.3.10 The TIO and ACIF will regularly consult in respect of consumer Complaint patterns pursuant to ACIF's Codes. This will be factored into Code monitoring and revision.

Industry Complaints

- 3.3.11 In the case of industry Complaints, ACIF will operate a comprehensive, arms length mechanism to undertake investigation, apply sanctions and provide for independent appeal.
- 3.3.12 Industry Complaints are those made by a member of the industry against a Code Signatory for alleged breach of a Code. Industry Complaints may include Complaints by a coalition of consumer representatives against a Signatory.
- 3.3.13 Industry Complaints are within ACIF's jurisdiction and shall be managed according to procedures outlined in this Scheme.

3.4 Complaint Management Process – Level 1

- 3.4.1 The Code Compliance Coordinator (CCC) will coordinate the Complaint management process of Levels 1, 2 and 3 (see Attachment A). The CCC will operate in an independent capacity but will form part

of the ACIF Executive. The CCC will perform a referral, communication, administration and monitoring role. The CCC will have skills to assess, analyse, communicate and administer. Levels 1, 2 and 3 will be administered by ACIF on a confidential basis.

- 3.4.2 All Complaints must be in writing and accompanied by any supporting documentation, although initial contact and consultation with the parties may be verbal. Upon receipt of a Complaint, the CCC will, in writing, acknowledge receipt of the Complaint to the party who has lodged the Complaint ('the complainant') and the party against whom the Complaint has been lodged ('the respondent'). Informal clarification of matters pertaining to Code compliance will be encouraged.
- 3.4.3 Following the lodging of a Complaint, the CCC will undertake a preliminary analysis to isolate out of jurisdiction and vexatious Complaints. Where the CCC considers that an industry Complaint is inappropriate for referral to Level 2, and the ACIF CEO confirms such a view, the Complaint will not be referred to Level 2 and the CCC will advise the parties in writing accordingly.
- 3.4.4 Complaints considered to be out of jurisdiction include, but are not limited to:
- (a) a Complaint against a party who is not a Signatory to a Code – in which case the ACIF CEO may invite the responding organisation to become a Code Signatory or the CCC may refer the complainant elsewhere, e.g. the ACA. In cases where the responding organisation does not wish to become a Code Signatory, the CCC will suggest the parties make use of Alternative Dispute Resolution mechanisms.
 - (b) a Complaint about a Code, i.e. not against a Code Signatory – in which case the CCC will refer the Complaint to the appropriate Reference Panel.
- 3.4.5 The CCC will endeavour to complete the preliminary analysis as to whether the Complaint should be referred to Level 2 within three (3) working days of the receipt of a written Complaint. The CCC may request further information from the complainant concerning the Complaint, and may suspend the analysis while awaiting a response to any such request. The CCC will advise both parties of the outcome of the preliminary analysis in writing.
- 3.4.6 Where the CCC considers that the industry Complaint is within ACIF's jurisdiction and is not vexatious or frivolous, the Complaint will be referred to Level 2.
- 3.4.7 Where more than one Complaint is received in relation to one Signatory, the CCC may aggregate the Complaints and refer these as one Complaint to Level 2.

3.5 Complaint Management Process – Level 2

Compulsory Conference

- 3.5.1 Within ten (10) working days of referral to Level 2, the CCC or other ACIF representative must convene a compulsory conference between the complainant and the respondent. The aim of the conference is for

the parties to reach a mutually agreed outcome, with emphasis on clarifying both parties' concerns and resolving issues at this early stage. No investigation of the Complaint will occur at Level 2; instead the focus will be on encouraging resolution of the Complaint by the parties.

- 3.5.2 Organisations taking part in a compulsory conference will use their best endeavours to ensure that their representatives are authorised to make decisions on behalf of their respective organisations as to the resolution of the matters in issue. It is intended that decisions be made in the conference, without the parties having to contact their organisations for instructions. It is acknowledged however that, in some circumstances, it may be necessary for parties to consult their organisation to obtain approval for the decision proposed in the conference prior to committing to the decision.
- 3.5.3 Organisations participating in a compulsory conference are strongly encouraged to use this opportunity to share any relevant information which may assist in the resolution of the matter.
- 3.5.4 At the conference, the CCC will inform the parties of the Complaint management process of Levels 2 and 3. The potential cost implications for the parties of proceeding to Level 3 will be clearly stipulated, as a means of encouraging resolution of the Complaint at Level 2.
- 3.5.5 If the Complaint is resolved by the parties, the CCC will complete a report for Code monitoring purposes without either party being named. The CCC will clarify with the parties how the issue has been resolved and provide a copy of the report to the parties. The terms of the resolution will be recorded in writing by the CCC at the conference, and the parties will be required to sign a document reflecting those terms and to give appropriate releases as agreed to by the parties, within the following seven (7) days.
- 3.5.6 Where mutual agreement is not reached and the complainant wishes to pursue the matter to Level 3, the Complaint will be escalated to Level 3. ACIF will notify the parties of their cost obligations as outlined in section 2.13.
- 3.5.7 It is anticipated that the majority of Complaints will be resolved, without the need for escalation to a potentially more costly investigation process.

3.6 Complaint Management Process – Level 3

Reference to an Independent Complaints Investigator

- 3.6.1 An Independent Complaints Investigator (ICI) will be appointed by ACIF, within five (5) working days, to undertake the investigation of industry Complaints at Level 3 (charging arrangements are detailed in Section 2.13). Complaints will be referred to the ICI by the CCC with the written agreement of the complainant. The CCC will inform both parties in writing of the date of commencement of the ICI's investigation.
- 3.6.2 The ICI will have skills necessary to undertake the investigation in a competent manner. The ICI will be selected from an available panel with various specialist skills. The ICI will be selected on a case by case basis according to the criteria outlined in Attachment D.

- 3.6.3 There is an emphasis on speedy and cost-effective resolution of Complaints at Level 3.
- 3.6.4 The ICI will report to ACIF on a daily basis for the first twenty-one (21) hours of his or her investigation. These daily reports will be used by ACIF to monitor the progress of the investigation for budgetary purposes. In the event that the investigation exceeds twenty-one (21) hours, the ICI will be required to report to ACIF on a weekly basis or more frequently if requested. It is anticipated that the ICI investigations will not always require twenty-one (21) hours of investigation. A determination may be made within a twenty-one (21) hour period.
- 3.6.5 In conducting the investigation, the ICI will be able to consider any relevant information including that which was obtained by the CCC during Levels 1 and 2 of the Complaint Management Process.
- 3.6.6 Parties will be advised of the results of the investigation in writing either at its completion (including the withdrawal or resolution of the Complaint) or as a progress report after the first twenty-one (21) hours. In the event that the ICI has not completed the investigation within the twenty-one (21) hours, written agreement will be sought from both parties before the ICI continues the investigation. The cost implications of the investigation continuing will be made clear to both parties.
- 3.6.7 Where the Complaint is withdrawn or the parties reach agreement within or at the end of the first twenty-one (21) hours, the ICI will notify the CCC in writing of the outcome. The CCC will complete a report for Code monitoring purposes without either party being named.
- 3.6.8 The ICI will have reasonable flexibility as to the process it will follow in each particular case subject to the following principles:
- (a) the complainant and the respondent will have the right to make written submissions including to cross comment;
 - (b) the complainant and respondent will have the right to be heard;
 - (c) investigations will be thorough but not excessive in scope.
- 3.6.9 All Code Signatories will be required to cooperate with the ACIF Executive and the ICI and upon the reasonable request of the ICI in relation to each Code to which they are a Signatory, to provide requested information within a reasonable time in the event that they are subject to an investigation. Where a respondent fails to provide the information requested by the ICI in the specified timeframe and has failed to provide a reasonable explanation, the ICI may in writing refer the matter back to ACIF for consideration and appropriate action, and in that circumstance the ICI may suspend his or her investigation, as he or she considers appropriate, and notify ACIF accordingly in writing.
- 3.6.10 Upon completion of his/her investigation, the ICI will make a determination as to whether:
- (a) a breach has occurred;
 - (b) the conduct which constituted the breach was engaged in by the Code Signatory in accordance with section 3.2 of the Scheme; and
 - (c) any sanctions to be imposed as a consequence of the breach.

The ICI will provide written reasons for the determination to both parties. The determination will be made by the ICIC by reference to considerations of general justice and fairness.

3.6.11 For the avoidance of any doubt, if the ICI finds that conduct has occurred which would amount to a breach if it had been engaged in by the Code Signatory, but that the conduct was not engaged in by the Code Signatory in accordance with section 3.2 of the Scheme, then:

- (a) the ICI must find that the Code Signatory has not breached the relevant Code; and
- (b) no sanction may be imposed on the Code Signatory, but the CCC may refer the complainant elsewhere.

3.7 Sanctions

3.7.1 Depending on the seriousness of the breach and the previous conduct of the respondent, the ICI will apply a sanction from section 2.8 of the Scheme.

3.7.2 In deciding what sanctions should be imposed on an offending party, the ICI will seek information from the CCC about the previous conduct of the respondent under this Scheme.

3.7.3 The CCC will advise the parties in writing via receipted mail of the ICI's determination and sanction imposed. The respondent will be required to provide confirmation immediately upon receipt of the sanction notice.

3.7.4 If an appeal is lodged with the Independent Appeals Body (IAB), the imposition of sanctions will be deferred until the appeal is heard and a decision on the appeal made by the IAB.

3.7.5 The CCC will notify the complainant of all subsequent actions of the ICI, including:

- (a) whether the respondent has rectified the breach within any time period set for rectification; and
- (b) what further progress has been made or sanction imposed in cases where the breach has not been rectified within any time period set for rectification.

3.7.6 The ICI must consider applying the following sanctions when making a determination against a respondent who is in breach of a Code: caution notice of breach; warning notice of breach; and public censure notice. The ICI will consider the seriousness of the breach and past conduct with respect to the subject Code when making a determination. Before making a determination to issue a public censure notice, the ICI must first impose a caution notice and then a warning notice. In serious cases, the ICI will have the discretion to minimise the time before sanctions are escalated. Full disclosure of this intention will be provided to the respondent.

Exceptional Circumstances

3.7.7 The respondent may advise the ICI of circumstances preventing the respondent from carrying out of any action under Clause 3.7. If the ICI is satisfied that exceptional circumstances will prevent the respondent

from carrying out the sanction imposed by the ICI under Clause 3.7 the ICI will have the discretion to suspend the sanction and it will be suspended for so long as, and to the extent that, the exceptional circumstances prevent compliance. The ICI will notify both parties of its decision.

Caution Notice of Breach

3.7.8 The written caution notice to the respondent will include a request that one or more of the following actions be undertaken by the respondent:

- (a) rectification of the breach;
- (b) specific corrective actions, e.g. the respondent to withdraw any infringing advertising and/or publish appropriate corrective advertising; and
- (c) an internal review of the respondent's state of compliance with the relevant Code.

3.7.9 The caution notice will nominate a timetable within which the action is required to be completed, with duration dependent upon the nature and complexity of the action. It will also seek confirmation from the respondent of receipt of the Notice

Warning Notice of Breach

3.7.10 The written warning notice to the respondent is a more severe version of the caution notice. It is appropriate for situations where the respondent has failed to undertake voluntarily the actions requested by the caution notice. The warning notice to the respondent will include an order that one or more of the following actions be undertaken by the respondent:

- (a) rectification of the breach;
- (b) specific corrective actions;
- (c) arrange for an independent audit of its compliance procedures in relation to the relevant Code to be conducted. The auditor must be approved by ACIF and will report on compliance with the relevant Code. The respondent will be required to implement recommended outcomes of the audit; or
- (d) that the respondent conduct relevant education of its relevant staff to address knowledge inadequacies that may have led to the Code breach.

3.7.11 The warning notice will nominate a timetable within which the action is required to be completed, and the steps needed to be taken by the respondent to address the action required by the warning notice, with duration dependent upon the nature and complexity of the action. It will also seek confirmation from the respondent of receipt of the notice

Public Censure Notice

3.7.12 In the event that the respondent refuses or fails to undertake satisfactorily the actions required by the warning notice, the respondent will be formally advised that a public censure notice is to be prepared for widespread publication. The respondent will be sent an advance copy of the intended public censure notice, which will:

- (a) identify the respondent by name;
- (b) give details of the breach;
- (c) list all requests/orders previously made of the respondent;
- (d) report on whether an independent audit has been ordered and, if so, state the results of the audit;
- (e) state that at the date of publication, the requests of the caution notice and the orders of the warning notices of breach have not been complied with;
- (f) specify a final timetable by which any corrective action must be completed.

3.7.13 The respondent will also be advised that actual publication of the public censure notice will not occur until a particular time period has elapsed from the date of the notification, e.g. twenty-one (21) days from the date the advance copy of the public censure notice is sent. This would allow the respondent to either finally comply as ordered, or to seek to appeal.

3.7.14 If the public censure notice is proceeded with, it will be published in ACIF's newsletter, the relevant industry's newsletter or magazine, in the national newspapers and in Consumer bulletins.

3.8 Referral to the Australian Communications Authority (ACA)

3.8.1 The ACIF Board will determine, on a Code by Code basis, whether to submit a Code to the ACA for registration. The ACA may register ACIF's industry Codes under Part 6 of the Telecommunications Act 1997. In the case of breaches of registered Codes, ACIF will use its discretion as to whether to refer a matter to the ACA for its consideration. ACIF will use the full mechanisms of this Scheme, including the imposition of all three levels of sanctions before referral to the ACA.

3.8.2 The ACA has extensive powers in relation to registered Codes. Under section 121 of the Telecommunications Act 1997, the ACA may direct a participant in a section of the telecommunications industry (as defined under section 110) to comply with a relevant industry Code registered under Part 6 where the ACA is satisfied the participant has contravened or is contravening the Code. Organisations who fail to comply with an ACA direction under this section may be subject to civil penalties of up to \$250,000 for each contravention (if a body corporate) or up to \$50,000 for each contravention (if not a body corporate). Section 122 gives the ACA the power to issue a formal warning to a participant in a particular section of the telecommunications industry if that participant contravenes an industry Code. A complainant may at any time refer breaches of a registered Code to the ACA for possible enforcement action.

3.9 Role of the Australian Competition and Consumer Commission (ACCC)

3.9.1 The ACCC is a statutory authority responsible for ensuring compliance with Part IV (Anti-competitive Practices), Part IVA (Unconscionable Conduct), Part V (Fair Trading) and Part VA (Liability of Manufacturers

and Importers for Defective Goods) of the Trade Practices Act 1974 (TPA).

3.9.2 A potential breach of the TPA may also constitute a potential breach of an ACIF industry Code whether registered under Part 6 of the Act or not.

3.9.3 The Scheme does not limit the private rights of parties under the TPA.

3.10 Appeals Process

3.10.1 Appeals on the merits of the ICI's decisions may be heard by the Independent Appeals Body (IAB).

3.10.2 The IAB will operate independently from ACIF and the ICI. The ACIF CEO will select the IAB from a panel of potential IAB members on a case by case basis according to the criteria outlined in Attachment D. The ACIF CEO will re-consider the choice of the IAB where a party can prove cause for bias.

3.10.3 The parties will have ten (10) working days from the date of the ICI's determination within which to lodge an appeal with the ACIF CEO for referral to the Independent Appeals Body (IAB).

3.10.4 Appellants will be required to submit a request to the ACIF CEO outlining the basis for the appeal request and include a payment to cover the first twenty one (21) hours of the IAB's time (see paragraphs 2.13.16 to 2.13.22). The ACIF CEO will then refer the appeal to the IAB. If an appeal is to be considered by the IAB, no further sanctions will be applied until the appeal is heard and a decision on the appeal made by the IAB.

3.10.5 The CCC will notify the parties where an appeal has been lodged.

3.10.6 The IAB will review the ICI's decision, including reconsidering the relevant facts, and make whatever inquiries are deemed necessary. The IAB may make orders that the ICI's decision should:

- (a) stand; or
- (b) be varied as the IAB considers appropriate; or
- (c) be set aside.

3.10.7 The IAB's decision will be made by reference to considerations of natural justice and fairness.

3.10.8 The IAB will provide a written report to the ACIF CEO giving reasons for its decision to uphold or dismiss the appeal within 20 working days of making a decision.

3.10.9 The ACIF CEO will provide a copy of the IAB's decision and written reasons to the appellant, the ICI and the other party to the appeal.

3.10.10 The appellant will commence any rectification or other action ordered by the IAB on the third day after receipt of the decisions and written reasons.

3.11 Monitoring of Breach Rectification

3.11.1 The CCC will monitor the adoption of the sanctions and any rectification ordered by the ICI or, in the case of an appeal, by the IAB.

The CCC will monitor sanctions and rectification by asking the respondent in writing if it has complied with the determination. It is at this time that the respondent has the opportunity to advise ACIF of any problems with meeting the sanctions and rectifications ordered. Where the breach has not been rectified, the CCC will:

- (a) notify the respondent in writing of continuing non-compliance and specify the time within which the remedy of the breach must be implemented. The correspondence will seek a response from the respondent as to the reasons for non-rectification of the breach.
- (b) where the respondent continues its non-compliance with the Code beyond the specified time and has not provided satisfactory written reasons for non-rectification, the CCC will notify the respondent in writing that unless the continuing non-compliance is rectified within a further specified time, the breach will be referred to the ICI for further determination.
- (c) where Code non-compliance continues, the CCC will refer the continuing non-compliance to the ICI for determination.

In all correspondence with the respondent, the CCC will invite the respondent to provide written reasons for any non-compliance. The ICI will consider the respondent's response when determining whether escalated sanctions for the Code breach should be imposed.

3.12 Confidentiality

- 3.12.1 Subject to the publication of any Public Censure Notice in accordance with this Scheme and any requirements at law, any activities by ACIF in administering the Scheme will be undertaken on a confidential basis. Any confidential information disclosed by a party to ACIF, the ICI or the IAB in connection with a Complaint must be kept confidential by the other party to the Complaint, subject to any requirements at law.
- 3.12.2 Before a party provides confidential information to ACIF, ACIF and the other party to a Complaint may be required to execute confidentiality deeds (in ACIF's standard form) in respect of that information.
- 3.12.3 ACIF will keep a confidential register of investigations and their outcomes.
- 3.12.4 A public register set up by ACIF will not include the names of parties who make Complaints or the respondents to Complaints, except respondents who have had a Public Censure Notice imposed as a sanction for a Code breach. Provided that it has rectified the breach, a party which has been subject to a Public Censure Notice will have its name removed from the Public Register after six months.

3.13 Charging

General

- 3.13.1 The Scheme seeks to encourage compliant behaviour and does not provide a forum for individual restitution.
- 3.13.2 Funding of the Scheme will uphold the principles of accessibility, fairness and cost certainty. The charging arrangements are intended

to provide accessibility for all parties who lodge Complaints, while controlling the progression of vexatious or frivolous Complaints.

3.13.3 This Scheme provides checkpoints beyond which parties will be required to enter into a written agreement as to the payment of costs. At each of these checkpoints ACIF will inform parties in writing of the cost implications of proceeding with Complaints. The checkpoints will provide protection for all parties from escalation of expenses by providing the opportunity to consider alternative ways to resolve the issue.

3.13.4 Generally, complainants and respondents will be required to pay their own costs in relation to Levels 1, 2 and 3 of the Complaints management process. However, in certain circumstances the law may not give effect to a provision requiring the parties to pay their own costs at Level 3. In those circumstances, the ICI will have the power to order a party to pay all or part of the other party's costs.

Costs of Levels 1 and 2

3.13.5 ACIF will fund the costs of the CCC and the administrative costs associated with Levels 1 and 2.

Costs of Level 3

3.13.6 So that the ICI's time can be most efficiently spent, the complainant and the respondent will be required to provide written submissions to ACIF before the ICI commences considering the Complaint, according to the following timetable:

- (a) the complainant and the respondent will be required to provide their brief written submissions and any supporting documentation to ACIF within fourteen (14) days of the CCC notifying the parties that the matter has moved to Level 3 of the Scheme;
- (b) ACIF will promptly provide copies of the complainant's written submissions and supporting documentation to the respondent, and vice versa;
- (c) within fourteen (14) days of receiving that material from ACIF, each party must submit to ACIF any written submission it wishes to make in response to the other party's material.

3.13.7 The ICI will be contracted by ACIF on the basis of an hourly rate. ACIF will provide to the ICI the written materials referred to above.

3.13.8 The parties will pay their own costs (subject to clause 3.13.4). ACIF will pay the costs of the first twenty one (21) hours of the ICI's time, and any disbursements the ICI has incurred in that period (i.e., travelling or accommodation expenses), for each Complaint (subject to clauses 3.13.9 and 3.13.10).

3.13.9 If the respondent is found to be in breach of the Code, then the respondent will bear all the ICI's costs, including those incurred during the first 21 hours.

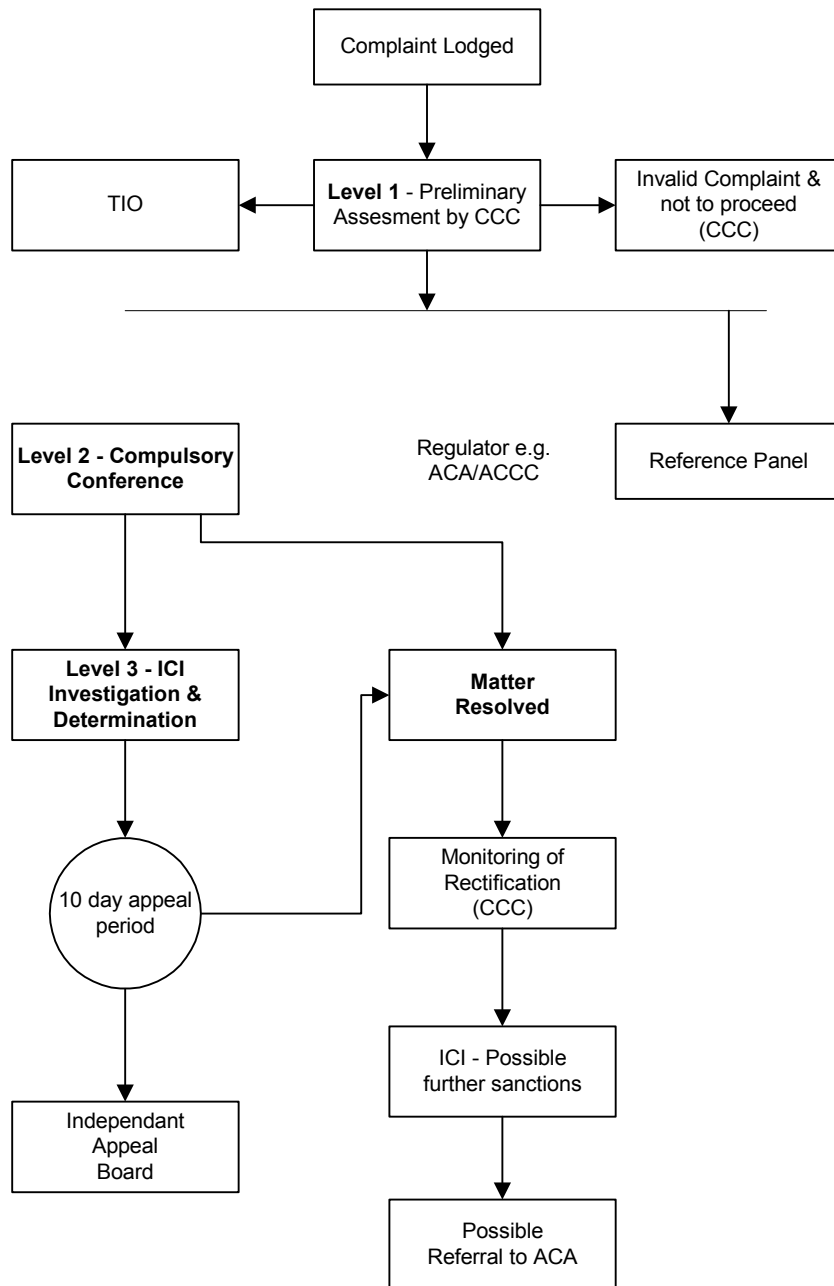
3.13.10 Where a Complaint is found by the ICI to be vexatious or frivolous and the investigation ends within twenty one (21) hours, the complainant will pay the costs of the ICI's investigation.

- 3.13.11 Where an investigation continues beyond twenty one (21) hours and the respondent is not determined to be in breach of a Code by the ICI, the complainant will pay the costs of the ICI's investigation after the first twenty one (21) hours.
- 3.13.12 Before an investigation proceeds beyond twenty one (21) hours of the ICI's time the complainant and the respondent will be required promptly to put up bonds to cover in total a further twenty one (21) hours of the ICI's time, and to cover any disbursements the ICI anticipates will be incurred by him or her in that period of time.
- 3.13.13 Only ACIF will be allowed to draw on the bonds put up by the complainant and the respondent, for the purpose of paying the ICI's costs and disbursements. If the bonds are exhausted before the ICI hands down his or her decision, the complainant and the respondent will be required promptly to put up additional, similar bonds, to cover the ICI's costs and disbursements until the ICI has made his or her decision and provided his or her written reasons.
- 3.13.14 If any of the parties fail or refuse to execute an undertaking to comply with the cost orders of the ICI (and the IAB), or fail or refuse to put up a bond when required, then the Complaint will be deemed unresolved. If after a decision has been given by the ICI (or the IAB) the complainant fails or refuses to put up a bond when required, the matter will not be pursued further by ACIF and the ICI (or the IAB).

Costs of Appeal

- 3.13.15 The members of the Independent Appeals Body (IAB) will be contracted by ACIF on an hourly rate.
- 3.13.16 Upon commencing an appeal the appellant will be required to put up a bond to cover the costs of the first twenty one (21) hours of the IAB's time, and any disbursements the IAB expects to incur in that period (for example, travelling or accommodation expenses).
- 3.13.17 The set appeal bond is refundable where the appeal is upheld. Where the appeal is not upheld, the appellant will fund the costs of the IAB. The set appeal bond will be determined by ACIF from time to time. The set appeal bond amount will be advertised on ACIF's Web site. ACIF must notify Code Signatories of any changes to bond requirements as soon as practicable.
- 3.13.18 If the appeal proceeds beyond twenty one (21) hours of the IAB's time, the appellant will be required promptly to put up an additional, similar bond to cover the IAB's costs and disbursements until the IAB has made its decision and provided written reasons.
- 3.13.19 Only ACIF will be allowed to draw on the bonds put up by the appellant for the purpose of paying the IAB's costs and disbursements.
- 3.13.20 If the appellant fails or refuses to put up a bond when required, then the appeal will be deemed withdrawn and the ICI's decision will stand.
- 3.13.21 The IAB has the ability to order a party to pay the other party's costs, where the law will not give effect to a stipulation that the parties bear their own costs.

APPENDIX A - OVERVIEW OF ACIF COMPLAINTS MANAGEMENT PROCESS



APPENDIX B - CODE SIGNATORY AGREEMENT FORM

CODE SIGNATORY AGREEMENT FORM

NAME OF CODE AND DATE OF PUBLICATION**ACIF Code Ref.**

ACIF C5__ : __
Year

NAME OF PARTICIPANT ORGANISATION**ACN**

ADDRESS OF PARTICIPANT ORGANISATION

Postcode

AUTHORISED OFFICER OF PARTICIPANT ORGANISATION**CONTACT DETAILS**

Print Full Name

(W) _____

Title

(Fax) _____

(E.mail) _____

FIRST DAY OF PARTICIPATION

The Participant undertakes to comply as from the first day of participation with the provisions of the Code and the provisions of the Code Administration and Compliance Scheme with respect to the Code.

The person signing this document warrants that s/he is duly authorized to execute this document on behalf of the Participant.

Executed as an agreement to be governed by the laws of Australia and New South Wales:

Signature of person

Position of Person in Participant Company

Full Name of Person (print)

Date

**Please complete and return to the
Code Compliance Coordinator, ACIF Ltd., PO BOX 444 Milsons Point NSW 1565**

APPENDIX C - SAMPLE COMPLIANCE CHECKLIST

ACIF - ASSISTING ORGANISATIONS IN MEETING THEIR CODE RESPONSIBILITIES

The purpose of this checklist is to assist Code Participants in assessing their internal compliance programs when signing up and complying with ACIF's Protection of Personal Information of Customers of Telecommunications Providers Code. This information does not in any way limit the obligations of Code Participants under ACIF's Code Administration and Compliance Scheme or this Code.

COMPLIANCE CHECKLIST

ACIF C523:2001 INDUSTRY CODE

PROTECTION OF PERSONAL INFORMATION OF CUSTOMERS OF TELECOMMUNICATIONS PROVIDERS

1. Is your organisation aware that by signing up to this code, you agree to abide by the ACIF Code Administration and Compliance Scheme.	Yes <input type="checkbox"/>						
2. Does your organisation understand the requirements of the Code Administration and Compliance Scheme, including the potential for awarding a graduated scale of sanctions for breaches of Codes.	Yes <input type="checkbox"/>						
3. Has your organisation had regard to the requirements under the Australian Standard AS 3806:1998 - Compliance Programs in implementing internal compliance systems as appropriate? For example: <ul style="list-style-type: none"> ▪ does the organisation have clear policies supporting its commitment to comply with this Code and how this will be carried out? Yes <input type="checkbox"/> ▪ does the organisation have a system for identifying, recording and rectifying non-compliance with this Code? Yes <input type="checkbox"/> ▪ does the organisation have a visible and accessible complaints handling system to record complaints from a variety of sources? Yes <input type="checkbox"/> ▪ how often does the organisation review its compliance program to ensure its effectiveness? <table style="margin-left: 20px;"> <tr> <td>6 months</td> <td><input type="checkbox"/></td> </tr> <tr> <td>12 months</td> <td><input type="checkbox"/></td> </tr> <tr> <td>24 months</td> <td><input type="checkbox"/></td> </tr> </table> 	6 months	<input type="checkbox"/>	12 months	<input type="checkbox"/>	24 months	<input type="checkbox"/>	
6 months	<input type="checkbox"/>						
12 months	<input type="checkbox"/>						
24 months	<input type="checkbox"/>						
4. Is your organisation aware that it must comply with the code from the date of becoming a Signatory to this Code ?	Yes <input type="checkbox"/>						
5. Does your organisation acknowledge that compliance with this Code includes acting in accordance with the spirit of this Code as well as compliance with the actual wording of this Code ?	Yes <input type="checkbox"/>						
6. Does your organisation have policies and processes in place which ensure that all forms of handling customer personal information conform with this Code's requirements ?	Yes <input type="checkbox"/>						
7. Have relevant levels of management within your organisation been made aware of the fundamental principles relating to the handling of customer information set out in this Code ?	Yes <input type="checkbox"/>						
8. Does your organisation understand that compliance with this Code does not guarantee compliance with any relevant legislation ?	Yes <input type="checkbox"/>						

Further information on planning and implementing effective internal compliance programs can be obtained by calling ACIF on 02 9959 9111.

APPENDIX D - INDEPENDENT COMPLAINTS INVESTIGATOR AND INDEPENDENT APPEALS BODY SELECTION CRITERIA

Independent Complaints Investigator (ICI) Selection Criteria

- knowledge and experience of telecommunications industry
- experience and skills in undertaking Complaint investigations and making a determination in a competent manner
- knowledge of specific subject areas of ACIF Industry Codes, either consumer or operations/technical Codes
- knowledge and understanding of the telecommunications legislative framework
- ability to remain impartial

Independent Appeals Body (IAB) Selection Criteria

- knowledge and experience of telecommunications industry
- experience and skills in undertaking an assessment and making a determination with respect to an appeal in a competent manner
- knowledge of specific subject areas of ACIF Industry Codes, either consumer or operations/technical Codes
- knowledge and understanding of the telecommunications legislative framework
- ability to remain impartial

APPENDIX E - CODE ADMINISTRATION AND COMPLIANCE REVIEW WORKING GROUP MEMBERSHIP

Lawrie Clarke	Telstra
Dan Mandaru	Telstra
Rosie Rowe	Cable & Wireless Optus
Robyn Ziino	Vodafone Network
Helen Campbell	Consumers' Telecommunications Network
John Pinnock	Telecommunications Industry Ombudsman
Liz Bailey	Australian Communications Authority
Shane Adams	Australian Competition and Consumer Commission
Xavier Shea	AAPT
Karina Donaire	Australian Communications Industry Forum Limited

ACIF thanks members of the Working Group for their considerable contribution to the Review of ACIF's Code Administration and Compliance Scheme.

The policy objective of the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry is central to the regulatory scheme of the *Telecommunications Act 1997*.

ACIF was established to implement the policy of industry self-regulation. It is a company limited by guarantee and is a not-for-profit membership-based organisation. Its membership comprises carriers/carriage service providers, business and residential consumer groups, industry associations and individual companies.

ACIF's mission is to develop collaborative industry outcomes that foster the effective and safe operation of competitive networks, the provision of innovative services and the protection of consumer interests. In the development of Industry Codes and Technical Standards as part of its mission, ACIF's processes are based upon its principles of openness, transparency, consensus, representation and consultation. Procedures have been designed to ensure that all sectors of Australian society are reasonably able to influence the development of Standards and Codes. Representative participation in the work of developing a Code or Standard is encouraged from relevant and interested parties. All draft Codes and Standards are also released for public comment prior to publication to ensure outputs reflect the needs and concerns of all stakeholders.



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Care should be taken to ensure that material used is from the current version of the Standard or Industry Code and that it is updated whenever the Standard or Code is amended or revised. The number and date of the Standard or Code should therefore be clearly identified. If in doubt please contact ACIF.