

8 August 2018

Communications Compliance submission on Public Comment Draft of the Telecommunications Consumer Protections Code (DR C628_2018)

Communications Compliance Ltd. (CommCom) appreciates the opportunity to provide comments on the Public Comment draft of the Telecommunications Consumer Protections Code (DR C628_2018) (the Code).

Chapter 10 – Supplier obligations to meet timeframes

Overview

CommCom notes that the introduction of dual lodgement windows in the 2015 Variation of the Code has provided smaller providers with a greater degree of flexibility than was previously available in terms of when they are able to lodge their annual attestation. In addition, the introduction of a second window has provided suppliers who have entered the consumer market post-1 April with the opportunity to lodge an attestation in the same year.

These are both positive outcomes.

However, CommCom notes that the dates as specified in Clause 10.8.1 of the Draft Code have, in recent years, regularly fallen on public holidays or weekends. The 1 April lodgement date for the first window in particular has fallen over the Easter holiday period on more than one occasion in recent years.

A due date that falls on a slated national public holiday or a weekend only serves to inconvenience the many suppliers who, historically, may only be in a position to submit their annual attestation during the last week of the lodgement window. The resulting uncertainty that is created results in CommCom fielding a significant number of queries relating to due dates and whether allowances can be made for the holiday/weekend due date.

This can also result in CommCom having to make resources available to process lodgements and deal with last minute enquiries on these weekend/holiday dates.

CommCom is certain that this was not the intention when these dates were first written in to the Code in 2015.

Proposed amendment

CommCom is aware that specifying dates for lodgement provides suppliers with a degree of certainty in terms of planning their annual compliance activities, and as such feels that the stipulated dates should remain. However, the drafting as it currently stands does make the above scenario a likely recurring issue.

To address this CommCom proposes that clauses 10.8.1 (a) – (c) be redrafted. CommCom suggests that the wording surrounding the specified lodgement dates be as follows:

- 1 April or the next business day; and
- 1 September or the next business day.

CommCom also feels that the wording and structure of 10.8.1 be simplified for clarity's sake as the current drafting is unnecessarily complicated.

CommCom would like to thank WC84 for the opportunity to provide input to the public comment draft of the Code. Should the Committee have any further questions in relation to this submission please do not hesitate to contact me as per the details below.

Yours sincerely,

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APPENDIX: CURRENT DRAFTING OF CLAUSE 10.8

10.8 Supplier obligations to meet timeframes

Suppliers must meet the timeframes set out in this clause.

10.8.1 Date for provision of attestation statements:

A Supplier, if it has one or more Customers on 1 April each year, must provide the statements prescribed in clause 9.4.1 by the following dates:

- (a) if the Supplier is a Small Supplier as at 1 April and has not by 1 April submitted to Communications Compliance an Attestation Deferral Notice:
 - 1 April in the same year;
- (b) if the Supplier is a Small Supplier as at 1 April and has by 1 April submitted to Communications Compliance an Attestation Deferral Notice:
 - 1 September in the same year;
- (c) if the Supplier is not a Small Supplier as at 1 April:
 - 1 September in the same year.