

**COMMUNICATIONS
ALLIANCE LTD**



**Proposed amendments to the
Telecommunications (Consumer Complaints
Handling) Industry Standard**

COMMUNICATIONS ALLIANCE SUBMISSION

March 2025

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INTRODUCTION

Communications Alliance welcomes the opportunity to provide this submission in response to the ACMA's consultation on the *Proposed amendments to the Telecommunications (Consumer Complaints Handling) Industry Standard* (the CHS). This response is structured around the questions in the consultation paper.

Where relevant, this response should be read in conjunction with CA's submissions on the *Emergency Call Service Determination - Proposed amendments to improve the operation of the emergency call service* and the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*.

Communications Alliance

Communications Alliance is the primary communications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, platform providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to be the most influential association in Australian communications, co-operatively initiating programs that promote sustainable industry development, innovation and growth, while generating positive outcomes for customers and society.

The prime mission of Communications Alliance is to create a co-operative stakeholder environment that allows the industry to take the lead on initiatives which grow the Australian communications industry, enhance the connectivity of all Australians and foster the highest standards of business behaviour.

For more details about Communications Alliance, see <https://www.commsalliance.com.au>.

Managing consumer contracts about outages

1. Definition of network outage

Q1: Communications Alliance agrees that it makes sense to align the definitions of network outages in the *Telecommunications (Consumer Complaints Handling) Industry Standard* (CHS) with those in the Customer Communications Standard. Practically and operationally, this makes sense.

2. Definition of network outage complaint

Q2. The discussion paper states that ACMA must give effect to the objective in the Ministerial Direction that the definition of 'complaint' appropriately includes consumers who contact a provider in relation to a network outage, and that this should be done without the consumer having to know or follow any special processes they may not be aware of, such as stating that they want their contact treated as a complaint.

The ACMA's proposed solution to giving effect to this is to have drafted a definition of network outage complaint that treats any contact as a complaint when it relates to a network outage, with no ability for the consumer to simply contact their CSP for information about an outage.

This approach is problematic for a number of reasons, and will lead to increased consumer frustration and poorer outcomes. We explore these reasons below.

- **It will lead to longer call waiting times for all customers.** The requirement to treat every contact about a network outage as a complaint, when some consumers will just be wanting to confirm that their provider is aware of the outage and find out where they can get updates about expected service restoration, will lead to longer call waiting times for all customers calling the CSP's contact centre during an outage. In addition to the call wait time increasing through volume increases, the requirement to treat each contact as a complaint will increase call-handling times because the process for managing complaints is more resource-intensive than that for managing enquiries.
- **It introduces unnecessary complexity for frontline agents.** Having a separate pathway for complaints handling for outages will create confusion and unnecessary complication for frontline teams. It will not necessarily be clear whether the customer is experiencing an isolated fault, a problem caused by a natural disaster, or a network outage. Neither the 'note' under (c), or the definition of 'service outage reports' provides the necessary clarity to address this concern.
- **It is confusing for customers.** It is confusing to have general complaints defined and managed differently to network outage complaints. It may also create an expectation that a provider can take action to triage one consumer's needs above another's, when in reality, during an outage, there is little that a provider can do until the service is restored.
- **It may divert resources from being able to address urgent issues or in restoring services.**

As the ACMA will appreciate, with numerous consultations running currently, CA and its members have not had the capacity to properly consider in details suggested revised definitions that would address its concerns while still giving effect to the Ministerial Direction, but our working position is that the definition be redrafted in such a way to require that a contact about a network outage is not treated as a complaint by default, allowing for it to

be lodged as a simple enquiry should the customer indicate that this is their intent. For example, contact centre processes could be updated such that an agent is required to ask the end user whether they would like their inquiry/report treated as a complaint. We would welcome the opportunity to work through some drafting options with the ACMA in the coming weeks.

Additionally, we request:

- greater clarity about when network outage complaints rules will apply, recognising that a complaint cannot be made under these rules until after it has been established that a network outage has occurred.
- that 17B(2) be removed: it is a huge administrative burden to retrospectively contact consumers if their contact is later determined to be in relation to a network outage. It is also potentially duplicative of the Customer Communication for Outages (CCO) Standard. If providers have already notified customers under that, they should not be required to again notify customers under the CHS at 17(D).

Network outage

CA has concerns about the definitions of major and local outage that are included within the 'network outage' definition. Please refer to CA's submissions on the *Emergency Call Service Determination - Proposed amendments to improve the operation of the emergency call service* and the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*.

Q3: CA does not believe that it would be appropriate to remove the exemption for network outage complaints due to an unplanned adverse impact where the sole or predominant cause is a natural disaster to be included in network outage complaints. Such an approach would offer no benefit to either consumers or CSPs. Removing this exception would allow for complaints to be raised for issues that are completely outside of the control of the CSP (i.e. a natural disaster), which would be inconsistent with the purpose of the regulation.

3. Prioritisation of network outage complaints

Q4, Q5: The draft amendments prioritise network outage complaints of certain categories of consumers who may be more at risk or harm when they cannot use their services. It also prioritises the restoration of services over the resolution of other complaints relating to network outages. The discussion paper asks whether this is appropriate, reasonable and practical.

Mass service disruption outages are naturally prioritised by CSPs; it will happen anyway and it is not necessary or helpful to include a requirement about it in regulation. In the middle of an outage, the CSP needs to be given the flexibility and agency to focus on managing the outage. This is in its business interests, which, as is often the case, generally aligns with consumer interests. There is no benefit to the consumer or the CSP in its call centre being flooded; it will not lead to a quicker consumer resolution. The regulation needs to ensure it does not create a perceived incentive for consumers to contact CSPs in the event of an outage as this is generally counter-productive. CSPs would strongly prefer to be able to keep affected customers informed during an event and contact, where appropriate, afterwards with any resolution.

It is also unhelpful to include a blanket rule mandating that a CSP prioritise service restoration above all other issues, and must publicise how they would prioritise service restoration when many CSPs are managing many different services and many different types of complaints. Issues may be handled by different areas of the business, and handled and prioritised on an

individual basis by those areas. They may include emergency issues, assisting customers affected by domestic and family violence, and so forth. It is not realistic or helpful to describe how these would be prioritised within and across the business.

Generally, restoring loss of service should be prioritised, irrespective of complaint status, ahead of any non-service impacting issues affecting a customer.

Q6: It has to be clear and explicit in the regulation that a bulk resolution closes individual complaints and that if a customer is unhappy with that outcome, they must open a new complaint with their CSP. This appears to be the intent reading the consultation paper, but is less clear in the drafting itself. That needs addressing as it would create an unrealistic burden for every outage-related inquiry or contact to require complaint handling case management. Case management for complaints handling is an individualised, resource-heavy, process that is not practical to apply to every customer contact in the event of an outage.

Additionally:

- under 17D (5) it would appear that the CSP must receive confirmation back from the consumer that the default resolution has been successful before they can close the complaint. This adds to the administrative burden without providing any consumer benefit. Confirmation should be implied if the consumer does not contact the CSP after the 2 days. Further, we note that it would appear this already required under 3, c, ii.

The majority of consumers do not want to hear repeatedly from a CSP once an outage is over. They are happy to accept the default resolution and move on. To require CSPs to only close the complaint once the customer has contacted them, or when the CSP has been through the 'no contact' process, would be debilitating for CSPs. The no contact process is already hugely problematic and of questionable value.

Should particular customers consider be unhappy with compensation offered through a bulk resolution process, it is appropriate for this to be managed after-the-fact, through the usual processes.

- The wording in 17D c (i) is 'leading' and appears to be encouraging further complaints, rather than simply stating that this is an option. We suggest it be more general, e.g. to require that a CSP inform the consumer of their right to make an individual complaint, and details of how to do so, if they are not satisfied with the default resolution.

Q7: The requirement for CSPs to help keep certain categories of customers connected who contact them in a network outage, and who may be at risk of extra harm due to the loss of service, is not appropriate or practical:

- While CSPs will seek to assist vulnerable customers as a priority; it is impractical and unrealistic to expect that CSPs will be able to prioritise particular cohorts of customers in the restoration of services during an outage.
- The definition of urgent network outage complaints is too broad. **It should be limited to those in immediate danger.**

It does not make sense to extend mandated prioritisation of complaints to select other groups, such as customers who 'are or **may be**' in financial hardship (as is suggested in the amended definition, either when dealing with network outages, or when managing any other type of complaint issue).

Such prescription prevents common sense solutions and individual CSP agency in prioritising complaints in a safe, fair and equitable manner. It:

- would suggest that a CSP should prioritise financial hardship customer complaints over those from customers seeking assistance for domestic and family violence issues (the definition of FH includes DFV but only in that context).
 - fails to recognise that complaints may be handled by different areas of the business, handled and prioritised on an individual basis by those areas (as noted earlier).
 - would result in a CSP's service agents either needing to increase call time exploring each consumer's individual financial stresses (increasing handling time without clear justification, particularly when the complaint relates to network outages and it will not help resolve the issue), or potentially treating all customers calling with outage complaints as potential financial hardship customers. The qualifier (that the complaint can reasonably be presumed to directly contribute or aggravate that customer's financial hardship) is not helpful in narrowing its application.
- It is also unclear how this requirement is to be read with the existing requirement under s15, 3? (Which, we note, is already problematic, as there is no recognition that the CSP should be permitted to make a judgement as to the *reasonableness* of a consumer's request for their complaint to be given priority. As it stands, this clause effectively could be seen as a signpost to all consumers that they can get their complaint handled quicker if they say that they want it handled as a priority complaint. This might result in one customer's complaint unreasonably being deprioritised vis a vis another's because the first complainant didn't ask for it to be prioritised, and the second did.)

The proposals also fail to recognise that businesses need to take some responsibility their own risk management and resilience planning by considering and implementing back-up arrangements should there be a major outage. This may include, for example, accepting cash, having a cheap SIM with another provider.

Finally, we note that most CSPs (other than Telstra) do not provide Priority Assistance services.

4. Prioritisation of network outage complaints

Q8: The proposals include expanding the mandatory contact methods available for consumers to make complaints to their CSP about service problems that may be related to network outages.

While CA supports ensuring customers have access to appropriate contact channels to contact their CSP, as stated in response to earlier questions, there is no value in encouraging customers to contact CSPs during an outage. It risks causing a spike in contacts that can be unmanageable for the CSP and actually impedes the capacity and ability of the CSPs to support any customers who have an immediate or urgent need.

We suggest that it is preferable to encourage customers to stay updated by accessing information CSPs make available through mass communication channels, including online or via an app. This is a more efficient approach to keeping customers informed about how and when their service will be restored.

5. Other changes relating to network outage complaints

Q9. The consultation paper seeks feedback about whether the requirements in the network outage complaints-handling process set out all the information that would help consumers understand and use this complaints process.

The simple answer is no, not at this point.

The draft regulation risks creating a separate pathway for outage related complaints that inadvertently incentivises consumers to contact CSPs during an outage. It will likely cause confusion for both consumers and CSPs alike and risks overcomplication for frontline complaints handling personnel who may miss or de-prioritise other issues at the point of first contact in order to ensure a complaint is captured as an outage-related complaint. As described earlier, it is unclear how the CSP could reasonably prioritise complaints as required under the draft, meaning it would be unable (and it would not be helpful for it) to describe it to consumers

We suggest that as the network outage complaints are 'in the moment' issues, where essentially a consumer contact ensures that the CSP is:

(a) aware that there's a problem affecting their use of the services, and

(b) is afforded access to an offer of compensation for lost service through the a default resolution, with options to seek more tailored compensation through a new complaint should the consumer feel that their situation warrants it.

The consumer explanatory document should simply say that. It should not be required to attempt to explain prioritisation.

We further note:

- duplication with the CCO Standard, as noted earlier,
- that the drafting is unclear at S.17D(4) – what's the difference between 'with' and 'at the same time as'?

Q10. *Do the proposed amendments to complaints monitoring and analysis, complaints record-keeping and reasonable assistance obligations appropriately adapt these rules to incorporate the introduction of a network outage complaints category? If not, please explain why and describe any alternative approaches that would be more appropriate for these areas.*

Outage-related complaints will tend to cause spikes which will be captured in Part 4 monitoring and analysis, as well as CSP's Part 5 reporting obligations.

However, there would be no benefit in creating a separate process for monitoring and analysis of outage-related complaints. The proposed approach in relation to Part 4 is preferable.

6. Improved display of complaints handling processes

Q11. The ACMA proposes amendments designed to make it easier for consumers to find their CSP's complaints handling process and improve the transparency of this process.

CA does not have any particular concerns or comments about this proposal.

7. Easier to contact CSP to make a complaint

Q12. CA does not believe that all of the proposed amendments to the Standard that are designed to make it easier for customers to contact their CSP and make a complaint will achieve the desired outcome.

Keeping contact details up to date is reasonable. Prescribing how contact methods are displayed is not and could make the stated desired outcome (accessibility and user-friendly information) less easy to achieve. The requirement should simply be for CSPs to display the different options.

Removing the option for consumers to make an 'enquiry' is problematic; consumers must be afforded the opportunity to ask questions and seek assistance on issues without those issues being handled as complaints.

8. Improved accessibility to make a complaint

Q13. CA supports the NRS information being included as proposed.

9. Shorter complaint resolution times

Q14. CA does not have any concerns in relation to the proposed changes to complaint resolution timeframes.

10. Shorter complaint resolution times

Q15: Concerns about information provision are described above.

11. Alignment with the Financial Hardship Standard

Q16: The definition of Financial Hardship in the draft does not match the definition in the Financial Hardship Standard (2024). If it is to be included, the full definition needs to be included for consistency of application.

In relation to the appropriateness of support and 'urgent' prioritisation, CA does not believe the provisions are appropriate or practical, for the reasons described earlier.

12. Commencement and transition arrangements

Q17: The Standard should not commence earlier than 30 June 2025. Commencement at that time is already very challenging, particularly given the huge number of other instruments needing to be implemented in the same timeframe.

13. Other amendments and issues

- Part 2, S8(ac) and 10B (de)– require that a CSP's complaint handling process “be in a format that is accessible, including to consumers with disabilities, from cultural or linguistically diverse backgrounds or with other special needs”. What does this mean in practice? What is the expectation about ‘accessibility’ for those from cultural or linguistically diverse backgrounds or with other special needs above and beyond what is already covered by the requirement for ‘plain language’?

Additionally, isn't this duplicative of the current requirement at (e) which requires a complaint process to be *focused on the needs and expectations of consumers making a complaint, user-friendly and easy to understand and use*. This clause is already duplicative in itself (user friendly and easy to understand and use are the same thing, surely). But then what else is there to ‘user friendly’ and ‘easy to understand and use’ than plain language, accessible format, font style, in right format?

- Part 2A, 10B (1)(j) requires the CPS to focus on the needs **and expectations** of consumers - What does this mean?
- Part 2A, 10B requires a lot of information in a ‘concise’ report. It is questionable that this is achievable, particularly when it includes a ‘summary of the requirements under the CCO Standard’.

CA suggests that it would assist consumers and CSPs (especially small providers) in meeting this requirement if the ACMA were to produce a concise summary of the CCO requirements, with an option for CSPs to point to that.

- Part 3, S13(aa) requires that the CSP *make all reasonable efforts to resolve complaints in a manner that best suits the needs of the consumer*. CA requests that this clause include recognition that the response should be fair and reasonable in the circumstances.
- We note a formatting error at 17B.
- 17C (e) – why must a customer be provided details of the contact methods the provider has made available pursuant to the CCO Std in an ACKNOWLEDGMENT of a complaint. If they've already complained, what's the purpose?
- Part 3A, S17(C) (g) (ii) – typo? ‘to be provided’ not required at the end of this bullet.
- 20(2) c (v) – doesn't make sense (it reads: ‘the date and time the provider the network outage complaint was closed.’)



Published by:
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