

C628:2025 TCP code public comment

to: Communications Alliance Ltd

comment closes Feb 28th, 2025

Dear Sir or Miss:

Thank you for reviewing the code of conduct for telcos. As a consumer - a consumer who has had a myriad of telecommunications problems - I have many comments to provide on how the existing setup for telcos and especially faults handling is NOT working -- or perhaps it is being violated with no consequence to the telcos. It seems like the more technically advanced the telco's approach is, the worse phone service gets.

I am hoping that the descriptions of the problems I personally have experienced (and those of others who have reported their problems to me) will be a guide to show where the code needs to be revised, particularly customer service. Everything that I will describe in this submission applies to Telstra - I have not used Optus for a few decades so I cannot comment on how they conduct themselves.

Problem #1: system still punishes resellers with customers left out in the cold

Back in the day when Telecom was the only telco, they could do what they wanted. The phone bills a former partner of mine used to get even when he had not made any long distance calls at all was proof that 'something funny' was going on. Since bills were not detailed in those days like they are now, it was difficult for consumers to prove they were being ripped off. Fast forward to the approval of other telcos setting up shop in Australia. But the way faults are reported and attended to has been setup to punish the newcomers on the market and it is still like that today.

If your chosen telco can't resolve your problem, you can go to the TIO. BUT the complaint you lodge must be against the reseller and not the actual telco who is at fault (which is normally the telco who owns the network).

Case study #1: I was having severe problems with repeated outages on my landline and occasional outages on my adsl service. This was causing me massive stress but also damage to the non-profit wildlife rescue operation I run. Because of Telstra's protracted 'stuffing around', animals died when people couldn't reach me.

My reseller was Westnet. I finally had to go to the TIO to get these outages investigated and I was forced to lodge my complaint against Westnet. However, the outages were not caused by Westnet, could not be investigated by Westnet, and could not be rectified by Westnet. The entire issue was in solely in Telstra's hands and Telstra kept making excuses as to why they couldn't send somebody out to start testing. The TIO threatened Westnet with fines for every day over a certain time period that the fault was not rectified - but Westnet could do nothing except go back to Telstra with another request to please get my faults fixed. Thus Telstra has the power to cause financial damages not only to resellers by making their customers low priority but also to those customers and their businesses. This needs to change. Resellers cannot be made responsible and fined for matters that are entirely in Telstra's jurisdiction. Reporting of faults -including to the TIO - need to be directed at the faulty party which is responsible for the rectification.

Problem #2: charging customers for something they can't access

I have a little 'dumb phone' that just gets calls and plain text. I don't use data at all and I don't even use the phone unless I am in the car. My service still uses Telstra's network but the bills come from a reseller named CMobile. I have been with CMobile for years and they have really cheap deals for those of us who are very 'light' users. In line with the shutdown of 3G (which should have NEVER happened, by the way), Telstra came out with a new pricing structure and forced their resellers to abide by it. All customers - even those without 'smart' phones - will have to pay for a minimum of 5gb of data each month. That has nearly doubled my mobile bill. CMobile does not want to gouge their customers but is being forced to by Telstra. I spoke to the TIO about this but, like in Problem #1, the complaint needs to be lodged against CMobile who has done nothing wrong and is actually trying to protect their customers. I have also written to Fair Trading, the ACCC, ACMA, the Comms minister, the shadow Comms minister, my local MP, and a Telstra rep. All the government people have said that Telstra can charge whatever they like - regardless of how unethical that is. Telstra won't respond at all since the account is with a reseller - even though I'm still using Telstra's network. It is painfully obvious Telstra runs this country and not our elected government since everybody is standing back and allowing Telstra to engage in ripping off their customers and charging for something the customer can't access. I am in regional Australia where Telstra dominates so I don't really have the option of changing suppliers unless I relocate to a location where one of their competitors is well infiltrated in the local market.

Case study #2: Telstra does wrong thing but customer wears the damage

I had to move in 2023 and went from a property using a copper landline with adsl to an address that already had nbn FTTN service. I requested Westnet to disconnect my previous service. Because my phone is used to report sick and injured wildlife, I would have preferred to keep the old service running and forward all the calls so that we wouldn't miss anybody. I was informed that "Telstra no longer does that" so the service had to be disconnected. However, Telstra did not fully disconnect the service. The message bank is still running and the caller does not receive a 'number is not in service' message. Instead they go straight through to message bank which they think is still 'live' and they leave messages about sick animals that we can never access. This has caused reputational damage to my organisation because we haven't responded to calls for help. Further we are trying to relocate from this address in a severe housing crisis and all callers to the old phone number get a message to say we found something and are moving - that was true in May 2023 but it is certainly not true now and could even be preventing us from finding a good location.

A similar instance was when I recently tried to contact an elderly friend and repeatedly received a 'message bank is full' recording when she didn't even have message bank. (She did not have a computer either and was issued a phone by whatever program has been setup to provide phones in nbn fibre areas to those without the internet.) It turns out her house had been sold so the phone would have been disconnected but I didn't know that for several weeks because I was repeatedly directed to message bank. I should have received a recording saying the service was not connected when I first tried to reach her and that would have immediately triggered an attempt to find out where she was. Instead, I kept trying her home phone thinking that I'll catch her in a few more days. By the time I found other parties who could update me as to what was going on, she had died. Is this how Telstra now disconnects services? - by not disconnecting them at all? It is disgraceful.

I have contacted Westnet (now iinet) who says that because my previous phone has been disconnected, they cannot contact Telstra on my behalf. Telstra refuses to speak to me directly, even when I have gone through my local MP to approach their Telstra contact and request a response. This goes back to problem #1 - Telstra considers all customers who get their bills via a reseller not to exist. Telstra has not completed the order to disconnect my previous service and won't speak to me so I can tell them to finish the disconnection. Do I have to get a solicitor to take them to court so they will do their job?

Telstra (and Optus) exist to provide an essential service - not to force Australians to get legal help just to communicate with them. This notion that they will only speak to direct customers and not indirect customers who still use their network has to end.

Problem #3: communications are an essential service

As the 3G shutdown has demonstrated, Telstra couldn't care less about their customers in the bush. So many people have lost their phone service entirely because 4G has not been installed in their areas and the notion that 5G is going to service them is a joke. Some of these people have actually gone back to old-style ham radio to communicate (so much for Australia being considered a 'high tech' country) and others have been forced to go to very expensive Starlink who is now fully booked in Australia. Apparently someone died in remote NSW a few months ago because they couldn't reach 000 from where the accident occurred. And the telcos are just passing off the loss of service as not being required in remote areas because they had been previously mapped as "fortuitous" coverage. At least Optus testified at the Feb 5th hearing of the RRAT committee (inquiry into the 3G shutdown) that they were keeping their 3G towers running in the bush until they could be replaced by new 4G towers. At that hearing, it was suggested that customers who wanted to know if they were in a 'fortuitous' area could check the 3G coverage map. However, that map has been removed from the internet so customers can no longer verify whether they are in an area that should be serviced. I think the appropriate expression for that is 'playing dirty pool'. You will need to force the telcos to put the maps back on their websites.

When we had copper land lines, even remote locations had a phone. 3G waves travel much further than 4G so even far away areas still could make a phone call. Having a phone that works is an essential service even if it has not been specifically legislated that way and that is the standard of service level the telcos should be providing. Everyone needs a phone service and it should be an affordable cost. I know of people here in this local region who don't have mobile coverage and have been refused a landline phone despite there being a Universal Guarantee. That guarantee has been confirmed by government and yet Telstra is refusing to comply. Such customers are being forced to use expensive satellite whether they want to or not.

Problem #4: 3G shutdown

Another demonstration of gross incompetence, lack of proper oversight, and telcos forcing people to upgrade unnecessarily. The telcos had NO justification to remove 3G and the submission I did to the 3G inquiry provided detail that telcos were already running all the frequencies they wanted. (https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/3GNetworkShutdown/Submissions - see sub #45) This shutdown was about forcing people onto 5G and forcing people to buy lots of new stuff at a time of financial crisis. The population has the least amount of money to spare right now to go out and buy new phones, new medic alerts, new security cameras and alarm systems, new eftpos machines (small business), new farming equipment - plus repeaters and other specialised equipment because customers in the bush now have insufficient signal to make an audible call. You might find it very enlightening to listen to the testimony of the agriculture reps at the Feb 5th hearing on the 3G shutdown: <https://www.youtube.com/watch?v=1niqoATlXyo>

The telcos constantly told the government it was only a small number of 3G phone users being affected (I read that the number of users still on 3G phone service - not including all the other applications - at the time of the shutdown was over 700K - that is not small). But the telcos ignored all the other applications that used 3G including the fact that many 4G and 5G services reverted back to 3G for calls because those phones are designed for data - not voice. And when the government should have called for a year or two delay in the shutdown, they instead setup a last minute directive that any phone that

could make calls but not to 000 needed to be blocked entirely. How can a phone make calls to anywhere in the world and not be able to call 000? And that directive looks like it is now being used to block competition which is in direct conflict with why Optus and other companies were allowed in - because Telecom had a monopoly and monopolies tend to rip off the public.

As a side issue, what will be the impacts on inbound tourism since most visitors to this country will have phones that won't work here thanks to the blocking. And what about the massive amount of new e-waste being created as millions of pieces of equipment are now useless? All these devices still function and would still be used if not for the big telcos forcing millions of residents into spending more money on 5G. This kind of deliberate waste is CRIMINAL.

In the Feb 5th hearing mentioned above, the Telstra rep responded to the question about users with brand new phones being blocked by saying that they should "just buy another phone". Since many of those phones cost \$1,000 and we're in the middle of a financial crisis (housing + inflation), the last thing anybody wants to hear from a company who made \$1.78 billion dollars profit last FY is "go buy another one". In my opinion, the 3G shutdown had nothing to do with providing better service to customers - it was a hijack to force people to spend money on a technology that is harmful to human health and extremely bad for the environment - and which the telcos never tested for safety before unleashing this 'assault' onto the public.

3G needs to be restored and shutting it down in a country like this with so much of it rural/remote is simply INAPPROPRIATE. **If the telcos are so convinced that dumping 3G was in the best interest of Australians, then they should reimburse the TOTAL costs of everyone that had to buy another device and that includes commercial equipment by farmers, flood guages by councils, medic alerts, security cameras, repeaters, new phones - ALL OF IT! And they should receive all the devices that were made useless by the shutdown and recycle them. None of that should be going to landfill.**

Problem #1 described at the beginning also raises its ugly head again here. At the Feb 5th hearing, Telstra kept saying how much they want to hear from disadvantaged customers who have lost their service since the shutdown. The first aspect is reaching Telstra when you don't have a phone service. The second aspect is that Telstra refuses to communicate with customers who get their bills through a reseller - therefore none of those customers are able to report their losses to Telstra and therefore Telstra doesn't have to report them to the government, making the problem seem a lot less than it really is. What is the true number of people who have been disadvantaged by the 3G shutdown, both financially and because some have lost service? Senator Roberts brought up this question but the hearing had come to time and the question was put On Notice. I have noticed that a response to this question still has not been received/posted by the RRAT committee (as of this writing).

Some media attention on the 3G shutdown:

https://www.youtube.com/watch?v=IBXyIWo_qKQ (ABC news - business losses)

https://www.youtube.com/watch?v=PUiGPVDCm_c (ABC news - regional VIC)

<https://www.youtube.com/watch?v=NUiq9w2ZnBg> (outages in rural/regional)

<https://www.youtube.com/watch?v=PvNiI5h8yHM> (tech analysis of the shutdown)

<https://www.youtube.com/watch?v=RPITz-3estM> (shutdown and blocking)

<https://www.youtube.com/watch?v=zIJavqEzElw> (blocking of phones)

<https://www.youtube.com/shorts/aGK7hauRyp0> (ACM media - Helen Haines MP)

https://www.youtube.com/watch?v=_-mxDJhPnSs (Royal Flying Dr - forced to switch to Starlink at a startup cost of \$200K plus \$50K per year - that is money hijacked from the organisation's purpose to help remote people)

<https://www.abc.net.au/news/2024-11-28/3g-shutdown-elderly-residents-turn-to-neighbourhood-houses/104646352>

<https://www.malcolmrobertsqld.com.au/telstra-3g-back-down-not-good-enough/>

<https://www.abc.net.au/news/2025-01-24/3g-network-switch-off-no-internet-adelaide-hills-bushfire-alerts/104848050>

<https://www.abc.net.au/news/2025-01-18/3g-mobile-phone-network-shutdown-complaints-australia/104823582>

<https://www.abc.net.au/news/2025-01-10/firefighters-grampians-bushfire-fireground-phone-reception-woes/104803408>

<https://www.abc.net.au/news/2024-11-14/fire-rescue-victoria-locked-out-stations-3g-shutdown/104598658>

https://medium.com/@jamesdwho/australias-3g-switch-off-failures-of-government-industry-to-prepare-b621f90f7950?source=post_page-----5900cd5361e2-----#94f2

(yes, that is an accurate url to a very detailed article on the subject)

Problem #5: nbn voip is no equivalent to copper land lines

Now that I am located where nbn is installed, I have an nbn voip 'landline' which is a far cry from the functional and productive copper landline I had previously. On my copper service, I had message bank to catch any calls while I was on the phone or if the power was out. I could forward calls which enabled my immediate response but also made sure not to broadcast that I wasn't home. Calls didn't drop out too often and if there was a fault, this could often be pinpointed quickly because the type of fault was often a symptom of where the problem was (wall jack, pit, cabinet, exchange).

Now that I am on a voip line, the telcos have no idea where the problems are coming from:

- calls drop out repeatedly;
- I dial out and nothing happens - not even a dial tone so I have to try 2 or 3 times to make the call;
- I dial out and hear silence and wait for several seconds for a dial tone or busy signal or something to kick in and the recipient answers;
- I have somebody else's business name showing up on the recipient's calling number display when I call others and the telco says the only way I can get rid of it is disconnect the entire service and apply for a new phone number - are you kidding????;
- callers try to reach me and nothing happens or they get a recording saying "the lines to the destination you are calling are congested". *It's the internet - its not congested!!!*
- I've even had one caller to my current 'landline' phone end up being directed to the old message bank recording on my previous phone number - the one that was allegedly disconnected! How is that even possible unless the phone system is totally screwed up?

Voip lines are a pitiful excuse for a landline and have made running my animal welfare NFP more difficult as well as forcing me to broadcast when I'm not here and forcing the caller to have to dial

another number. I was very happy to have the old copper landline and adsl. If I end up relocating to an area that is on satellite or wifi footprints, I will be demanding restoration of the landline and the government says this is guaranteed. And while I have a landline and since the ACCC has extended the Declaration on adsl to 2029, I expect to have adsl service too. I hope that it is clear in your telco code that adsl SHOULD be provided when requested to any customer outside the fibre-installed areas.

I haven't described *ALL* the problems I've had with Telstra (some are far more serious than what I have described here) but I have described those that I believe you can use to improve customer service via changes to the telco code. I would also like to ask how this telco code is enforced? Is it only through the TIO or do you also have powers to enforce the code's provisions?

I have written to all the relevant agencies about all the problems I have described in this document and have not received what I consider a proper response from any of them. I did receive responses from both ACMA and ACCC as to why they did not place a Declaration on 3G but I still don't understand their argument: they have the power to do the adsl declaration because it is a wholesale activity but they don't have the power to do one for 3G because it is a wholesale activity. Sorry - I just don't get that. My local MP has also tried to reach Telstra on my behalf and Telstra is not even responding to them!

If you would like to discuss the problems I have pointed out, I would welcome a conversation about these.

Thank you for reading.

Sincerely,

Deborah P.

FNQ

Feb 24th, 2025