

## Telecommunications Consumer Protections (TCP) Code Statement on Regulatory Forbearance

23 April 2020

The telecommunications industry has been working closely with government and the ACMA on their shared commitment to keep Australians connected during the COVID-19 crisis.

Telco providers are taking all possible steps to continue providing services and supporting customers during this crisis. This has meant significant changes in staff and resourcing allocations, such as additional resources for quickly resolving faults or responding to customers in financial hardship, along with new and changed offerings. Another challenge has been the imposition of major COVID-19 lock-downs in some offshore countries, including places that provide IT and/or customer service and technical support for Australian service providers. Changes are happening daily, and we anticipate this quick pace to continue for some time yet as all of Australia adapts.

In light of this, and in order to ensure telcos are able to focus their resources on the most urgent needs of customers, Communications Alliance has worked with the ACMA to determine appropriate steps on regulatory forbearance for the [Telecommunications Consumer Protections \(TCP\) Code](#), which provides community safeguards in the areas of sales, service and contracts, billing, credit and debt management and changing suppliers.

The ACMA has agreed that it is prepared to exercise regulatory forbearance on certain obligations, in the following categories. The specific obligations and forbearance requirements are detailed in the table following.

- 1. Financial Hardship:** RSPs are actively working to update and reprioritise their Financial Hardship processes in light of the increased load, and are making best efforts to respond to customer applications for financial hardship as quickly as possible and within the current TCP requirements. They may take additional time to complete assessments and advise the customer of details of their arrangement. This is on the condition that, per standard practice, they immediately apply protections to customers who apply for financial hardship so that they are protected from any adverse action prior to a final decision being made.
- 2. Billing and payment processing:** Many RSPs are actively changing offerings and billing to support consumers – whether this be waiving fees, automatically offering lower cost or higher value plans to customers, or offering new products/price structures that they have not had sufficient time to incorporate into their billing systems.  
  
RSPs will have extended time to issue bills and record payments, noting that customers will be granted extensions of payment equivalent to any relevant delays. They may also introduce new products or services without having all billing requirements confirmed, as long as they put billing arrangements into place as soon as possible, and non-compliance does not cause detriment to consumers.
- 3. Usage notifications:** Many RSPs are offering extra or unlimited data to their customers at this time, requiring changes to usage notification calculations. Usage notifications may be delayed, noting that if a customer incurs excess charges during the additional timeframe, the RSP and customer must agree on an appropriate remedy (typically not charging the customer for the additional data or providing a credit on the following bill).

#### 4. Information for Customers:

- a. **Critical Information Summaries (CIS):** RSPs will have additional time to provide a CIS to a customer for certain sales over the phone.
- b. **Changing Suppliers:** For non-unsolicited sales, RSPs have more flexibility on notification of completed transfers.
- c. **Contact details:** As contact details for customer service may be different during this time, including hours of operation which are changing rapidly due to impacts on customer service staff, existing documents with contact details (such as Bills and CISs) are not required to be updated as long as an RSP keeps customer service hours of operation up to date on their website.

#### 5. Monitoring and Reporting requirements:

- a. **Monitoring of wait times and first contact resolution:** Many RSPs are not able to use their typical customer service/software systems at this time, due to staff working from home or having to set up new arrangements as overseas contact centres were closed. This means the tools used to monitor these statistics are offline for some RSPs. RSPs will not need to comply with these monitoring requirements, but they must continue keeping average wait times to a reasonable minimum in the circumstances and attempting to resolve enquiries on first contact.
  - b. **Reporting:** RSPs participating in the Complaints in Context report will have additional time to provide the relevant data.
6. **Credit management processes:** If an RSP has listed a customer with a Credit Reporting Body and the customer demonstrates that the failure to pay was not their fault, RSPs will have an additional day to notify the Credit Reporting Body.
7. **General training obligations:** Staff are being quickly reassigned, and new staff brought on, to respond to urgent customer needs. In light of this, RSPs should continue to uphold the same training standards for obligations in Chapters 6 and 7 relating to credit management, disconnections, and financial hardship, but may undertake best efforts to train staff in obligations outside these areas.

## Alternative commitments for Telecommunications Consumer Protections Code (TCP Code) compliance during the COVID-19 pandemic

The commitments are for occurrences on or before 31 July 2020 (except in relation to Complaints in Context reporting).

This table must be read in context of the relevant clauses within the [TCP Code](#), as the agreed forbearance does not negate or otherwise impact related exclusions or obligations.

(Note: Supplier = Retail Service Provider)

Matter	Summary of current TCP Code obligation	COVID-19 alternative commitment
<b>1. Financial hardship</b>	7.4.5 - Assessments must be completed within <b>5 Working Days</b> after receipt of final information from the Customer.	As soon as a Customer requests financial hardship assistance, Suppliers must immediately suspend all credit management actions (such as disconnection or debt collection) per clause 7.7.1, until a final decision is made.  Assessments must be completed within <b>10 Working Days</b> after receipt of final information from the Customer.
	7.5.4 - A Supplier must advise the Customer of the details of their financial hardship arrangement, rights and obligations, and duration of arrangement within <b>5 Working Days</b> of agreement.	Suppliers must advise Customers of the relevant details within <b>10 Working Days</b> of agreement to financial hardship arrangements.
<b>2. Billing and payment processing</b>	5.4.1 – Suppliers must issue bills within <b>10 Working Days</b> after closure of Billing Period. The Supplier does not need to do this where a Force Majeure event occurs.	Suppliers must issue bills within <b>20 Working Days</b> , noting that if there is a delay beyond the standard 10 Working Day period, Customers must be granted extensions of time to pay of at least the length of the delay.
	5.6.3 - Suppliers must record Bill payments “within <b>48 hours</b> from the start of the next Working Day after the Supplier is formally notified of payment”.	Suppliers must record Bill payments within <b>96 hours</b> . Consumers must not be disadvantaged as a result of this extended timeframe. For example, where a Customer has paid their bill, a Supplier must not apply late fees to the Customer's account as a result of the Supplier not having recorded the payment in its systems during the extended timeframe.
	5.6.3 - Apply payments received by the due date prior to generating the next Bill or within <b>5 Working Days</b> .	Apply payments prior to generating the next Bill or within <b>10 Working Days</b> . Consumers must not be disadvantaged as a result of this extended timeframe, including inappropriate application of late fees as a result of the extended 48 hour timeframe.
	5.6.3 - Apply payments received after due date within <b>5 Working Days</b> .	Apply payments received after due date within <b>10 Working Days</b> . Consumers must not be disadvantaged as a result of this updated timeframe, including inappropriate application of late fees as a result of the extended 48 hour timeframe.

	5.3.2 - Suppliers cannot “release a new product, feature or service, except as part of a free trial” without billing arrangements being confirmed unless there are specific agreements in place.	Suppliers may not have all billing requirements confirmed before releasing a new product, feature or service if: <ul style="list-style-type: none"> <li>- they put into place and confirm billing arrangements as soon as possible after releasing a new product, feature or service, and</li> <li>- the new product, feature or service is designed to benefit consumers specifically during the COVID-19 pandemic.</li> </ul>
<b>3. Usage notifications</b>	6.5.2 and 6.5.7 - Notifications must be sent within <b>48 hours</b> of reaching specified points of usage.	Notifications must be sent within <b>72 hours</b> of reaching specified points of usage.  If a Customer incurs excess charges <b>during the additional 24-hour period</b> , a Supplier must attempt to provide a remedy that is appropriate in the circumstances and as agreed between the Customer and Supplier (as they would with any other delays under clause 6.5.7).
<b>4. Information for customers</b>		
<b>a. Critical Information Summaries</b>	4.2.8(b) - Suppliers must provide the Critical Information Summary (CIS) for a Post-Paid Service to a consumer within <b>5 Working Days</b> where the sale is conducted over the phone and the consumer has opted out of being provided with a CIS prior to the sale.	Suppliers must provide the CIS within <b>10 Working Days</b> of the sale.
<b>b. Changing suppliers</b>	9.3.2 (d), 9.6.1 (a), 9.9.1 (f) - Gaining Supplier must use reasonable efforts to notify Customer of completion <b>on the day</b> it occurs (or the day the Supplier is notified).  9.6.1 (b) - If the Supplier cannot (having made reasonable efforts) provide notification about the completion on the same day, they must do so within <b>5 Working Days</b> .	Suppliers must continue to comply with notification requirements for unsolicited sales. For customer-initiated sales (i.e. - sales that are not ‘unsolicited’), Suppliers must provide notification within <b>5 Working Days</b> (as required under clause 9.6.1 b), without being obliged to make reasonable efforts to notify on the same day.
<b>c. Contact details</b>	4.2.2(b)(xi) - CIS must include Customer Service contact details in CIS.  4.7.1 (a) - A Supplier must inform Customers how to contact the Supplier – including hours of operation.  5.3.1 (q) - A Bill must include the hours of operation of a contact point to make Billing Enquiries.	Suppliers do not need to comply with all contact detail requirements in clauses 4.2.2(b)(xi), 4.7.1(a), 5.3.1(q) and 7.2.3 provided they keep customer service hours of operation and contact information up-to-date on their website.

	7.2.3 - Financial Hardship policies must include "available times for contact with the Supplier" about the policy.	
<b>5. Monitoring and reporting requirements</b>		
<b>a. Customer service requirements: average wait times and first contact resolution</b>	<p>4.7.1 (b) – Suppliers must monitor average wait times experienced by Customers to communicate with a Supplier about a Customer Service enquiry and seek to keep the average wait times to a reasonable minimum in the circumstances.</p> <p>4.7.1 (c) – Suppliers must monitor the level of first contact resolution of Customer Service enquiries, take reasonable steps to understand the root causes for why enquiries cannot be resolved at first contact, and address those root causes.</p>	Suppliers do not need to comply with requirements to monitor average wait times and first contact resolution, but they must continue to keep average wait times to a reasonable minimum in the circumstances and attempt to resolve enquiries on first contact.
<b>b. Complaints in Context reporting</b>	4.7.3 – Participating Suppliers must report Services in Operation (SIO) data to Communications Alliance no later than <b>30 days</b> after the end of each quarter (for the Complaints in Context (CIC) report).	Participating Suppliers must report SIO data for the January–March, April–June, and July–September 2020 quarters no later than <b>45 days</b> after the end of each quarter.
<b>6. Fair credit management processes</b>	6.8.7(a) – If a Customer can demonstrate that failure to pay was not their fault, and a Supplier has default listed with a Credit Reporting Body, the Supplier must notify the Body within <b>1 Working Day</b> .	Suppliers must notify the Credit Reporting Body within <b>2 Working Days</b> of the customer advising the Supplier of the relevant information.
<b>7. General training obligations</b>	3.3.3 - Suppliers must ensure staff are adequately trained in relation to Code obligations related to their roles, and in the use of systems and processes that support Code obligations.	<p>Suppliers must continue to uphold existing standards for obligations in Chapters 6 and 7 relating to credit management, disconnections and financial hardship. Suppliers will undertake best efforts to train staff in obligations outside these areas.</p> <p>The forbearance is conditional upon Suppliers ensuring staff are adequately trained to provide accurate information to consumers about changed circumstances, including timeframes, where regulatory forbearance has been exercised.</p>