

**COMMUNICATIONS
ALLIANCE LTD**



**INDUSTRY GUIDANCE NOTE IGN 017
AUTHORISED REPRESENTATIVES AND ADVOCATES**

Authorised Representatives and Advocates Industry Guidance Note IGN 017

Communications Alliance Ltd was formed in 1997 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

Disclaimers

1. Despite anything contained in this Guidance Note:
 - (a) Communications Alliance disclaims responsibility (including where Communications Alliance or any of its officers, employees, agents or contractors has been negligent) for any direct, indirect or consequential loss, damage, claim, or liability any person may incur as a result of any:
 - (i) reliance on or compliance with this Guidance Note;
 - (ii) inaccuracy or inappropriateness of this Guidance Note; or
 - (iii) inconsistency of this Guidance Note with any law, Industry Code or Industry Guideline; and
 - (b) Communications Alliance disclaims responsibility (including where Communications Alliance or any of its officers, employees, agents or contractors has been negligent) for ensuring compliance by any person with this Industry Guidance Note.
2. For avoidance of doubt:
 - (a) You must not rely on the information in this document as an alternative to legal advice from your solicitor or other professional legal services provider.
 - (b) You should never delay seeking legal advice, disregard legal advice, or commence or discontinue any legal action because of information in this document.
3. These disclaimers will not apply to the extent they are inconsistent with any relevant legislation.

Copyright

© Communications Alliance Ltd 2019

This document is copyright and must not be used except as permitted below or under the Copyright Act 1968. You may reproduce and publish this document in whole or in part for your or your organisation's own personal or internal compliance, educational or non-commercial purposes. You must not alter or amend this document in any way. You must not reproduce or publish this document for commercial gain without the prior written consent of Communications Alliance. Organisations wishing to reproduce or publish this document for commercial gain (i.e. for distribution to subscribers to an information service) should apply to Communications Alliance by contacting the Communications Alliance Commercial Manager at info@commsalliance.com.au.

VERSION HISTORY

This document constitutes: **Version 1 of Industry Guidance Note IGN 017**

Date	Version	Comments/Changes
30 July 2019	1	First release

TABLE OF CONTENTS

1	BACKGROUND	2
2	OBJECTIVE OF THIS GUIDANCE NOTE	2
	2.1 Looking ahead	3
3	ADVOCATES	3
	3.1 Purpose	3
	3.2 Permissions	3
	3.3 Interpreters	4
4	AUTHORISED REPRESENTATIVES	5
	4.1 Purpose	5
	4.2 Permissions	5
5	APPOINTING AN ADVOCATE OR AUTHORISED REPRESENTATIVE	6
	5.1 Advocates	6
	5.2 Authorised Representative	6
	5.3 Power of attorney, bereavement, and other circumstances	8
	5.4 Submitting relevant paperwork	8
	5.5 Determining appropriate contact	9
6	REVOKING AN ADVOCATE OR AUTHORISED REPRESENTATIVE	10
	6.1 Informing Customer	10
	6.2 Methods to revoke	10
	6.3 Informing Advocate or Authorised Representative of revocation	Error!
	Bookmark not defined.	
	6.4 Temporary appointments	10
7	COMMUNICATING THIS INFORMATION TO STAFF AND CUSTOMERS	10
	7.1 Have a written policy/procedure	11
	7.2 Availability of policies	11

1 BACKGROUND

Customers of telecommunications Suppliers may need to appoint an Advocate or Authorised Representative to communicate with their Supplier for a range of reasons. This could include, for example, making use of the services of a financial counsellor, using interpreters for communications with their Supplier, or having another family member appointed to their account. These needs can be both short and long term, and may require different levels of access to an account.

Suppliers are required by Chapter 3 of the Telecommunications Consumer Protections (TCP) Code to ensure Customers are able to appoint an Advocate or Authorised Representative.

Suppliers must balance this requirement with the important responsibility to protect Customer privacy and prevent fraud, which requires strong identification practices.

Finding this balance has led to a range of approaches by different Suppliers. During the 2017 – 2019 revision of the TCP Code, consumer groups identified that these processes are not always clear, and the terminology used by the telecommunications industry differs from that used by consumers. The resulting confusion can create hurdles to Customers receiving effective assistance from caseworkers, financial counsellors, interpreters, and others.

2 OBJECTIVE OF THIS GUIDANCE NOTE

This Industry Guidance Note (IGN) is for industry, consumers, and consumer groups. It is intended to educate all three of these groups to streamline the appointment process while continuing to protect consumers from fraud.

It is in addition to the relevant clauses in the TCP Code (Clauses 3.5 and 3.6, TCP Code C268:2019), and must be read in conjunction with those clauses.

This IGN has 3 key purposes:

- 1) Clarify the differing roles of Advocates and Authorised Representatives in the telecommunications industry (Sections 3 and 4);
- 2) Provide information on the range of information and processes Suppliers might require or put in place for a consumer to appoint an Advocate or Authorised Representative (Section 5); and
- 3) Suggest a standardised method by which Suppliers can communicate this information (Section 7).

Suppliers have developed individual requirements and processes for their specific Customer base and operations, including their fraud prevention procedures. This IGN does not suggest that all Suppliers change those established procedures, but that Suppliers could communicate those procedures in a uniform way for consumers.

2.1 Looking ahead

The first version of this IGN, published June 2019, provides information on the requirements and methods some Suppliers use to assist Customers to appoint an Advocate or Authorised Representative.

Communications Alliance intends to review the IGN in September 2019, after Suppliers have begun implementing the ideas in the IGN and Suppliers and consumer groups have received feedback on the efficacy of its recommendations.

Depending on the feedback received from stakeholders, future versions may provide information on specific good practices for these appointments that industry could work towards adopting, and possibly a template policy as a resource for Suppliers.

3 ADVOCATES

3.1 Purpose

3.1.1 Advocates are defined in the TCP Code as follows:

“means a person nominated by a Consumer to deal with a Supplier on the Consumer’s behalf, who cannot make changes on a Consumer’s behalf to a Consumer’s account without the Consumer being present and agreeing to such action.”

3.1.2 This is not intended to mean the same as ‘advocate’ in common usage, which often applies to people in roles such as financial counsellors, caseworkers supporting someone experiencing domestic and family violence, or Legal Aid representatives. People in these roles may be appointed as either an Advocate or an Authorised Representative, depending on a Customer’s wishes.

3.1.3 Customers may wish to use an Advocate for a range of reasons. Some examples are below for educational purposes – this is not an exhaustive list.

- a) Language interpreter;
- b) Financial Counsellor, Legal Aid representative, or other representative to help them discuss their bill or contract with their Supplier; or
- c) Friend or family member to assist with communication.

3.2 Permissions

3.2.1 When a Customer is present and provides permission, an Advocate may make any changes to the Customer’s account.

3.2.2 Suppliers have varying rules on what an Advocate can do when a Customer is not present. The permissions may include:

- a) Request records: Request account records – such as contract, Critical Information Summary, bills, or other – be sent to an address, email address, or other contact information previously established with the Customer.

- b) Deal with: Can discuss specific issues with the Supplier on behalf of the Customer, but cannot make any decisions or changes to the account. For example, can negotiate a Financial Hardship arrangement with the Supplier, but the Supplier should then contact the Customer to get their agreement to enter into that arrangement.
 - c) Pay accounts: Can pay the bill on an account.
 - d) Tech support: Can work with the Supplier on troubleshooting for devices or services on the account.
 - e) Nothing: Cannot discuss any issues or take any actions, including payment, without the Customer being present.
- 3.2.3 Suppliers involved in the drafting of this IGN noted that regardless of permission level, they never provide the name or contact information of a Customer to an Advocate if the Customer is not present, for privacy purposes.
- 3.2.4 It is vital that Suppliers provide clear information on what these permissions are when a Customer first enquires about appointing an Advocate and when the Advocate is appointed, to both the Customer and the Advocate.
- 3.2.5 We recommend Suppliers use the terminology in 3.2.2 (a) – (d) above when providing this information, or if a Supplier has different permissions, we encourage the Supplier to use plain language when describing the permissions.
- 3.2.6 It is useful for this information to be published on the Supplier's website, but some Suppliers may choose not to take this step for fraud prevention purposes.

3.3 Interpreters

- 3.3.1 Interpreters are often present with the Customer, and thus able to represent them as an Advocate in the normal procedures.
- 3.3.2 However, there are circumstances where the Customer is not able to confirm their identity to the Supplier. This could be, for example, if a person who does not communicate verbally is contacting their Supplier over the phone via an interpreter. While one solution is for an interpreter to be appointed for a longer period of time as an Authorised Representative, it is not common for someone to consistently have access to the same interpreter.

In unique circumstances such as these, first and foremost we recommend flexibility on behalf of the Supplier, and a willingness to work with the Customer to identify appropriate procedures when the Customer first signs up.

One specific option is to have the Customer assign themselves a PIN or other password, and when the Customer calls, have the interpreter confirm the Customer is present by use of this PIN or password.

- 3.3.3 Communications Alliance notes this is a complex topic, and we anticipate reviewing this section further in the first revision of this IGN. With this in mind, we welcome any input or ideas on other methods by which to protect Customers communicating through interpreters from fraud, while ensuring they are able to communicate effectively with their Supplier.

4 AUTHORISED REPRESENTATIVES

4.1 Purpose

4.1.1 Authorised Representatives are defined in the TCP Code as follows:

“means the person who has authority from a Consumer to deal with a Supplier, including to discuss or make changes to a Customer’s account without that Customer being present, on behalf of that Consumer.”

4.1.2 Authorised Representatives are anyone who can make changes to a Customer's account without that Customer being present.

4.1.3 Customers may wish to appoint a long-term Authorised Representative. This could be for a range of purposes, including another family member on the same account, a legal representative, or a long-term carer.

4.1.4 Customers may also appoint Authorised Representatives on a more temporary basis. Similar to Advocates, this could be someone such as a Financial Counsellor, but with the difference that as an Authorised Representative they are able to make changes to the Customer's contract. It could also be someone to represent the Customer while they are travelling or otherwise unavailable. (it could also be if the Customer is travelling overseas or will otherwise not be available).

4.2 Permissions

4.2.1 Suppliers have varying types of permissions allocated to Authorised Representatives. Suppliers may have the following:

- a) Customised permissions: when a Customer assigns an Authorised Representative, they determine the exact activities such as those listed in 4.2.2 (a) – (e) the Authorised Representative is allowed to do.
- b) Pre-set levels of permission: specified levels of permission, that include a combination of specific activities such as those listed in 4.2.2 (a) – (e), and have a Customer choose which level of permission they want to grant the Authorised Representative;
- c) Full Authority: the same permissions as Customer equivalent, except without the abilities to open or close services or add other Authorised Representatives.
- d) Customer equivalent: an Authorised Representative effectively becomes the account holder, with all the same permissions, including the ability to open or close services and add other Authorised Representatives.

4.2.2 Activities may include:

- a) Open/close account;
- b) Add or remove other Authorised Representatives;
- c) Make changes to contract or plan;
- d) Make changes to account; and
- e) Establish Financial Hardship arrangements.

- 4.2.3 Inform the Customer: When a Customer appoints an Authorised Representative, a Supplier is required by the TCP Code to explain the level of access the Authorised Representative will have on the account. Suppliers should also explain which model as listed under 4.2.1 they use, and any options the Customer has for setting the level of access.
- 4.2.4 Inform the Authorised Representative: When an Authorised Representative is appointed, they should also be informed what permissions they have been assigned on the account.

5 APPOINTING AN ADVOCATE OR AUTHORISED REPRESENTATIVE

Challenges in appointing an Authorised Representative are a key concern to consumer representatives, and we recommend Suppliers take note of the information provided in this section and in Section 7 to support Consumers in this process.

5.1 Advocates

- 5.1.1 If a Customer is present and able to confirm their identity, either via phone or in store, there is no need to formally appoint someone speaking on their behalf as an Advocate.
- 5.1.2 If a Customer is not present (noting that some Suppliers do communicate with Advocates without a Customer being present), the below information on Authorised Representatives is applicable.
- 5.1.3 For interpreter-specific circumstances, see clause 3.4 of this IGN.

5.2 Authorised Representative

- 5.2.1 Establishing Customer identity: Suppliers will need to verify the Customer's identity when appointing a new Authorised Representative to an account.

- a) When undertaking this step, Suppliers need to be aware of two objectives:
 - (i) Preventing fraud: fully establishing the Customer's identity to protect a Customer from fraud. Someone may attempt to fraudulently add themselves as an Authorised Representative to an account to facilitate stalking, economic abuse, and other forms of harassment.
 - (ii) Facilitating appointment: not placing undue burdens on a Customer who wishes to appoint an Authorised Representative.
- b) In considering which information they will require to establish Customer identity, Suppliers should also be aware that Authorised Representatives may be used at times when people are in crisis, such as fleeing a violent situation, and have limited access to personal identity documents or records.

While we acknowledge that striking the balance between the above two objectives is complex, flexibility and clearly communicating the requirements to Customers or their preferred representative are both key.

5.2.2 Establishing Authorised Representative identity: Suppliers will need to establish the Authorised Representative's identity and retain information that will allow them to verify that identity for future interactions.

- a) Information required could include key information such as address, mobile number, and/or date of birth, or for professions such as Financial Counsellors, may be a Registration or Licence number.

5.2.3 Witnessing: Some Suppliers may choose to require a witness for the establishment of Customer and/or Authorised Representative identity, and the Customer's intent to appoint the Authorised Representative.

Suppliers should make any requirements for witnesses clear and reasonable.

One option is to accept anyone who is authorised to witness a Statutory Declaration under the Statutory Declarations Regulations 2018. Information on this list can be found on the Attorney General's Website.¹

Considering the power of Authorised Representatives, Suppliers may wish to provide a more limited list of acceptable witnesses. Some key options may be:

- Justice of the Peace
- Financial Counsellor
- Lawyer
- Centrelink officer
- Doctor
- Pharmacist
- Police

If a Supplier does choose to provide specified list of witnesses, we recommend using the above, as it is important to ensure all Customers will have access to an appropriate witness.

- a) For the appointment of a financial counsellor, lawyer, or other professions who can act as witnesses to be an Authorised Representative, Suppliers may choose not to require a witness.

5.2.4 Format of information: 3.5.1 a) of the TCP Code includes the statement "other reasonable form of authorisation as may be reasonably required by the Supplier." While Suppliers are welcome – and encouraged – to have and publicise their own form, they cannot reasonably decline another form that contains all of the information they require. Suppliers should be aware that organisations such as Legal Aid and Financial Counsellors use pre-established forms, and where possible (i.e. – where those forms contain all identity, account, and other information required by the Supplier), should accept those forms.

¹ As at May 2019, the list of authorised witnesses can be found here: <https://www.ag.gov.au/Publications/Statutory-declarations/Pages/List-of-authorised-witnesses.aspx>

5.3 Power of attorney, bereavement, and other circumstances

- 5.3.1 Power of Attorney or similar: if a person has Power of Attorney, Guardianship, Trusteeship, Legal Representative, Executor of Estate, or similar circumstances on behalf of a Customer, they are authorised to act as the Customer.

There are two approaches to adding this person to the Customer's account.

- a) Appoint this person as a Full Authority Authorised Representative, or
- b) Have a separate level of authority specifically for these circumstances.

- 5.3.2 Bereavement: Bereavement is obviously a complex and emotional time for Customers and their loved ones. Suppliers should make the process for transferring or cancelling services following a bereavement as clear and straightforward as possible.

Some providers have specific published processes for bereavement care – whether a dedicated form, phone number, or email address. If this is the case, it should be easily accessible via a search on the Supplier's website (in addition to being easily accessible to staff).

Other providers may choose not to publish their bereavement care policy. In these circumstances, similar to other procedures in this IGN, it is vital that the policy is written and easily accessible to all staff, so if a consumer calls or otherwise contacts the Supplier regarding a bereavement, they are provided clear and uniform information.

Suppliers should limit the required paperwork and verification in the case of a bereavement to that which is vital to prevent fraud and/or protect the Customer. Typically, the person contacting the Supplier needs to be:

- a) an executor or administrator of the estate,
- b) a lawyer or solicitor administering the will, or
- c) next of kin.

In some circumstances, a Supplier may require a statutory declaration to confirm a person's authority to act or a letter confirming who the executor or administrator of the estate is.

5.4 Submitting relevant paperwork

- 5.4.1 There are two key methods by which the relevant paperwork or information can be supplied:

- a) To a specific service representative assigned to the account; or
- b) To a central address (be that email or physical).

- 5.4.2 Regardless of the above method, Suppliers should provide the following for submission of paperwork:

- a) Email or online webform; and
- b) Mailing address.

Suppliers with physical locations should also provide the appropriate training so store staff can assist a Customer who comes into the store to submit the paperwork at that store.

This is not intended to imply that Suppliers cannot have additional methods by which a Customer can submit the relevant paperwork, including online chat, fax, or others.

5.5 Determining appropriate contact

- 5.5.1 Purpose: As noted previously, Customers appoint an Authorised Representative for a range of reasons. In some of these circumstances, the reason may mean it is inappropriate or impossible to contact the Customer directly.

For example, as discussed in the Communications Alliance Guideline G660 Assisting Customers Experiencing Domestic and Family Violence, trying to contact the Customer directly when they have expressly nominated their Authorised Representative as the point of contact can potentially put them at risk.

Additionally, if a Customer is ill, under duress, or otherwise not in a position where they are comfortable making decisions, contacting the Customer directly can distress them and possibly lead to them making a decision on the account they did not wish to.

Thus, ensuring that the appropriate contact is recorded on the account is vital.

Suppliers are encouraged to review section 9 of the ACCC's *Debt Collection Guideline: For Collectors and Creditors*, available here: <https://www.accc.gov.au/publications/debt-collection-guideline-for-collectors-creditors>. Suppliers are required to abide by the Guideline in all Debt Collection activities, but section 9 provides specific information about contacting debtors who are represented that is relevant to all Customers who have an Authorised Representative.

- 5.5.2 Determination of contact: When a Customer appoints an Authorised Representative or Advocate, the Supplier should ask:

- a) Who should be the primary contact; and
- b) If someone should be the exclusive point of contact (and explain how this differs from the primary contact).

The Supplier should ensure that information is recorded correctly in the account in a way that it will be referred to before any future Supplier representatives contact the Customer.

- 5.5.3 Types of communications and notifications: When a primary or exclusive point of contact is appointed, the Supplier should also discuss with the Customer the types of communications which will go to the contact, and if there are any which will still go to the Customer. Where possible, Suppliers should offer the Customer the choice to change all communications and notifications to the primary or exclusive point of contact.
- 5.5.4 If this is not possible, particularly in the case of exclusive contacts, it is important for the Supplier to inform the Customer of any communications which may still go to their original contact information.

5.5.5 The types of communications to consider include:

- a) Bills;
- b) Automatic usage notifications;
- c) Account alerts;
- d) Sales calls; or
- e) Any other.

6 REVOKING AN ADVOCATE OR AUTHORISED REPRESENTATIVE

6.1 Informing Customer

- 6.1.1 When a Customer appoints an Advocate or Authorised Representative, they should be informed that they may revoke that appointment at any time.
- 6.1.2 At this time, they should also be informed of the method by which they can revoke the appointment. This information should also be easily available to the Customer at a later date.

6.2 Methods to revoke

- 6.2.1 Suppliers should make it easy and straightforward to revoke an appointment, requiring only accurate identification of the Customer.

6.3 Temporary appointments

- 6.3.1 Another options some Suppliers may offer is the appointment of a temporary Advocate or Authorised Representative, where the Customer can pre-determine the length of time that appointment will last for. If this is done, it is important that the Customer also be allowed to extend that appointment at a later date if they so choose.

7 COMMUNICATING THIS INFORMATION TO STAFF AND CUSTOMERS

Consumer groups have explained that varied instructions and information on the procedures addressed in this IGN can be a source of extreme stress and challenge for Customers and those assisting them.

For example, when Customers are represented by a Financial Counsellor or other similar profession, they may visit those offices rarely – due to distance in regional, rural, and remote areas or life circumstances. If they do not have accurate information on how to appoint the Authorised Representative, this can create significant delays in allowing the Authorised Representative to address their concerns with their Supplier.

From this feedback, Communications Alliance recommends strongly that Suppliers focus on recording and implementing uniform policies, accessible to all staff, who are appropriately trained on how to access these policies.

7.1 Have a written policy/procedure

7.1.1 To ensure the procedures are uniformly applied across the organisation, they should be written clearly for staff, including how to address unique circumstances.

7.1.2 This document has laid out 2-4 circumstances which should be covered by a written procedure and/or policy:

- a) Appointment of and permissions for an Advocate;
- b) Appointment of and permissions for an Authorised Representative;
- c) Procedure if a Customer has a Trustee, Power of Attorney, or other similar circumstance; and
- d) Procedure and requirements for Bereavement (passing of a Customer).

Many Suppliers may have one policy for a) and b), or for a), b), and c) combined.

7.2 Availability of policies

7.2.1 To staff: Suppliers have varied procedures to provide information and policies to staff across their organisation. Regardless, it is important to ensure that this policy is available to all staff, as Customers may wish to appoint an Advocate or Authorised Representative at various points, including at time of sale, when discussing Financial Hardship arrangements, and during any general inquiries.

As previously mentioned, there may be a range of specific questions or circumstances that are raised by Customers. Thus, having a specific written policy addressing the most common of these – or providing Staff with information on where to ask further questions – will ensure Customers receive accurate answers.

7.2.2 To Customers and the public: Suppliers will address this in varied ways. Some Suppliers will choose not to publish all details on the levels of permissions and processes for appointment to ensure fraud prevention and customer protection, while others may provide an overview of their policy and options on their website or in other documentation.

In either case, we recommend that basic information on the right to appoint an Advocate or Authorised Representative be available on the Supplier's website, with a contact provided if the Customer requires further details.

Communications Alliance was formed in 1997 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



**Published by:
COMMUNICATIONS
ALLIANCE LTD**

**Level 12
75 Miller Street
North Sydney
NSW 2060 Australia**

**Correspondence
PO Box 444
Milsons Point
NSW 1565**

**T 61 2 9959 9111
F 61 2 9954 6136
TTY 61 2 9923 1911
E info@commsalliance.com.au
www.commsalliance.com.au
ABN 56 078 026 507**

Care should be taken to ensure the 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 Communications Alliance