



## **Telecommunications (Consumer Complaints Handling) Industry Standard Variation 2020 (No. 1)**

The Australian Communications and Media Authority determines the following industry standard under subsection 125AA(1) of the *Telecommunications Act 1997*.

Dated: 16 October 2020

Creina Chapman  
[signed]  
Member

Cathy Rainsford  
[signed]  
~~Member~~/General Manager

Australian Communications and Media Authority

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## 1 Name

This is the *Telecommunications (Consumer Complaints Handling) Industry Standard Variation 2020 (No.1)*.

## 2 Commencement

In this instrument:

- (a) the variation at item 1 of Schedule 1 commences on 14 December 2020; and
- (b) the remaining variations commence on 1 April 2021.

Note: The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

## 3 Authority

This instrument is determined under subsection 125AA(1) of the *Telecommunications Act 1997* and in accordance with sections 5 and 8 of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

Note: The *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017* was given to the ACMA by the Minister under subsection 125AA(4) of the Act.

The power to make an industry standard determined under subsection 125AA(1) includes the power to vary that standard in a like manner: see subsection 33(3) of the *Acts Interpretation Act 1901* and subsection 5(4) of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

## 4 Variations

The instrument that is specified in Schedule 1 is varied as set out in the applicable items in that Schedule.

## **Schedule 1—Variations**

### ***Telecommunications (Consumer Complaints Handling) Industry Standard 2018 [F2018L00727]***

#### **1 Section 5 (at the end of subparagraph (b)(ii) of the definition of consumer)**

Omit “\$20,000”, substitute “\$40,000.”

#### **2 Section 5 (after the definition of consumer contract)**

Insert:

*documented internal processes* means a carriage service provider’s documented internal processes mentioned in paragraph 11(b).

#### **3 Section 5 (definition of internal escalation process)**

Omit “paragraph 10(b)”, substitute “subparagraph 11(b)(ii)”.

#### **4 Section 5 (definition of internal prioritisation process)**

Omit “paragraph 10(a)”, substitute “subparagraph 11(b)(i)”.

#### **5 Paragraph 7(1)(b)**

Repeal the paragraph, substitute:

(b) implement a complaints handling process that meets the minimum requirements for consumer complaints handling.

#### **6 Section 8**

Repeal the section, substitute:

#### **8 Minimum requirements - accessibility**

- (1) A complaints handling process must:
  - (a) be set out in writing;
  - (b) be made available to the public on the carriage service provider’s website in a concise form that sets out the minimum requirements for complaints handling referred to in paragraphs (d) to (n), and sections 9 and 10;
  - (c) be made available to a consumer on request, or as soon as practicable after a consumer informs the carriage service provider they wish to make a complaint, in a form that is suitable for the consumer and, where appropriate, made available to carriage service providers or carriers identified in sections 23 and 24;
  - (d) be free of charge for consumers to use;
  - (e) be focused on the needs and expectations of consumers making a complaint and be easy to understand and use;
  - (f) state that consumers have a right to make a complaint;

- (g) set out how a consumer can make a complaint and monitor the progress of their complaint;
- (h) permit consumers to make complaints by telephone, letter, email and online;
- (i) permit consumers to make complaints in store and contact the carriage service provider about their complaint during in store hours, where the carriage service provider offers services at a physical location;
- (j) set out the times during which a consumer can make a complaint and contact the carriage service provider about their complaint by telephone or online;
- (k) specify the telephone number, street or post office box address, email address and web address where a consumer can make a complaint;
- (l) state that members of its personnel will:
  - (i) clarify with a consumer if they wish to make a complaint where the consumer has made contact and expressed dissatisfaction through one of the channels referred to in paragraph (h) or paragraph (i), and the member of the personnel is uncertain if the consumer wishes to make a complaint; and
  - (ii) provide consumers with help to formulate, make and progress a complaint, and to help consumers with accessibility requirements or disabilities, and consumers from non-English speaking backgrounds or those suffering financial hardship;
- (m) allow for consumers to nominate a representative to make and handle a complaint;
- (n) set out each potential step in the process for managing a complaint that was unable to be resolved on first contact, including the following steps:
  - (i) communicating to the consumer who made the complaint an acknowledgment that the complaint has been received, a unique reference number or some other unique identifier for the complaint and instructions about how the complaint can be monitored;
  - (ii) initial assessment of a complaint;
  - (iii) investigation of a complaint;
  - (iv) response to a complaint and proposed resolution;
  - (v) communicating the carriage service provider's decision in response to the complaint;
  - (vi) implementation of agreed resolution;
  - (vii) closing a complaint;
  - (viii) the process by which the consumer can refer a complaint to the TIO for external dispute resolution; and
  - (ix) the procedures for identifying and handling urgent complaints, including how those procedures differ from handling ordinary complaints.

- (2) A carriage service provider must ensure that its personnel dealing directly with consumers:
  - (a) are given access to a copy of:
    - (i) the complaints handling process; and
    - (ii) any documentation setting out the documented internal processes; and
  - (b) understand the minimum requirements for consumer complaints handling, their roles and responsibilities under the complaints handling process and any requirements in the documented internal processes.
- (3) A carriage service provider must ensure there is a link on the homepage of its website via which a consumer can access information that:
  - (a) sets out how to contact the carriage service provider to make a complaint or enquiry; and
  - (b) includes an express statement that the contact information provided under paragraph (a) can be used to make a complaint.

## **7 Section 9**

Omit the words “, including the response times for managing a complaint set out in sections 12, 13, 14, 15, 16 and 17”, substitute “set out in subsection 12(2), paragraphs 13(1)(g), (h) and (j) and section 14”.

## **8 Section 10**

Repeal the section, substitute:

### **10 Minimum requirements - transparency**

A complaints handling process must:

- (a) describe the carriage service provider’s:
  - (i) internal prioritisation process; and
  - (ii) internal escalation process,in a manner that is clear, in plain language and transparent for consumers;
- (b) require complaints to be escalated at the reasonable request of a consumer;
- (c) set out a description of how escalated complaints will be managed;
- (d) set out a dispute resolution process, which provides a consumer with the right to escalate a complaint to the TIO after the carriage service provider has been given a reasonable opportunity to resolve a complaint, and which includes details about how a consumer can contact the TIO;
- (e) provide that a consumer’s telecommunications service cannot be cancelled for the sole reason that the consumer was unable to resolve the complaint directly with the carriage service provider and pursued options for external dispute resolution.

## **9 Section 11**

Repeal the section, substitute:

## **11 Complaints management**

A carriage service provider must ensure that:

- (a) its complaints handling process is managed by a senior manager who is required to maintain the effective and efficient operation of that process in accordance with the minimum requirements for consumer complaints handling;
- (b) it has in place, and implements, documented internal processes which deal with the following:
  - (i) an internal process for prioritising complaints;
  - (ii) an internal process for escalating complaints;
  - (iii) an internal process for classifying complaints into different categories, which clearly describes each category of complaint; and
  - (iv) an internal process for helping consumers to formulate, make and progress a complaint and which sets out steps to assist members of its personnel to help consumers with accessibility requirements or disabilities, and consumers from non-English speaking backgrounds or those suffering financial hardship; and
- (c) its personnel dealing directly with consumers or personnel dealing with complaints:
  - (i) manage and resolve complaints in an effective and efficient manner in accordance with the minimum requirements for consumer complaints handling;
  - (ii) clarify with a consumer if they wish to make a complaint where the consumer has made contact and expressed dissatisfaction through one of the channels referred to in paragraphs 8(1)(h) and 8(1)(i), and the member of the personnel is uncertain if the consumer wishes to make a complaint;
  - (iii) treat consumers making a complaint with fairness and courtesy;
  - (iv) can identify and record a complaint; and
  - (v) can classify complaints in accordance with the provider's process mentioned in subparagraph (b)(iii).

## **10 Section 12**

Repeal the section, substitute:

## **12 Acknowledging complaints**

- (1) A carriage service provider must acknowledge a complaint by providing the consumer to whom the complaint relates with a written or verbal response which indicates that the complaint has been received, a unique reference number or some other unique identifier for the complaint and instructions about how the complaint can be monitored.
- (2) A carriage service provider must acknowledge a complaint in accordance with subsection (1):

- (a) where the complaint was received by telephone or in store – immediately;
- (b) where the complaint was received by:
  - (i) email;
  - (ii) through the carriage service provider’s website;
  - (iii) post; or
  - (iv) a recorded telephone message –within 2 working days of receiving the complaint.

### **11 Paragraph 13(1)(f)**

After “consumer’s current billing period” add “, or within 40 calendar days, whichever occurs first”.

### **12 Subsections 14(2) and (3)**

Repeal the subsections, substitute:

- (2) Where a carriage service provider does not reasonably believe that:
  - (a) a complaint of the type referred to in paragraph 13(1)(f) can be resolved within the billing period or within 40 calendar days, whichever occurs first; or
  - (b) an urgent complaint can be resolved within 2 working days of receipt of the urgent complaint; or
  - (c) a complaint other than a complaint of the type referred in paragraphs (a) or (b) can be resolved within 15 working days of receiving the complaint,the carriage service provider must as soon as practicable within that period mentioned in paragraph (a), (b) or (c) (whichever is relevant) (the *relevant period*) advise the complainant of:
  - (d) the cause of the delay;
  - (e) the new timeframe for resolving the complaint; and
  - (f) the avenues for external dispute resolution including the TIO, where it is expected that the delay will be longer than 10 working days after the relevant period and is not caused by a notified mass outage of service.

### **13 Subsections 15(2) and (3)**

Repeal the subsections, substitute:

- (2) Where a consumer:
  - (a) communicates to a carriage service provider that they are dissatisfied with the progress or resolution of a complaint; or
  - (b) enquires about their options to pursue a complaint further,a carriage service provider must, within 5 working days after receiving that communication, advise the consumer about:
  - (c) its internal escalation process; and

- (d) options for external dispute resolution, including the TIO.
- (3) Where subsections (1) or (2) apply and a consumer indicates to the carriage service provider that they would like the complaint to be given priority or to be escalated, a carriage service provider must, within 5 working days of the consumer making that indication, assess the complaint in accordance with its internal prioritisation process or its internal escalation process, whichever is relevant, and prioritise or escalate the complaint where appropriate.
- (4) A carriage service provider must not commence legal proceedings against a consumer that has the same subject matter as the complaint:
  - (a) while a complaint is being handled internally and for 7 working days after a consumer is advised of the outcome of their complaint; or
  - (b) while a complaint is being investigated by the TIO.

#### **14 Section 17**

After “proposed resolution of their complaint” insert “after at least 5 separate attempts, with each attempt on a separate calendar day, over a total period of not more than 10 calendar days”.

#### **15 Paragraph 19(c)**

Omit the words “steps to monitor progress of action taken”, substitute “action”.

#### **16 Section 20**

Repeal the section, substitute:

#### **20 Requirements to keep records of complaints**

A carriage service provider must keep records of complaints, which include:

- (a) the name and contact details of the consumer making the complaint, and their representative where applicable;
- (b) a unique reference number or some other unique identifier that will ensure the carriage service provider can subsequently identify the complaint and its subject matter;
- (c) a description of the nature of the complaint and the issues raised as part of the complaint;
- (d) a description of the resolution proposed by the carriage service provider or the consumer, including the date by which the consumer must provide a response in relation to the proposed resolution;
- (e) a description of the results of any investigation;
- (f) a description of the carriage service provider’s reasons for its proposed resolution;
- (g) the consumer’s response to the proposed resolution of the complaint, any reasons given by the consumer, and if they have requested the proposed resolution in writing, that this request has been made;



- (h) a description of the agreed resolution of the complaint, including any associated commitments and the date this is communicated to the consumer;
- (i) the implementation of any required actions; and
- (j) copies of any correspondence sent by or to the consumer regarding the complaint.

## **17 Section 21**

Repeal the section, substitute:

### **21 Record retention**

A carriage service provider must:

- (a) keep records that are sufficient to demonstrate its compliance with the requirements under Parts 2 to 5 of this industry standard;
- (b) keep the records required to be kept by paragraph (a) for at least two years from the date of creating the record; and
- (c) make those records available to the ACMA upon receiving a written request from the ACMA.

## **18 Paragraph 26(d)**

After “for reasonable assistance” insert “within 2 working days”.

## **19 Paragraph 26(e)**

After “responding to the request” insert “as soon as practicable”.