



Telecommunications (Financial Hardship) Industry Standard 2024

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

Dated: 1 February 2024

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Part 1—Preliminary

1 Name

This is the *Telecommunications (Financial Hardship) Industry Standard 2024*.

2 Commencement

This industry standard commences on 29 March 2024.

3 Authority

This industry standard is determined under subsection 125AA(1) of the *Telecommunications Act 1997* and in accordance with sections 5, 6 and 7 of the *Telecommunications (Financial Hardship Industry Standard) Direction 2023*.

Note: The *Telecommunications (Financial Hardship Industry Standard) Direction 2023* was given to the ACMA by the Minister under subsection 125AA(4) of the Act.

4 Application of industry standard

For the purpose of subsection 125AA(1) of the *Telecommunications Act 1997* this industry standard:

- (a) applies to participants in the telecommunications industry, being carriage service providers that supply telecommunications products to residential, small business and not-for-profit customers;
- (b) deals with the following telecommunications activities of those providers:
 - (i) information to be given to customers, and made available to consumers, relating to financial hardship matters; and
 - (ii) support to be given by providers to customers who are, or may be, experiencing financial hardship; and
- (c) is drafted to give effect to the objectives set out in subsection 7(1) of the *Telecommunications (Financial Hardship Industry Standard) Direction 2023* and address the matters set out in subsection 7(2) of that Direction as they relate to the providers referred to in paragraph (a).

5 Definitions

In this industry standard:

Act means the *Telecommunications Act 1997*.

app means a software application used by customers to access information in connection with a provider's telecommunications products and to communicate with a provider.

application means an application made by a customer for financial hardship assistance.

application form means the application form used by a provider for customers to access financial hardship assistance under the provider's payment assistance policy.

authorised representative means a person who has authority from a consumer to deal with a provider on behalf of that consumer as their authorised agent.

bill means an invoice from a provider which advises a customer of the total of each billed charge.

billed charge means a charge that is due for payment by a customer in respect of a telecommunications product supplied by a provider.

business day means a day that is not a Saturday, Sunday or gazetted public holiday in the location of the provider's principal place of business.

charge means the amount of money that is charged by a provider under a consumer contract in respect of a telecommunications product supplied by the provider.

commencement day means the day on which this industry standard commences.

consumer means:

- (a) an individual who acquires or may acquire a telecommunications product for the primary purpose of personal or domestic use and not for resale;
- (b) a not-for-profit organisation which acquires or may acquire one or more telecommunications products which are not for resale; or
- (c) a business which acquires or may acquire one or more telecommunications products which are not for resale and which, at the time it enters into the consumer contract:
 - (i) does not have a genuine and reasonable opportunity to negotiate the terms of the consumer contract; and
 - (ii) has or will have an annual spend with the provider which is or is estimated on reasonable grounds by the provider to be, no greater than \$40,000.

A reference to a consumer includes a reference to the consumer's representative.

consumer contract means an arrangement or agreement between a provider and a consumer for the supply of a telecommunications product to that consumer, including a standard form of agreement formulated by a provider for the purposes of section 479 of the Act.

credit management action means any action taken by a provider in relation to telecommunications products supplied by a provider to a customer, including a restriction, suspension or disconnection, using a process to:

- (a) manage any credit risks that are relevant to the provider; or
- (b) collect outstanding debts from customers.

customer means a consumer who has entered into a consumer contract with a provider and includes a current customer of a provider or former customer who owes money to a provider in connection with their consumer contract.

disconnection means the termination of a telecommunications service provided to a customer under a consumer contract.

discount means a reduction of the ordinary amount of a charge or billed charge.

financial hardship means a situation where:

- (a) a customer is unable to discharge their financial obligations owed under their consumer contract or otherwise discharge their financial obligations to a provider, due to circumstances, including:
 - (i) personal or household illness;
 - (ii) unemployment;
 - (iii) low or insufficient income, including reduced access to income;
 - (iv) being a victim survivor of domestic or family violence;
 - (v) a death in the family;
 - (vi) a change in personal or family circumstances;
 - (vii) a natural disaster;
 - (viii) unexpected events or unforeseen changes that have impacted the customer's income or expenditure; or
 - (ix) other reasonable causes; and
- (b) the customer considers that they will be able to discharge those obligations if an agreed arrangement for financial hardship assistance relating to the supply of telecommunications products by the provider is implemented.

financial hardship assistance means the assistance a provider offers to help financial hardship customers to continue to access their telecommunications products or to pay a debt owed to the provider.

financial hardship customer means a customer who is, or may be, experiencing financial hardship or other financial difficulties.

long term assistance means financial hardship assistance sought by a financial hardship customer for a continuous period of more than 3 billing cycles to help with ongoing financial difficulties.

options for assistance include:

- (a) temporarily postponing, extending or deferring the time for paying a bill;
- (b) discounting a bill charge;
- (c) applying a credit to the customer's account;
- (d) waiving a debt;
- (e) payment plans which are tailored to meet a customer's ability to pay;
- (f) establishing an arrangement whereby the provider matches payments made by the customer or gives credit in exchange for payments made by the customer;
- (g) controls on how a customer can incur charges with the provider, including spend controls;
- (h) restrictions;
- (i) removing non-essential features of a telecommunications product at no cost;

- (j) transferring the customer to a different telecommunications product that better suits their circumstances;
- (k) adjusting internal threshold limits so that the customer is not disconnected; or
- (l) offering a free non-automatic payment method.

Note: This definition does not limit the number of options a provider can offer or accept to help financial hardship customers with their bills.

payment assistance policy means the payment assistance policy established by a provider under section 7.

personnel means staff or contractors engaged by or on behalf of a provider.

provider means a carriage service provider referred to in paragraph 4(a).

provider's website means a website operated by a provider and used in connection with the provider's telecommunications products.

reducing data speed means where a provider decides to control the maximum data transfer rate on an internet carriage service where the customer has exceeded the specified data allowance under their consumer contract.

relevant industry code means an industry code registered under Part 6 of the Act, which imposes requirements on a provider relating to financial hardship.

reminder notice means a written notice sent to a customer relating to an overdue bill.

representative means an advocate or an authorised representative of a consumer.

restriction means a restriction imposed by a provider on a customer's access to telecommunications services, or a feature of those services, offered for supply by the provider and includes reducing data speeds or imposing spend controls or other usage limits.

short term assistance means financial hardship assistance sought by a financial hardship customer for a period of no more than 3 billing cycles to help with a financial difficulty.

spend control means an option made available to a customer by a provider to assist the customer to manage or limit the amount of charges they incur or data they use in relation to a particular telecommunications product.

subscription broadcasting service has the same meaning as in the *Broadcasting Services Act 1992*.

subscription narrowcasting service has the same meaning as in the *Broadcasting Services Act 1992*.

suspension means a suspension imposed by a provider on a customer's access to a telecommunications service, excluding access to emergency service numbers.

telecommunications goods means any goods supplied by a provider for use in connection with the supply of a telecommunications service, whether or not the goods are supplied in conjunction with, or separately from, a telecommunications service.

telecommunications product means telecommunications goods or a telecommunications service.

telecommunications service means:

- (a) a listed carriage service or any service supplied by a provider in connection with that service; and
- (b) a content service (other than a subscription broadcasting service or a subscription narrowcasting service) provided by a provider in connection with the supply of a listed carriage service.

TIO means the Telecommunications Industry Ombudsman.

Note: A number of other expressions used in this industry standard are defined in the Act, including the following:

- (i) ACMA;
- (ii) carriage service provider;
- (iii) content service;
- (iv) emergency service number;
- (v) internet carriage service;
- (vi) listed carriage service; and
- (vii) Telecommunications Industry Ombudsman.

6 References to other instruments

In this industry standard, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other instrument as in force from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: For references to instruments that are not legislative instruments, see section 589 of the Act.

Note 3: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation, which may be accessed free of charge at www.legislation.gov.au.

Part 2—Payment Assistance Policy

7 Establish, comply with and review payment assistance policy

- (1) A provider that offers to supply telecommunications products to consumers under a consumer contract must:
 - (a) establish a payment assistance policy that complies with the minimum requirements in this Part; and
 - (b) comply with that payment assistance policy.
- (2) The provider's Chief Executive Officer (or equivalent) must approve the payment assistance policy and be responsible for its implementation and operation.
- (3) A provider must review its payment assistance policy and make any relevant changes to ensure the policy is fit for purpose at least once in each period of 12 months after the commencement day.

8 Minimum requirements – accessibility and promotion

- (1) A payment assistance policy must:
 - (a) be in writing;
 - (b) be clear and use plain language;
 - (c) be easy to understand and use;
 - (d) be accurate and up to date;
 - (e) use a font style and size that is that is clear and easy to read;
 - (f) be in a format that is accessible, including to consumers with disabilities, from cultural or linguistically diverse backgrounds or with other special needs;
 - (g) be made clearly available to the public on the provider's website and on an app if the provider uses an app:
 - (i) via a direct hyperlink from the home page of the website; and
 - (ii) in a concise summary form on the same web page or location that the information about how to make an application and payment assistance policy are kept.
- (2) If a provider has an application form, it must make that form available to the public on the same web page or location that the provider's payment assistance policy is kept.

9 Minimum content requirements – general

A payment assistance policy must:

- (a) set out the provider's processes for assisting financial hardship customers;
- (b) be focused on the needs and expectations of financial hardship customers;
- (c) include a statement of intention, which expressly recognises:

- (i) that the goal of the payment assistance policy is to prioritise keeping customers experiencing financial hardship connected; and
- (ii) that disconnection will only be used by the provider as a measure of last resort;
- (d) state that customers have a right to apply for financial hardship assistance;
- (e) state that it is free of charge for customers to use;
- (f) identify the times that customers can contact the provider to speak directly with personnel who are authorised to deal with applications, and include:
 - (i) if the provider ordinarily makes available a telephone number as a contact method for its customers to contact the provider, a telephone number and at least one other contact point for that purpose; or
 - (ii) if the provider does not ordinarily make available a telephone number as a contact method for its customers to contact the provider, at least two alternative contact points for that purpose; and
- (g) set out information on support services for customers in financial hardship, including how the customer can contact financial counselling services, and the TIO.

10 Minimum content requirements – applications

A payment assistance policy must:

- (a) permit customers to make an application using all contact methods that the provider ordinarily makes available to its customers to contact the provider;
- (b) set out how a customer can make an application and monitor the progress of their application;
- (c) include a copy of the provider's application form(s) (if any);
- (d) set out the processes the provider uses for managing applications; and
- (e) ensure that the processes referred to in paragraphs 9(a) to (f) are accessible to consumers with disabilities, from cultural or linguistically diverse backgrounds or with other special needs.

11 Minimum content requirements – assessment of applications

A payment assistance policy must:

- (a) set out the steps a provider will take to assess a customer's eligibility for financial hardship assistance in accordance with section 16;
- (b) set out the eligibility criteria referred to in subsection 16(1);
- (c) specify the types of information a customer may be required to provide to support an application depending on the circumstances referred to in subsections 16(2) and (3);
- (d) state that customers seeking short term assistance or who are a victim survivor of domestic or family violence are not required to provide evidence to support their application;

- (e) specify the timeframes that will apply for processing an application and to access assistance, including the timing requirements for assessments in section 17;
- (f) set out the options for assistance a provider makes available, including information about general assistance the provider offers to customers to manage payment obligations, and associated debts, to the provider; and
- (g) not include multi-step processes or mechanisms that unreasonably delay or prevent a customer from being assessed for eligibility to receive financial hardship assistance or from submitting an application.

12 Minimum content requirements – complaints and review

A payment assistance policy must:

- (a) include information about how customers can make a complaint to the provider about a decision in relation to their application or seek a review of that decision by the provider;
- (b) set out the process by which the customer can make a complaint to the TIO for external dispute resolution; and
- (c) state that making a complaint referred to in paragraphs (a) or (b) does not prevent the customer from agreeing to an arrangement for financial hardship assistance.

13 Minimum content requirements – payment assistance policy summary

The summary referred to in subparagraph 8(1)(g)(ii) must:

- (a) be a maximum of 500 words in length and in a font style and size that is clear and easy to read;
- (b) state that financial hardship customers have a right to apply for short term assistance and long term assistance;
- (c) advise that financial hardship assistance is free of charge;
- (d) set out:
 - (i) how financial hardship is defined;
 - (ii) the options for assistance offered by the provider;
 - (iii) how the customer can make an application;
 - (iv) how the customer can make a complaint to the provider or the TIO; and
 - (v) how the customer can contact financial counselling services and the TIO.

Part 3—Financial Hardship Assistance

14 Minimum requirements - identifying financial hardship customers

A provider must take all reasonable steps necessary to identify financial hardship customers for the purpose of advising on options for assistance as early as possible, including by:

- (a) following the steps in section 15; and
- (b) making reasonable efforts to communicate in writing with a customer after it becomes aware that the customer:
 - (i) has more than 2 consecutive overdue bills;
 - (ii) a total of 3 overdue bills in the previous 6 month period; or
 - (iii) if a customer has arrears of more than \$200.

15 Minimum requirements - communicating with customers

Advice and information

- (1) A provider must, where it communicates with a customer and the customer indicates they are a financial hardship customer:
 - (a) advise the customer about the provider's payment assistance policy and how to make an application;
 - (b) discuss the provider's options for assistance under the payment assistance policy, and the processes and timeframes for applying for, and accessing, financial hardship assistance;
 - (c) offer to provide the customer with a copy of the provider's application form (if any) and its payment assistance policy in a form that is suitable to the customer;
 - (d) offer to provide an email address and telephone number of a general contact point to communicate with personnel who are authorised to deal with financial hardship matters and to discuss options to assist the customer; and
 - (e) if the customer has specific accessibility needs, (including a customer with a disability, from a culturally or linguistically diverse background, or who is a victim survivor of domestic or family violence or has other special needs) - assist the customer to make an application.
- (2) For the purpose of subsection (1), a customer may indicate they are a financial hardship customer if the customer:
 - (a) mentions that they are having difficulty paying a bill;
 - (b) informs the provider that they wish to know about options to assist them to reduce or manage spending;
 - (c) informs the provider that they need help paying a bill;
 - (d) mentions they are in any of the situations listed in paragraph (a) of the definition of ***financial hardship***;

- (e) uses any language that indicates they are having financial difficulties, including any of the following, or similar, terms to describe their financial situation: money problems, difficulty, struggling, trouble, issues, problems, low income, cost of living or pressure; or
- (f) the customer otherwise indicates that they are experiencing financial hardship.

When to give payment assistance policy and application form

- (3) A provider must, when communicating with a customer, give the customer a copy of its payment assistance policy and application form (if any) as soon as practicable after the customer:
 - (a) requests copies from the provider;
 - (b) accepts the offer referred to in paragraph (1)(c); or
 - (c) informs the provider that they wish to make an application;by a method that is suitable for the consumer.

Minimum requirements for correspondence to customers

- (4) A provider must include, at a minimum, the following information in its written bills and reminder notices, and written communications sent to customers under paragraph 14(b):
 - (a) advice to customers about its payment assistance policy, including options for assistance;
 - (b) a hyperlink or web address for the page on the provider's website where the payment assistance policy is located, and if the provider uses an app, details about where it can be found on that app; and
 - (c) the contact details referred to in paragraph (1)(d).
- (5) Where a customer has indicated a preferred method or manner for receiving written communications from the provider, the correspondence referred to in subsection (4) must be sent to the customer via that method or in that manner.

16 Minimum requirements - assessing eligibility

Who is eligible for financial hardship assistance?

- (1) A customer is eligible for financial hardship assistance from their provider if:
 - (a) the customer's situation meets the definition of **financial hardship**; and
 - (b) the customer wishes to access options for assistance made available by the provider.

Requests for information or documents from customer

- (2) When assessing eligibility to receive financial hardship assistance, a provider must not request a customer to provide information (including documents) to show that they are in a financial hardship situation:
 - (a) subject to subsection (3), if:
 - (i) the application is for short term assistance; or

- (ii) it appears that the customer may be a victim survivor of domestic or family violence; or
 - (b) that is irrelevant to the application or unreasonably onerous.
- (3) Subject to subsections (6) and (7), a provider may request a customer to provide information to show that they are in financial hardship if:
 - (a) it appears that the arrangement will need to be for long term assistance; and
 - (b) either:
 - (i) the amount to be repaid is more than \$1000;
 - (ii) the customer has been a customer for less than 2 months; or
 - (iii) the provider reasonably believes there is a possibility of fraud.

Note: Subsection (3) does not require a provider to request information from a customer to show that they are in financial hardship.

- (4) Where a provider requests information under subsection (3), it must:
 - (a) state the name, email address and telephone number of a contact person or other general contact point to discuss the request;
 - (b) provide the customer with points of contact to give the information to the provider, which must include:
 - (i) an email address;
 - (ii) a relevant electronic method, including via a website, or app (if the provider uses an app);
 - (iii) a physical address (including in store if the provider has a store); and
 - (iv) if the customer has a disability, is from a culturally or linguistically diverse background or has other special needs, another point of contact appropriate to the customer's needs;
 - (c) advise the customer that the provider will only:
 - (i) request information if it is strictly necessary for it to conduct its assessment of eligibility; and
 - (ii) retain a copy or record of any information received from the customer for the period that is required to complete its assessment;
 - (d) provide the customer with details about how any information requested in a written form to support an application can be presented to and sighted by personnel who are authorised to sight such information; and
 - (e) inform the customer:
 - (i) how the information will be used and kept and state that the provider may use that information as a basis for its assessment;
 - (ii) what other information the provider may use as a basis for its assessment;
 - (iii) that it may be unable to complete the assessment if the information requested is not provided or is otherwise incomplete; and

- (iv) that providing false, inaccurate or misleading information may result in the provider cancelling their assessment.
- (5) The information and advice referred to in subsection (4) must be provided to the customer in writing, or another form that is suitable to the customer's needs, and the customer must be given sufficient time to locate the information requested of the customer and present it for sighting in accordance with subsection (7), as the case may be.
- (6) A provider must only request information from a customer under subsection (3) if it is strictly necessary to conduct the assessment of eligibility for financial hardship.
- (7) Where a provider requests information in a written form from a customer under subsection (3), the provider must establish a process to allow for the information to be presented to and sighted by personnel who are authorised for the purposes of assessing eligibility.

17 Minimum requirements – timing for assessments and advice on outcomes

When a provider assesses a customer's eligibility to access financial hardship assistance it must:

- (a) advise the customer how long it estimates it will take to complete the assessment;
- (b) complete the assessment as soon as practicable, but in any event, within 5 business days of receiving a complete application;
- (c) inform the customer of the outcome of an assessment as soon as possible, but in any event, within 2 business days after completing the assessment; and
- (d) advise the customer immediately if it becomes clear to the provider that the customer cannot be provided with financial hardship assistance because they do not meet the eligibility criteria specified in subsection 16(1).

18 Minimum requirements – options for assistance

- (1) A provider must make available, options for assistance to help financial hardship customers that are realistic, appropriate and tailored to suit the needs of the customer, including a minimum of 6 options referred to in the definition of ***options for assistance***, which must include the options referred to in paragraphs (a) and (e).

Note: This subsection does not limit the number of options a provider can offer or accept to help financial hardship customers with their bills.

- (2) When tailoring an option for assistance to suit the needs of a customer, a provider must account for the customer's individual circumstances and capacity to pay, including by considering options appropriate to the ongoing management of payments for a customer who is a victim survivor of domestic or family violence.

19 Acceptance and commencement

An arrangement for financial hardship assistance must commence as soon as the customer indicates to a provider that they agree to the arrangement.

20 Minimum requirements – communicating arrangements

Information and advice to customers about arrangements for financial hardship assistance

Where a customer has agreed to an arrangement for financial hardship assistance with a provider, the provider must give the customer a notice in writing:

- (a) setting out the details of the customer’s arrangement for financial hardship assistance;
- (b) setting out the customer’s rights and obligations under the arrangement for financial hardship assistance;
- (c) stating that the customer must advise the provider if their situation changes during the term of the arrangement for financial hardship assistance within 14 days of the change in their situation;
- (d) identifying the circumstances in which credit management action may be undertaken;
- (e) stating the duration of the customer’s arrangement for financial hardship assistance; and
- (f) advising the customer that they may seek a review if their financial hardship situation changes,

within 2 business days after the customer and the provider agreed to the arrangement.

21 No charge for financial hardship assistance

A customer must not be charged by a provider:

- (a) to apply for, or be assessed for, financial hardship assistance;
- (b) to access an arrangement for financial hardship assistance; or
- (c) for the administration of such arrangements.

22 Review of arrangements for financial hardship assistance

- (1) A provider must review a customer’s financial hardship arrangement if the customer informs the provider that their financial hardship situation has changed within 5 business days of being so informed.
- (2) Where a provider considers that a customer has not complied with an agreed term of an arrangement for financial hardship assistance, the provider must promptly contact the customer to discuss the matter and offer to review the arrangement.

Part 4—Credit Management Action

23 Minimum requirements – assessing credit management action

- (1) When considering whether to take credit management action against a customer, a provider must take all reasonable steps to determine if the customer is in financial hardship.
- (2) If a provider determines under subsection (1) or otherwise that a customer is in financial hardship, the provider must:
 - (a) offer the customer financial hardship assistance suitable for the customer’s situation; and
 - (b) take all reasonable steps to keep the customer’s telecommunications service connected, having regard to the essential nature of carriage services and individual circumstances of the customer.

24 Minimum requirements – taking credit management action

When credit management action must not be taken

- (1) Subject to subsection (2), a provider must not take credit management action against a customer:
 - (a) while the customer is discussing options, or has made an application, for financial hardship assistance with the provider; or
 - (b) if the provider has an arrangement for financial hardship assistance on foot with the customer.

When credit management action can be taken

- (2) Subsection (1) does not apply if:
 - (a) the customer has not met their obligations under the arrangement for financial hardship assistance; and
 - (b) the provider has taken steps to review the arrangement under section 22; and
 - (c) either:
 - (i) the provider has taken reasonable steps to contact the customer, or the customer has contacted the provider, to discuss options for payment before taking credit management action; or
 - (ii) the provider has a genuine reason to believe that the customer is unable or unwilling to pay their debts, to prevent a further increase in the debt owed by the customer; or
 - (iii) the customer agrees that the financial hardship arrangement is unable to be completed; or
 - (iv) the provider has been unable to contact the customer, despite taking reasonable steps to do so.

- (3) For the purpose of subparagraphs (2)(c)(i) and (iv), a provider is taken to have taken reasonable steps if it has made at least 3 separate attempts to contact the customer, with each attempt on a separate business day, over a total period of not more than 10 calendar days, using at least 2 separate methods of communication, with at least one of those methods being in writing.
- (4) A communication made by a provider in writing pursuant to subsection (3) must state that the provider is contacting the customer because it proposes to take credit management action, which may include restriction, suspension or disconnection.
- (5) Where it is open to a provider to take credit management action against a financial hardship customer under subsection (2), the provider must:
 - (a) only use suspension or disconnection as a measure of last resort;
 - (b) give the customer a written notice:
 - (i) stating what credit management action is being taken;
 - (ii) stating when the credit management action is due to occur;
 - (iii) setting out the reasons for the provider's decision to take credit management action against a customer;
 - (iv) explaining all charges that may apply;
 - (v) identifying any impacts that the action may have on any other telecommunications products the provider supplies to the customer; and
 - (vi) that includes the details of a contact point for the customer to make enquiries, including contact details for the TIO and financial counselling services,

at least 10 business days before taking that action.

25 When debts cannot be sold

A provider must not sell a debt owed by a customer if subsection 24(1) applies to the customer or the provider is reviewing the arrangement for financial hardship assistance under section 22.

Part 5—Processes, training and monitoring

26 Processes for personnel

A provider must implement written processes and procedures for its personnel that are designed to ensure the provider complies with its obligations under this industry standard.

27 Training for personnel

- (1) A provider must deliver, or arrange for a third party to deliver, financial hardship training to its personnel who deal directly with consumers that complies with subsection (2).
- (2) Financial hardship training must be delivered to those personnel:
 - (a) either:
 - (i) within 3 months after the commencement of this industry standard, for those personnel who deal directly with consumers at that time; or
 - (ii) before they first start dealing directly with consumers, for personnel not covered by subparagraph (i); and
 - (b) annually after they first receive training.
- (3) Financial hardship training delivered under this section must:
 - (a) instruct personnel about:
 - (i) the requirements under Parts 1 to 6;
 - (ii) the contents of the provider's payment assistance policy; and
 - (iii) the processes that the provider has implemented to comply with section 26; and
 - (b) include an assessment component designed to test the knowledge of those personnel of the matters referred to in paragraph (a).

28 Monitoring and review

- (1) A provider must regularly monitor how its personnel interact with financial hardship customers to ensure that they understand the matters referred to in paragraph 27(3)(a).
- (2) A provider must review the effectiveness of its financial hardship training and make any relevant changes to ensure the training is fit for purpose annually.

Part 6—Record keeping

29 Requirements to keep records

- (1) A provider must keep records of its financial hardship arrangements with customers, including:
 - (a) the name and contact details of the customer who the arrangement is with;
 - (b) a unique reference number or some other unique identifier that will ensure the provider can subsequently identify the arrangement and its subject matter; and
 - (c) records of the dates of any oral communications with the customer; and
 - (d) the following information:
 - (i) copies of any correspondence sent by or to the customer regarding the arrangement;
 - (ii) a copy of their application;
 - (iii) a copy of any request made to a customer under subsection 16(3);
 - (iv) a record of the customer's acceptance of the arrangement as referred to in section 19; and
 - (v) the notice given to the customer under section 20.
- (2) A provider must keep records:
 - (a) of credit management action it takes against a customer in accordance with subsection 24(2), and the associated communication made to the customer referred to in subsection 24(4) and notice given to the customer under paragraph 24(5)(b);
 - (b) that are sufficient to demonstrate its compliance with the requirements under Parts 2 to 5; and
 - (c) of the training it provides to its personnel under section 27.
- (3) Where a provider keeps records under this section it must take such steps as are reasonable in the circumstances:
 - (a) to protect the information from misuse, interference and loss, unauthorised access, modification or disclosure; and
 - (b) to ensure the information is disposed of, or destroyed, in a secure manner where the record is no longer needed under this industry standard or any other applicable laws.

30 Record retention

- (1) Subject to subsection (2), a provider must:
 - (a) keep the records required to be kept under subsection 29(1) for at least 2 years after the arrangement for financial hardship assistance has been completed;

- (b) keep the records required to be kept under subsection 29(2) for at least 2 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.
- (2) Where a provider requests information from a customer under subsection 16(3), it must:
 - (a) only retain a copy or record of the information received from the customer for the period that it is required to complete that assessment; and
 - (b) after the completion of that assessment, dispose of, or destroy, all copies or records of the information in a secure manner.

31 Privacy

Where a provider is not subject to the requirements of the *Privacy Act 1988*, it must ensure that personal information it collects in connection with an application and an arrangement for financial hardship assistance:

- (a) is not disclosed to a third party or otherwise used except:
 - (i) as required to manage a complaint to the TIO or the ACMA;
 - (ii) with the express consent of the consumer; or
 - (iii) where disclosure is otherwise required or authorised by or under an Australian law or a court or tribunal order; and
- (b) is disposed of, or destroyed, in a secure manner where it is no longer needed under this industry standard or any other applicable laws.

Note: Where a provider is subject to the *Privacy Act 1988*, Australian Privacy Principle 6 in Schedule 1 to that Act will apply to the use or disclosure of personal information it collects in connection with an application and an arrangement for financial hardship assistance.

Part 7—Conferral of functions and powers

32 Conferral of functions and powers on the TIO

This industry standard confers on the TIO the functions and powers of:

- (a) receiving;
- (b) investigating;
- (c) facilitating the resolution of;
- (d) making determinations in relation to;
- (e) giving directions in relation to; and
- (f) reporting on;

customer complaints about matters referred to in this industry standard.

Part 8—Transitional arrangements

33 Complaints about compliance with a relevant industry code relating to financial hardship

If:

- (a) a customer made a complaint to a provider, the TIO or the ACMA before the commencement day, alleging that the provider has not complied with a provision of a relevant industry code relating to financial hardship; and
- (b) immediately before the commencement day:
 - (i) the complaint has not been finally dealt with; and
 - (ii) the provision of the relevant industry code is in force;

then, on and after the commencement day, the complaint continues to have effect (and must be dealt with) as a complaint in respect of the relevant industry code.

34 Applications for financial hardship assistance

If:

- (a) a customer applied to a provider for financial hardship assistance before the commencement day; and
- (b) immediately before the commencement day, the application has not been finally dealt with;

then, on and after the commencement day, the application is taken to be (and must be dealt with as) an application made under the payment assistance policy established by the provider under section 7 of this industry standard.

Note: An effect of this section is that the provider is obliged to handle the application in accordance with this industry standard.

35 Arrangements for financial hardship assistance

(1) If:

- (a) a provider has entered into an arrangement with a customer for financial hardship assistance before the commencement day (the *original arrangement*); and
- (b) immediately before the commencement day, the original arrangement is still on foot;

the provider must, within the transition period:

- (c) review the original arrangement against the payment assistance policy established by the provider under section 7 of this industry standard; and
- (d) if the arrangement does not comply with the new policy - make an offer in writing to the customer to replace the original arrangement with a new arrangement for financial hardship assistance that is consistent with the payment assistance policy referred to in paragraph (c) (the *new arrangement*) (noting that if the customer does not accept the offer before

the end of the acceptance period, the customer is taken to have declined the offer); and

- (e) if the customer accepts the offer, transition the customer to the new arrangement.

- (2) In this section:

acceptance period is a period of 10 business days starting on the date the offer is made under paragraph (1)(d).

transition period is a period of 20 business days starting on the commencement day.