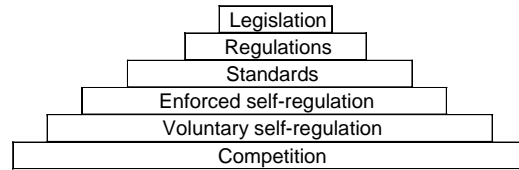


Telecommunications consumer protection in Australia

Kathleen Silleri
Manager
Consumer Interests
Australian Communications and Media Authority

The Regulatory Pyramid



Legislation

- **Universal Service Obligation**
 - Telstra is required to offer a voice telephone service to all people in Australia wherever they live or carry on business.
 - Telstra must provide customers who cannot use voice telephony because they are deaf, or have a hearing or speech impairment with an alternative form of communication.
- **National Relay Service**
 - Enables text and voice telephony users to communicate with each other.

Legislation (continued)

- **Interim and alternative services**
 - Telstra is required to offer its customers access to an interim or alternative service when there is an extended delay in connecting or repairing their standard telephone service.
- **Marketing and advertising**
 - The *Trade Practices Act 1974* prohibits misleading and deceptive conduct across all industries.
- **Spam**
 - Electronic marketers must not send spam.

Legislation (continued)

- **Local calls at fixed charges**
 - Consumers must be allowed to make local calls at a flat, untimed rate.
- **Privacy**
 - Collection, use, disclosure, quality and security of personal information.

Regulations

- **Priority assistance for very sick people**
 - Telstra is required to provide priority assistance to people with life-threatening medical conditions who are at risk of suffering a rapid deterioration in their condition.
- **Number portability**
 - Suppliers must allow customers to change companies without having to change their phone number.

Regulations (continued)

- Information provision
 - Companies providing expensive call services must prepare information for their customers about the charges.
- Mass contracts
 - Communication of changes in prices and terms to customers.
- Adult content
 - Adult content services delivered over mobile phones must be restricted to adults.

Standards

- Customer Service Guarantee
 - Fixed line telephone services must be connected within specific times.
 - In-place: 2 working days.
 - Not in place:
 - Urban: 5 working days
 - Rural: 10 working days
 - Remote: 15 working days
 - Not accessible to cable: 20 working days

Standards

- Customer Service Guarantee
 - Fixed line telephone services must be repaired within specific times.
 - Urban: 1 working day after report
 - Rural: 2 working days after report
 - Remote: 3 working days after report

Self-regulation (enforced)

- Industry Codes
 - Developed by industry bodies.
 - Registered by the Australian Communications and Media Authority.
 - Voluntary at first.
 - Australian Communications and Media Authority can:
 - make codes compulsory if necessary;
 - request industry bodies to develop codes;
 - develop standards when codes fail.

Self-regulation (enforced)

- In Australia registered Industry Codes deal with:
 - Marketing and advertising (to support legislation);
 - Privacy (to support legislation);
 - Information provision;
 - Customer transfer;
 - Contracts;
 - Billing;
 - Credit Management;
 - Adult content on the Internet;
 - Complaint handling.

Self-regulation (enforced)

- Telecommunications Industry Ombudsman deals with:
 - the standard telephone service;
 - mobile services;
 - internet access;
 - pay-phones;
 - delays in telephone connections;
 - printed and electronic phone directories;
 - fault repair;
 - privacy;
 - land access; and
 - breaches of the Customer Service Guarantee and Industry Codes.

Self-regulation (enforced)

- Telecommunications Industry Ombudsman
 - Has powers to direct telecommunications companies to pay compensation to consumers or fix problems
 - No charge to consumers
 - Funded by industry based on number and complexity of complaints
 - Membership compulsory

Self-regulation (voluntary)

Guides on:

- Hardship;
- Choice of Internet service providers;
- Recording of conversations;
- Electronic customer authorisation; and
- Reasonable access for people with disabilities.

Competition

- Few restrictions placed on businesses wishing to enter the Australian telecommunications marketplace.
- Currently, there are 817 companies operating.
- Great freedom of choice in big cities, especially with Internet services.
- Minimal choice in rural and remote areas.

Compliance

- ACMA can take companies who do not comply to the Federal Court of Australia.
- The Federal Court can award penalties of up to:
 - \$10 million for breaches of key elements of the legislation or regulations;
 - \$250,000 for breaches of enforced codes or standards.
- The Telecommunications Industry Ombudsman can make binding decisions requiring suppliers to compensate consumers up to \$10,000.