

14 March 2025

The Acting Manager
Telecommunications Regulation and Performance
Australian Communications and Media Authority

By submission: <https://www.acma.gov.au/consultations/2025-02/changes-consumer-complaints-handling-rules>

RE: Proposed amendments to the Telecommunications (Consumer Complaints Handling) Industry Standard 2018

The Internet Association of Australia Ltd (**IAA**) thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to respond to the consultation on the proposed amendments to the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (Complaints Handling Standard)*.

IAA is a member-based association representing Australia's Internet community. Our membership is largely comprised of small to medium sized Internet service providers many of which provide other telecommunications services as carriers or carriage service providers (**CSPs**) and are therefore subject to the Complaints Handling Standard and the proposed amendments.

From the outset, IAA and our members recognise the importance of providing end-users a clear avenue to raise genuine complaints with their providers and believe this complaints handling process to be vital to establishing trust and improving the relationship between industry and consumers, and therefore a thriving telecommunications sector. To that end, we are committed to the improvement of the Complaints Handling Standard as necessary.

We understand that such necessity exists in light of the Minister for Communications direction¹ to the ACMA to amend the Complaints Handling Standard to account for complaints in relation to network outages. In general, we support amending the Complaints Handling Standard to deal specifically with complaints in relation to network outages, including providing specialised complaints handling processes in recognition of the unique and stressful nature of network outages and the potentially grave consequences for some end-users.

However, we are also concerned that some of the proposed amendments of the Complaints Handling Standard go beyond the objectives set out in the Direction, and do not adequately reflect consideration of the regulatory burden on industry and in particular on smaller providers, nor does it reflect the principles of practicability and reasonableness. We therefore offer our response in the hope to contribute to a more measured amendment of the Complaints Handling Standard that will balance what is already an onerous burden on industry while still meeting community expectations.

¹ Telecommunications (Complaints Handling Industry Standard Amendment) Direction 2024 (the **Direction**)

NETWORK OUTAGE COMPLAINTS

DEFINITION OF NETWORK OUTAGE

1. *Is aligning the definition of network outage with the definitions for ‘major outage’ and ‘significant local outage’ from the Customer Communications Standard appropriate?*

We support the alignment of the definition of ‘network outage’ according to the definitions of ‘major outage’ and ‘significant local outage’ as set out in the *Telecommunications (Customer Communications for Outages) Industry Standard 2024 (CCO Standard)* and believe this appropriately reflects the objectives set out in the Direction. In addition, the alignment reflects the principle of harmonisation of terminology used across various legislative and regulatory instruments to minimise confusion for both consumers and industry, as well as assist telecommunications providers to understand and comply with what is a very complex regulatory landscape in telecommunications.

DEFINITION OF NETWORK OUTAGE COMPLAINT

2. *Does the amended definition of ‘complaint’, combined with the new ‘network outage complaint’ definition, give effect to the direction’s objective of ensuring consumers who contact their provider in relation to a network outage can attract the protections of the Complaints Handling Standard?*

Although we appreciate it may be a stressful period for end-users during a network outage, we disagree with the position that all contacts during the situation should be expected to be a complaint. Instead, we posit that many end-users are likely to contact their provider/s to seek information, not necessarily to complain. Rather, ‘complaints’ in relation to network outages should be raised where there has been a failure in a provider’s compliance with its obligations in relation to a network outage, such as its failure to communicate with end-users in accordance with the CCO Standard.

The proposed amendments instead obfuscate a provider’s obligations in response to a network outage by effectively setting out new obligations about communications that a provider would be providing to individual consumers who have contacted the provider about the network outage, as opposed to dealing with a complaint as that term would generally be understood. This is particularly concerning for our members as well as other smaller telecommunications providers in the industry who do not have the resources to navigate the increasingly complex web of regulatory obligations. We also expect it will cause confusion for consumers in relation to the handling of ancillary complaints.

We also posit that the proposed ‘default resolution’ to restoring consumers’ access to a carriage service is an outcome that providers would be prioritising regardless of this proposed regulatory stipulation. In light of this being the primary consumer safeguard in relation to a network outage complaint, it is unclear what the utility is in characterising reports of service failures by default as a complaint. Rather, it would better serve consumers to set out clear processes for making complaints about a provider’s failure to comply with their obligations in response to a network outage, such as failure to communicate with the public in accordance with the CCO Standard. Conversely, by characterising all such contact about service failures as a ‘complaint’ for which the primary resolution is to restore services – an outcome that providers would prioritise anyway - this instead likely raises adverse implications for the telecommunications industry.

For example, by characterising service outage reports in relation to a network outage as a ‘network outage complaint’, this enlivens potential escalation avenues for consumers to seek external dispute resolution via the Telecommunications Industry Ombudsman (**TIO**) where they are not satisfied with the default resolution. This is a grave concern, especially for smaller providers who will then bear associated costs where even a ‘standard closure type’ will result in a fee of \$739, despite where the CSP may have had no control over the network outage, and have otherwise complied with all their obligations in relation to the CCO Standard and amended Complaints Handling Standard. Given the widescale nature of a ‘network outage’, dealing with the potential fall-out may cripple a smaller provider. This, of course, does not take into account the additional costs of tracking and managing these ‘complaints’, which may actually be trivial notifications of temporary service disruptions.

By way of another example, it is unclear how ‘network outage complaints’ will be dealt with in relation to the *Telecommunications (Consumer Complaints) Record-Keeping Rules 2018* (**Complaints RKR**s). Given the characterisation of service outage reports in relation to a network outage as a ‘complaint’ for the purposes of the Complaints Handling Standard, we are concerned providers may now have additional reporting requirements for the purposes of compliance with the Complaints RKR. This inclusion of ‘network outage complaints’ in providers’ reports to the ACMA is likely to greatly skew the various public reporting on complaints in the telecommunications sector, including those published by the ACMA, Telecommunications Industry Ombudsman and Communications Alliance. In turn, this would result in an inaccurate account of consumer-industry relations, and/or of industry’s compliance efforts where the nature of ‘network outage complaints’ as currently defined are very different to ‘complaints’ more generally. This ramification for the telecommunications industry has not been addressed by either the proposed amendments to the Complaints Handling Standard, nor other regulatory reform currently underway such as the proposed amendments to the CCO Standard.

Indeed, we note that the Consultation Paper published by the ACMA alongside the proposed amendments instead sets out the intent to capture network outage complaints for the purposes of the Complaints RKR. While we appreciate that the proposed subsection 20(2) limits the types of records a CSP must keep records of in relation to a network outage complaint in comparison to a standard complaint, we consider this does not sufficiently address our concern for how this data will be handled for the purposes of accurately analysing the health of the telecommunications sector.

Thus we would like to propose an alternative approach to ‘network outage complaint’ to distinguish between when a service outage report in relation to a network outage should be treated as an enquiry or a network outage complaint. However, we understand that the Direction intends for all contact about service outage reports that are determined to be caused by a network outage to be considered a complaint. Indeed, the Direction mandates that a report of service failure by an end-user to their telecommunications that is identified by the provider to be the result of a network outage should be, in the first instance, treated as a complaint. We therefore respectfully request the ACMA to instead:

- provide guidance material that clearly sets out an entity’s obligation in response to a network outage both under the CCO Standard, as well as the amended Complaints Handling Standard; and
- establish safe-harbour provisions to limit when a consumer can seek EDR via the TIO in relation to a network outage complaint to minimise vexatious or unreasonable escalations;
- review reporting arrangements in the Complaints Handling Standard and the Complaints RKR to ensure that any public reporting about complaints in the industry will clearly distinguish between ‘complaints’ and ‘network outage complaints’ so as not to conflate the two; and

- explicitly specify when a service outage report may be determined to be an enquiry requiring no further action under a new paragraph 17B(1)(d) where none of paragraphs (a) to (c) apply.

Furthermore, the unhelpful conflation of ‘complaints’ and mere contact from an end-user in relation to a network outage is highlighted in the proposed definition of ‘urgent network outage complaint’. While we agree and fully support the recognition of providing additional priority support to priority assistance consumers, it is unclear why a request for assistance in accordance with section 16 the CCO Standard that already attracts obligations for providers should furthermore be characterised as not only a ‘complaint’, but an ‘urgent network outage complaint’ attracting even further obligations.

Given that ‘network outage complaint’ is already broadly defined to include any contact about a service failure that is determined to be the result of a network outage, if a consumer requests for real-time or near real-time assistance under the CCO Standard, this would constitute contact with the provider, and is therefore likely automatically considered a ‘network outage complaint’. It is therefore unclear why this should be elevated to an even further standard of ‘urgent network outage complaint’ that attracts additional obligations. This goes beyond the objectives set out in the Direction, and noting the implications of raising a ‘complaint’ for the purposes of the Complaints Handling Standard and other legislative instruments as aforementioned, we reject the terminology being used so readily.

We fully recognise that there should be processes to accommodate consumers that have requested further assistance, and furthermore, priority assistance should be provided to consumers who require it. However, this provision of special assistance is fundamentally different from ‘complaints handling’ and should therefore not be set out as such in the Complaint Handling Standard.

For the purposes of setting out provisions about ‘urgent network outage complaints’ in the Complaint Handling Standard, it should only contain specific provisions about complaints that consumers can raise where a provider has failed to provide real-time or near real-time assistance in accordance with the CCO Standard, or has failed to provide priority assistance to priority assistance consumers.

3. *Currently network outage complaints would not be raised if the outage is due to an unplanned adverse impact and the sole or predominant cause is a natural disaster. Should this exception be removed?*

We strongly support the proposal to exclude network outages that are the result of a natural disaster from the proposed amendments in relation to network outage complaints. This proposed exemption reflects recognition of telecommunications providers’ limited control over the availability of their network in certain emergency circumstances, which has also been acknowledged in other regulatory instruments such as the *Telecommunications (Customer Service Guarantee) Standard 2023 (CSG Standard)*. We note that the CSG Standard currently exempts providers from complying with performance standards when non-compliance is the result of both a natural disaster, and other extreme weather conditions under paragraphs 24(2)(b) and (c). In our opinion, the proposed definition of ‘natural disaster’ under the Complaints Handling Standard, which refers to the definition under the CCO Standard, is broad enough to capture extreme weather conditions and we assume that it is the ACMA’s intent to so capture such circumstances.

As raised above, as the primary resolution in response to a network outage complaint is restoration of services, which arguably, providers already seek to achieve regardless of the proposed amendments, we see little to no utility in including network outages the result of a natural disaster in the complaints handling process. Again, providers would already be prioritising service restoration, and introducing further compliance obligations would only induce more stress during times of great stress. Furthermore, it is unadvisable that provider networks and resources are

clogged up during times of natural disasters to deal with ‘complaints’ where such resources are better spent in network restoration and assisting consumers in serious need. We note the CCO Standard also recognises that network outages the result of natural disasters need to be handled differently in light of the circumstances: we believe this should also be reflected in the Complaints Handling Standard.

PRIORITISATION OF NETWORK OUTAGE COMPLAINTS

- 4. *Is the approach of prioritising the restoration of services over the resolution of other complaints related to network outages appropriate?***
- 5. *Are the proposed processes and actions to prioritise complaints from consumers affected by network outages reasonable and practical?***

In general, we support the approach of prioritising the restoration of services in relation to a network outage complaint. Given the circumstances, we consider this to be the primary concern for both end-users and industry, and that other ancillary complaints can be dealt with subsequently. We also agree that given the unique processes set up under the new category of ‘network outage complaints’, other complaints, such as complaints about a service provider’s failure to comply with the CCO Standard should be dealt with as a standard ‘complaint’ according to existing complaints handling processes.

However, we are concerned about the expectations being placed on carriage service providers and carriers who resell carriage services supplied by an underlying or upstream carrier, and it is that ‘responsible carrier’ (as defined in the CCO Standard) whose network has experienced a network outage. We appreciate that this may be accounted for in proposing that service providers implement the default resolution “as soon as reasonably practicable”, but we would appreciate further assurance and recognition of a CSP’s limited control over the network of its underlying or upstream provider.

Furthermore, we reiterate our support for prioritising priority assistance consumers, including in restoring their service connections. However, it is unclear what the difference in expectation is between implementing service restoration “as soon as reasonable practicable” in response to a general network outage complaint, versus “as soon as possible” in relation to an urgent network outage complaint” as set out in proposed subsection 17D(1). We believe it would clearer to specify that a carriage service provider must reasonably complete all necessary actions to prioritise the implementation of default resolution for an urgent network outage complaint.

We are also concerned about the wording used in some of the provisions that seems to establish unreasonable expectations for customer-facing staff. Draft paragraph 17A(c)(ii) for example suggests that customer-facing personnel should be able to “...*resolve network outage complaints...*” We believe this word suggests the expectation that customer-facing or complaint handling staff will be able to achieve service restoration. Rather, the paragraph should be amended to state:

- (ii) *manage and handle network outage complaints in an effective and efficient manner in accordance with the minimum requirements for network outage complaints handling;...*

- 6. *The proposed drafting envisages that, if the network problem is rectified but this does not achieve the default resolution of a network outage complaint (restoration of service), then the consumer will need to actively contact their CSP to seek assistance before their network outage complaint is closed. Also, if the default resolution is achieved but the consumer remains dissatisfied with this outcome, they will need to raise a new complaint through the standard, non-network outage complaints process. Are these approaches appropriate?***

Notwithstanding our general objection to the characterisation of service outage reports as complaints, we appreciate that the primary and default resolution approach is to achieve restoration of service. In turn, in light of the proposed framework, we support any further or additional complaint, such as in relation to a provider's failure to restore service despite the rectification of the network outage, or any other complaints such as dissatisfaction with this default outcome, or in relation to a service provider's failure to comply with any other processes in relation to a network outage, should be raised as a new complaint via the standard non-network outage complaints process.

However, we are concerned that this will cause confusion for both industry and consumers as mentioned above. Given the circumstances where it is not possible to stipulate that a service outage report not be considered a 'network outage complaint' due to the Direction, we reiterate our request that the ACMA publish detailed, specific and plain English guidance material that will make it clear for both industry and consumers to understand the processes, and establish shared expectations as to how complaints in relation to network outages will be handled.

We also note that the Complaints Handling Standard will leave it open for service providers to offer additional resolutions, including but not limited to, a bulk resolution offer. Again, we raise the unfair and unreasonable expectations being placed on CSPs when it is in fact the underlying or upstream carrier whose network is at fault. We appreciate this is acknowledged via the existing Part 6 of the Complaints Handling Standard, these provisions do not sufficiently address the full nature of the issue, nor do the amendments appropriately account for the increasing burden on CSPs in relation to other resolutions aside from the default resolution that may be required in response to network outage complaints.

While we do not want recuperation arrangements between a CSP and its wholesaler to be inflexibly codified, we believe the Complaints Handling Standard and the ACMA should manage what can be reasonably expected from a CSP that has otherwise complied with all its obligations. Furthermore, we reiterate our concerns raised above in relation to consumers also seeking further recourse via the TIO, despite no actual fault of the CSP. Thus, there should be certain limitations on what a consumer may reasonably expect as a resolution in addition to the default resolution and bulk resolution offer.

This is part of a larger issue faced by providers where complaints are raised in relation to service faults on an underlying network that providers themselves have little to no control over. The TIO in particular, does not adequately address this in their EDR process, resulting in huge costs to providers. In particular, we note the NBNC Co Special Access Undertaking, which has been accepted by the Australian Competition and Consumer Commission, sets out benchmark service standards, including fault rectification service levels, which may not always meet consumer expectations, and therefore results in frustrated relationships between consumers and their providers. We are concerned that this will only be exacerbated by the characterisation of service outage reports as 'network outage complaints', and then the expectations this is likely to create in terms of reasonable resolutions.

While we strongly request the ACMA to investigate the issue of appropriate dealing with complaints in reference to the underlying provider whose network is failing to meet service standards, for the purposes of amending the Complaints Handling Standard, and in particular, in relation to network outage complaints, we request that the Complaints Handling Standard be amended to establish a new section 17E that clearly sets out:

- limitations on what can be reasonably expected as a resolution offered in relation to a network outage complaint;

- when a ‘complaint’ in relation to a consumer’s dissatisfaction with the default resolution or bulk resolution may validly and reasonably not be considered a complaint for the purposes of the Complaints Handling Standard; and
- similarly, when such ‘complaints’ may not be considered by the TIO for reasons of being vexatious or unreasonable, or alternatively, that CSPs are exempted from paying the TIO fee in circumstances where complaints have been vexatiously or unreasonably raised to the TIO.

7. *Is the requirement for CSPs to help keep certain categories of customers connected who contact them in a network outage, and who may be at risk of extra harm due to the loss of service, appropriate and practical?*

As expressed above, in principle, we support CSPs being required to prioritise connection for priority assistance consumers. However, we do not believe that the Complaints Handling Standard is the appropriate legislative instrument for such a requirement to be prescribed.

Close examination of this requirement would suggest that any customer at this level of risk should have at minimum two diverse physical connections to the CSP network and battery back up. This is a costly approach, and even so – given the nature of telecommunications technology generally – cannot be 100% guaranteed, particularly in the context of natural disasters. Such a product requirement needs separate in-depth costing and scoping.

Furthermore, we believe that this additional level of assistance should only be provided to priority assistance consumers or consumers who have made a request for real-time or near real-time assistance and have requested to have their connection maintenance prioritised due to being at risk of extra harm. Given the nature of a significant service outage, at the scale being considered in relation to the CCO Standard and network outage complaints, it may not be appropriate to prioritise everyone who has made a request for real-time or near-real time assistance. It is necessary for providers to judiciously prioritise assistance for those who do in fact need specialised support given their particular needs and circumstances.

CONTACT METHODS TO MAKE A NETWORK OUTAGE COMPLAINT

8. *Are the proposed methods suitable for consumers to contact their CSP about service problems that may be related to network outages?*

In general, we support the proposed methods for end-users to contact their CSPs for the purposes of a network outage complaint. However, again, given the way in which a network outage complaint has been defined and set out, there is some circularity in when a real-time or near real-time communication method for consumers to seek assistance in accordance with the CCO Standard may automatically result in a network outage complaint, and further still, an urgent network outage complaint. Especially due to real-time communication methods including via phone, any contact via phone to receive real-time assistance may unnecessarily trigger additional processes under the revised Complaints Handling Standard which is likely to complicate communications between the end-user and the provider.

OTHER CHANGES RELATING TO NETWORK OUTAGE COMPLAINTS

9. *Do the proposed requirements in the network outage complaints-handling process set out all the information that would help consumers understand and use this complaints process. Are there aspects of this complaints process that should be changed, added or removed?*

As expressed above, we are concerned that the processes established due to contact about a network outage being considered a complaint will cause confusion for both industry and consumers. Again, we reiterate the importance of publishing clear guidance material to assist all

stakeholders in understanding and navigating this complaints handling process, including establishing clear, fair and reasonable expectations for complaints resolution.

10. Do the proposed amendments to complaints monitoring and analysis, complaints record-keeping and reasonable assistance obligations appropriately adapt these rules to incorporate the introduction of a network outage complaints category?

We also refer to concerns raised above in the implications of introducing a new network outage complaints category that may drastically shift complaints data. In recent times, the telecommunications sector has seen a steady and stable decline in the number of complaints received, allowing a useful insight into effective regulatory processes and other initiatives to improve industry-consumer relations in the sector. Including data about ‘network outage complaints’ is likely to distort such data if analysed as part of the broader complaints record. As such, it is critical that network outages complaints be considered separately and that the Complaints RKR’s are reviewed and amended accordingly.

GENERAL REVIEW DRAFT AMENDMENTS

EASIER TO CONTACT CSPs TO MAKE A COMPLAINT

12. Are the proposed amendments likely to make it easier for consumers to contact their CSPs with a complaint and have it treated as a complaint? If not, please explain why and describe what alternatives or additional measures would achieve this in a way that meets the direction’s objectives?

We oppose the proposal to remove “enquiry” from paragraph 8(3)(a). Alternatively, a new paragraph 8(3)(aa) may be drafted to specify that a CSP must also ensure information is displayed in relation to contact details for enquiries. Overall, where a consumer genuinely wants to make an enquiry, they should not be impeded from doing so, just as much as they should not be impeded from making a complaint where they wish to.

IMPROVED ACCESSIBILITY TO MAKE A COMPLAINT

13. Are the proposed amendments likely to make it easier and more accessible for consumers to contact their CSPs with a complaint?

Although we understand the objectives behind the proposal to allow consumers to make a complaint via any communication tool that the CSP offers such as via an app or online live chat function, we contend that this will require a serious undertaking from industry to implement. Apps and on-line chat functions are often set up to direct customers to standardised information pages or provide information quickly and not tailored for specific issues or complaints. Requiring providers to develop this capability will take a lot of time and cost a lot of money, all of which will inevitably have to be pushed back onto consumers in light of the decreasing profit margins within the telecommunications sector. We believe this will be a net-loss for consumers, especially if this forces providers to disable their in-app or online chat functions that are useful in providing generalised information and save consumers from having to navigate providers’ websites.

At the least, we recommend that this amendment (captured in paragraphs 8(1)(h) and (k)) be varied as follows:

- to only apply to CSPs with over 30,000 services in operation, thereby carving out smaller providers who lack the resources to implement this new requirement;
- such in-app or live chat complaints channels being restricted to standard business hours, though the channel may be used to provide automated information outside of those business hours.

SHORTER COMPLAINT RESOLUTION TIMES

14. Will the proposed changes to complaint resolution timeframes allow sufficient time for CSPs to resolve a complaint in a way that meets the Direction's objectives?

Overall, we support the changes that are proposed to allow a more efficient complaint resolution process that will reduce consumer frustration and sentiments of the overwhelming complaints process. However, we believe it is critical to retain the ability for providers to extend the standard resolution timeframes where there is a reasonable belief that such timeframes cannot be adhered to. Importantly, we note that subsection 14(2) does not provide for the same allowances for delays where a provider reasonably believes it will not be able to implement the proposed resolution within 5 working days in accordance with paragraph 13(1)(j). Thus we recommend that subsection 14(2) be amended to include a new paragraph (d), that provides for the same allowances provided under paragraphs 14(2)(a) to (c).

CLEARER INFORMATION ABOUT THE TIO

15. Will the proposed changes, combined with existing obligations, provide consumers with clear and sufficient information at appropriate times in relation to avenues for external dispute resolution, specifically the TIO?

We do not necessarily oppose the proposals made in relation to providing information about the TIO. Indeed, we wish to clearly express our support for an effective and fair external dispute mechanism which we hold critical to a thriving and healthy sector.

However, we use this opportunity to raise an increasing concern amongst our members and the telecommunications industry more broadly that the TIO Scheme and its Terms of Reference go far beyond what is set out in the Complaints Handling Standard, including these proposed amendments. Recent consultation processes held by the TIO in relation to its Member Guide showed that what it expects are 'reasonable steps' for CSPs to inform consumers and occupiers of internal and external dispute resolution processes are an overreach in applying the standards codified by the ACMA, and as a result renders certain provisions of the Complaints Handling Standard meaningless. We believe this does not align with the role of the TIO as an independent arbitrator, as opposed to that of a regulator. Any regulatory minimum standards about complaints handling processes are rightfully set out by the ACMA, and the TIO Scheme should be in alignment with such regulation and not seek to impose further obligations.

For example, the Member Guide proposed that CSPs must publish a link to their complaints handling process on **every** webpage. It also seems to suggest that consumers should be encouraged to contact the TIO to access EDR **during** IDR processes, which contradicts the point of having internal complaints mechanisms with the TIO's EDR scheme being available where there is a failure in such internal processes.

This, alongside the issue raised above about the TIO's failure to identify the appropriate underlying or upstream carrier in relation to service failure disputes, obfuscate fair, efficient and effective dispute resolution. We would greatly appreciate the ACMA to investigate this issue accordingly.

ALIGNMENT WITH THE FINANCIAL HARDSHIP STANDARD

16. Will the proposed changes to align the Complaints Handling Standard with the Financial Hardship Standard adequately support financial hardship consumers with a relevant complaint to have their complaint treated urgently?

We support the alignment of the Complaints Handling Standard with the new *Telecommunications (Financial Hardship) Industry Standard 2024* and believe such harmonisation to be helpful for both consumers and providers in understanding their regulatory rights and responsibilities. Moreover, it

is important that the Complaints Handling Standard reflects updated standards and expectations in respect of consumers experiencing vulnerability.

COMMENCEMENT AND TRANSITION ARRANGEMENTS

17. What is the earliest practical date before 30 June 2025 for the amended standard to commence? Should it commence earlier than 30 June 2025?

We are strongly in support of the proposed amendments commencing after 30 June 2025. We note the substantial changes that providers will need to implement in order to ensure compliance with the revised Complaints Handling Standard. In particular, we note the disproportionate burden that smaller providers will face in struggling to ensure their compliance. For example, many smaller providers often engage external legal assistance in creating policies, and will likely need to do so in order to update their existing Complaints Handling Policy to account for the new processes in relation to network outage complaints. Given the significant work that will need to be undertaken, and the limited resources of smaller providers, even the timeframe to 30 June will cause considerable strain. An earlier commencement date will not be practicable and as such, is not advised to ensure a genuine and thorough compliance approach.

We also note that there are various other substantial regulatory reforms currently underway that will require providers to implement other changes, including, but not limited to, the amendments to the CCO Standard, and the revised *C628: Telecommunications Consumer Protections Code*.

As such, in addition to the 30 June commencement date, we respectfully request the following:

- an additional 6-month grace period following the commencement date before enforcement action is taken in relation to new or amended provisions;
- during this grace period, collaboration between the ACMA and telecommunications providers to assist with industry compliance efforts; and
- commitment from the ACMA that its enforcement approach will focus on occasions of non-compliance that exemplify gross negligence for the first 12 months following the commencement of the proposed changes.

CONCLUSION

Once again, IAA appreciates the opportunity to contribute to a revised Complaints Handling Standard that is fit-for-purpose and reflects community expectations. To that end, we are committed to ensuring that ‘community expectations’ take into account the various relevant stakeholders and that the requirements set out under the Complaints Handling Standard will result in efficient, effective and practicable outcomes that benefit both consumers and industry, and will ultimately contribute to a thriving telecommunications sector. We are therefore committed to working with the ACMA, consumer advocacy organisations, other industry representatives and the TIO for this purpose.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (IAA) is a not-for-profit member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations, and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the

Internet industry both within Australia and internationally. Providing technical services as well as social and professional development events, IAA aims to provide services and resources that our members need.

IAA is a licenced telecommunications carrier and provides the IX-Australia service to Corporate and Affiliate members on a not-for-profit basis. It is the longest running carrier neutral Internet Exchange in Australia. Spanning seven states and territories, IAA operates over 30 points of presence and operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

Yours faithfully,
Internet Association of Australia