



3 November 2014

Communications Alliance Ltd  
PO Box 444  
MILSONS POINT NSW 1565

Dear Sir/Madam

## **Proposed revisions to the Telecommunications Consumer Protections (TCP) Industry Code (DR C628:2014)**

The Consumer Action Law Centre (**Consumer Action**) welcomes the opportunity to comment on the proposed revisions to the Communications Alliance Telecommunications Consumer Protections (TCP) Industry Code (DR C628:2014) (**the Code**).

### **About Consumer Action**

Consumer Action is an independent, not-for-profit, campaign-focused casework and policy organisation. Consumer Action offers free legal advice, pursues consumer litigation and provides financial counselling to vulnerable and disadvantaged consumers across Victoria. Consumer Action is also a nationally-recognised and influential policy and research body, pursuing a law reform agenda across a range of important consumer issues at a governmental level, in the media, and in the community directly.

Broadly, we are concerned that the proposed changes to the Code will weaken the standard of consumer protection. The changes would subsume pointed obligations regarding the treatment of consumers into broader 'principles', significantly reducing their impact. Below we provide examples of the changes that particularly concern us.

### **Duplication between the Code and ACL**

We are concerned about the proposed removal of consumer protections from the Code in order to avoid duplication with the Australian Consumer Law (**ACL**). We do not see why the Code needs to be limited in this way. Our clients are generally vulnerable and struggle with complex processes, and it is far simpler for them to access a single comprehensive source than to consult multiple sources to understand their rights. It is also beneficial for providers if the Code is a comprehensive statement of their obligations. We also question whether having these provisions in the Code is any additional burden to providers, who are required to comply with the law regardless of whether they are contained in the Code, the ACL, or both.

There is also potential value to the industry in having ACL obligations included in the Code. This would allow the compliance monitoring body, Communications Compliance, to support providers in ensuring compliance. This compliance function should make it less likely that contraventions occur and reduce the risk of regulator action.

#### **Consumer Action Law Centre**

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## Removal of Obligations Relating to Hardship

We do not see why it is necessary to remove the requirement for a provider to provide a hardship policy on their website **(6.11)**. It is a simple provision for the providers to comply with, and ensures that our clients have more than one avenue to access information about the assistance they can request from the provider when they are in hardship.

Also, we see no reason to remove the requirement to provide customers with information about hardship practices in writing **(s6.13(a))**. When speaking to us, our clients are often confused as to what a provider has told them about their situation. Providing written material means that we can assist them to interpret the advice they have been given.

## Training of Staff

We are also concerned about the alteration of the positive obligation to "take reasonable steps to cater for the needs of disadvantaged or vulnerable consumer" **(4.4.3)**. We consider that the proposed replacement clause, which refers to "providing training to sales representatives on how to interact with disadvantaged or vulnerable consumers" is a lesser standard, and a weakening of a reasonable standard of customer service. We see no reason for the weakening of this standard.

We also disagree with the proposed removal of the obligation to ensure that complaint handling staff are trained and supervised and have the necessary interpersonal and communication skills to ensure that the suppliers' obligations are met **(8.4.1(c))**. This seems a minimum standard of any reasonable provider. We see no reason to remove it.

We look forward to receiving your views on these matters. Please contact Cathy Thwaite on (03) 9670 5088 or at [cathy@consumeraction.org.au](mailto:cathy@consumeraction.org.au) if you have any questions about this submission.

Yours sincerely

**CONSUMER ACTION LAW CENTRE**



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