

19 February 2024

**Communications Alliance Ltd – Submission to the Environment and
Communications Legislation Committee:**

**TELECOMMUNICATIONS LEGISLATION AMENDMENT
(ENHANCING CONSUMER SAFEGUARDS AND OTHER MEASURES)
BILL 2023**

In its submission of October 22 in response to the original consultation on the proposed legislation, Communications Alliance (CA) focused on the proposed Schedule 3 – Disclosure of Information.

We proposed that a Regulation Impact Statement (RIS) be conducted into the proposals, to establish whether they would create net benefit.

We also asked for an opportunity to consult on the draft Explanatory Memorandum.

Both suggestions were ignored.

When industry originally agreed to provide internal complaint data to the ACMA, it was on the proviso that any reports created or published using those data would be in aggregated form – i.e. not singling out individual carriers or CSPs.

This was partly because:

- the ACMA does not put the complaint information in context – i.e. it does not take account of the size of the service provider in question; meaning that the volume of complaints received by different providers is not directly comparable. (CA's Complaints-in-Context index, published quarterly, expresses volumes of complaints received by the TIO as a ratio of the number of services that each provider has in operation – meaning that the relative performance of larger and smaller service providers can be more directly compared); and
- there can be differences in the ways that different providers categorise contacts received from customers (i.e. what is a 'technical query' in the eyes of one provider might be categorised as a 'complaint' by another provider - further compromising the ability to make direct comparisons).

The actions proposed under Schedule 3 are not necessary, in our view, given the existing channels of information about the performance of individual service providers, as detailed in our submission, and including the Complaints-in-Context index, the ACCC's Measuring Broadband Australia program, quarterly and annual reports published by the TIO on complaints it receives in relation to specific providers, and various other publications from the ACMA and ACCC.

Worse, the actions proposed under Schedule 3 could actually make it more confusing for consumers to determine the relative performance of providers with which the consumers have services or from which the consumers are considering making a purchase.

Some of the specific proposed amendments under Schedule 3 also raise questions:

59 DA(2) would allow the ACMA to publish 'summaries' of the complaint data – raising a question about the editorial aspects of the summaries and whether they would accurately represent the situation.

59 DA(4) would effectively give the Minister of the day 'carte blanche' to expand the scheme to encompass any other aspects she or he deemed appropriate.

CA would strongly support a Parliamentary Committee examination of the proposed legislation.