



CHAIRMAN

Senator John Cherry
Chair
Senate Environment, Communications, Information Technology
and the Arts References Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Cherry

I write to provide you with information discussed at the References Committee hearing on Friday 11 February 2005 about the agencies to which recommendations from the Consumer Driven Communications project are applicable.

I have attached two documents which provide this information. The first lists the recommendations in the order in which they were made by the Consumer Driven Communications project group and places likely agencies next to each recommendation.

The second document lists the recommendations by agency. As a number of the recommendations are directed at more than one agency, some recommendations appear more than once.

This information represents the view of ACA staff at this time. It may be that discussions of individual recommendations with the Consumer Driven Communications Group and the agencies in question may alter this list slightly.

I trust this information is of assistance to the Committee.

Yours sincerely

Dr Bob Horton
Acting Chairman

15 February 2005

cc. Simon Bryant, DCITA

ATTACHMENT A:

**CONSUMER DRIVEN COMMUNICATIONS:
RECOMMENDATIONS APPLICABLE TO PARTICULAR AGENCIES (BY RECOMMENDATION)**

No.	Recommendation	Applicable to:
1	<p>Legislation merging the ABA and the ACA should build on the existing aspects of the telecommunications regulatory framework that involve consumer consultation. It should avoid any movement towards adopting the minimalist public consultation model for codes and standards set out in section 123(4)(b)(iii) and section 126 of the <i>Broadcasting Services Act</i> for the whole Communications sector.</p>	DCITA
2	<p>The Telecommunications Act be amended such that consumer participation in code development be mandatory and must be demonstrated before the ACA can register any co-regulatory code (not confined to those produced by the Australian Communications Industry Forum (ACIF)).</p> <p>This be achieved by introducing into the Telecommunications Act a requirement that the ACA is satisfied that in the development of codes of practice consumer consultation has been adequate. Therefore amend section 117 (1)(i) as follows:</p> <p>From:</p> <p>‘(i) the ACA is satisfied that at least one body or association that represents the interests of consumers has been consulted about the development of the code;’</p> <p>To:</p> <p>‘(i) the ACA is satisfied that there has been adequate consumer consultation in the development of the code and that at least one body or association that represents the interests of consumers has participated in the development and drafting of the code;’</p>	DCITA

3	<p>The objects of the Telecommunications Act and regulatory policy (ss3 and 4) be reworked in relation to the role of self-regulation. Policy should be reshaped to recognise that it can be appropriate to allocate matters to the ACA for action without necessarily satisfying the current tests relating to codes/standards.</p> <p>Section 4 of the Act be amended as follows:</p> <p>“(4) Regulatory policy</p> <p>The Parliament intends that telecommunications be regulated in a manner that:</p> <p>(a) promotes the greatest practicable use of industry self-regulation where this will not impede the long term interests of end-users; and</p> <p>(b) does not impose undue financial and administrative burdens on participants in the Australian telecommunications industry;</p> <p>but does not compromise the effectiveness of regulation in achieving the objects mentioned in section 3.”</p> <p>This is a moderate change to regulatory policy, informed by several years of practical implementation of the current framework. It would recognise both the successes and failures of the current arrangements.</p> <p>This does not require ACIF to be removed from the framework or even a radical alteration in the emphasis on co-regulation. No change would be required to the further statement of regulatory policy in section 112.</p>	DCITA
4	<p>Amend the Telecommunications Act (Division 5 Part 6) to include circumstances additional to code failure/unfulfilled request as triggers for development of an industry standard. Retain the distinction that codes are developed by industry and standards by the regulator.</p> <p>A new section 125A should be inserted in Part 6 which allows the ACA to make a Standard in circumstances where there is evidence to suggest self-regulatory mechanisms will not adequately respond to an identified need in relation to consumer protection. In deciding whether to exercise this right, the ACA is to have reference to the views of, and consult with, any body or association that represents a section of the industry and to the views of any body or association that represents consumers.</p>	DCITA

5	<p>A new section be inserted into Part 34 Special Provisions relating to the ACA's telecommunications functions and powers requiring that where a complaint is made about a breach of a standard, a licence condition or a Service Provider Rule, the ACA is required to investigate the matter.</p> <p>The new section 582 would adapt section 149 of the <i>Broadcasting Services Act 1992</i> which requires the ABA to investigate any complaint relating to a breach of a licence condition.</p> <p>The new section 582 would require the ACA to investigate any complaint received from an organisation that represents consumers where the complaint relates to a breach of a licence condition, service provider rule, or a standard (except where the complaint is frivolous or vexatious).</p>	DCITA
6	<p>The Department of Communications, Information Technology and the Arts (DCITA) facilitate the establishment of an independent consumer-managed disability equipment program so that end-users can connect to the standard telephone service regardless of their disability and the service provider they use. This should be included in the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i> in a similar way to the National Relay Service.</p>	CITA
7	<p>A protocol setting out issues to consider whether consumer input into code development by an industry body has been adequate be developed by the ACA before undertaking to register a code, pursuant to the legislative change nominated in recommendation 2. The protocol should include:</p> <ul style="list-style-type: none"> o public forum at the outset to inform all stakeholders including consumers, suppliers and regulators of issues and objectives; o strict timeframe for completion of public comment draft and final registration copy; o equal representation of consumer and supplier representatives on the code development working committee; o representatives from the ACA, the Australian Competition and Consumer Commission (ACCC) and the Telecommunications Industry Ombudsman (TIO); o independent chair (not a supplier or consumer representative); o independent professional draftsman; o provision of daily sitting fee, transport and accommodation costs for consumer representatives; o resources for consumer representatives to liaise with each other during the code development via teleconferencing; o assistance for consumer representatives to consult with wider constituencies; o a forum held before public comment to ensure broader consumer input summarising issues; and o forum prior to completion of the public comments to ensure all the submissions have been properly considered before the ballot draft is finalised. <p>Before this legislative change eventuates, the ACA should make the protocol available as a best practice guide.</p>	ACA
8	<p>The ACCC and the ACA develop a method of defining market failure using social measures in addition to economic parameters.</p>	ACA, ACCC.

9	The ACA, in consultation with industry and consumers develop a self-regulation test which functions like a checklist to establish which path of regulation is most workable to ensure strong community safeguards when necessary.	ACA
10	ACIF develops an industry guideline on research and the self-regulation process to provide for voluntary codes or guidelines being supported by research which is either conducted by consumer groups or involves consumer groups in an advisory capacity or as research assistants.	ACIF
11	ACIF take a key role in developing industry training and accreditation for retail staff in the communications industry to meet the needs of all consumers in terms of services, technology and finance.	ACIF
12	The Telecommunications (Consumer Protection and Service Standards) Act be amended to require the ACA to develop a Consumer Protection Standard. The ACA be required to develop and determine the Standard while consulting with industry and consumer groups.	DCITA.
13	The ACA to develop the single Standard using a Customer Lifecycle approach (see Volume 2, Annex 3.1), to take the place of the current miscellaneous collection of standalone codes. This will link the regulatory requirements to the experience a consumer has in the market. This approach would also serve to eliminate duplication, gaps and overlap between current codes. The clear objective of this work must be improved consumer protection and certainly no derogation from standards embodied in current Codes.	ACA
14	If the ACA is to require a single Consumer Protection Code to be developed by ACIF, for registration, this development should be directed by a tight brief (using a Customer Lifecycle approach - see Vol. 2, Annex 3.1). The ACA must also make clear an expectation of improved consumer protection and certainly no derogation from standards embodied in current Codes. It should also define clear and urgent deadlines, require balanced consumer participation in code development processes, and specify best practice chairing and drafting protocols. Failure to observe these parameters will trigger development of a Standard by the Authority, in which case the recommendation above about Standard development by the ACA would apply.	ACA, ACIF.

15	The ACA should pursue a review of the definition of the Standard Telephone Service. This review should be done with full participation by consumer representatives. The review could consider the implications of the Next Generation Network (NGN) services such as Voice over Internet Protocol and Text over Internet Protocol. In conducting this review, the ACA should investigate the declaration of the standard telephone service as an essential service, with all associated rights and obligations.	ACA
16	Consideration for the newly defined Standard Telephone Service must also be given to accessibility reflecting ability and ease of use, quality of service and the needs of consumers for affordable and appropriate services and products. The ACA introduces service provider rules that require fixed line carriage service providers to offer priority assistance services.	ACA
17	The Minister reconsider the importance of Industry Development Plans (IDPs) which ensure that carriers, as part of the carrier licensing process, report on their strategic commercial partnerships and all their research and development activities including those addressing the needs of people with disabilities.	DCITA
18	The Government consider repealing the changes to this scheme introduced in 2002 (at least to the extent that they exempt carriers from addressing the needs of people with disabilities) or that the Minister minimise the impact of these changes by limiting the categories of declared carriers, thereby restricting the allocation by the ACA of exemptions from the IDP requirements.	DCITA
19	The industry should be required to develop community impact statements for all major new products and services in consultation with consumers before their introduction. This should be done in tandem with trials and pilots to ensure that it is as usable and accessible by all sectors of the community as possible and that it does not cause any interference with existing technologies or equipment.	Industry, DCITA.
20	All carriage service providers offering retail services to develop Disability Action Plans, lodge these with the Human Rights and Equal Opportunity Commission and to review them regularly.	Industry, DCITA, HREOC.

21	<p>DCITA grants for consumer advocacy and research funding program be overhauled to ensure:</p> <ul style="list-style-type: none"> • Scalability - so the funding level grows with the industry • Stability – so there is a sustainable funding base for consumer groups • Program as well as project based funding for periods longer than 1 year. <p>Consumer groups be funded to enable improved co-ordination of input to legislation reviews so that the expertise of groups with specialist knowledge can be shared such as through the Consumers Telecommunications Network (CTN) Consumers Forum.</p> <p>Funding also be allocated more specifically to raising consumer awareness and presenting alternative views on issues from a consumer perspective.</p> <p>DCITA ensure that in expanding assistance to new groups under the grants for consumer advocacy and research that organizations currently receiving funding continue to be allocated sustainable levels of funding.</p> <p>DCITA investigate the possibility of handing control of funding for sitting fees for participation in self regulatory agencies to the self-regulatory agency.</p>	DCITA
22	<p>A regular mechanism for Ministerial consultation with the consumer sector be established, including the reinstatement of Ministerial Advisory Committees, and consideration be given to the enhancement of the formalised consultation process with consumers through the Consumer Affairs mechanisms of the Federal Government. A process for better liaison with Standing Committee of Officials of Consumer Affairs could result from this consideration.</p>	DCITA.
23	<p>Protocols be developed by legislators, regulators and industry in conjunction with consumers to allow adequate time (at least one month) and appropriate feedback for all consultation activities which involve submissions, responses, and feedback by community organisations, for example to Standing or Parliamentary Committees, policy reviews or codes.</p>	Recommendation applies to a number of parties, including DCITA, ACA, ABA, ACCC and industry.

24	The Human Rights and Equal Opportunity Commission (HREOC) conduct an annual forum to track developments in telecommunications accessibility. This forum would make recommendations and monitor improvements.	HREOC
25	The ACCC hold an annual telecommunications specific open forum for consumers to give direct feedback to Commissioners about important issues.	ACCC
26	In merging with the ABA, the ACA should oppose any proposal to move towards the minimalist public consultation model for codes and standards set out in Part 9 of the <i>Broadcasting Services Act</i> .	ACMA
27	The merged ACA-ABA entity (ACMA) should draw on the following as appropriate when developing consumer consultative mechanisms to build on the existing telecommunications framework: <ul style="list-style-type: none"> • consultative committees; • consultations (individual and group) with consumer representatives (eg as occurred in the development of the Integrated Public Number Database (IPND) Standard) and other industry participants; • genuine community consultations (i.e. town hall type exercises - suitable for some issues such as payphones or ABA local content investigation); • smaller focus groups; • more innovative mechanisms such as citizens juries or the Office of Film and Literature Classification Community Assessment Panels scheme; • written submissions; and • consultancy arrangements on specific matters. 	DCITA, ACMA.

The ACA restructure its current Consumer Consultative Forum (CCF) in the following way, to be referred to as the Consumer Consultative Framework.

(1) Create a standing 'Consumer Council', with a fixed number of consumer representatives selected in a transparent way for a fixed term such that the consumer movement has confidence in that representation.

The Consumer Council will have a membership that is committed and resourced to provide ongoing involvement with the ACA about consumer matters. It would provide authoritative policy advice to the ACA, be empowered to take the initiative in raising matters for ACA attention, and should meet on a regular basis, but be available for urgent matters as needed. As a standing Group, members would need to be resourced to meet that commitment.

The Consumer Council will be convened as a review panel to directly advise the Authority on the following matters (without limiting the activities of the Council):

- Consumer codes presented for registration
- Draft service provider rules, licence conditions relating to consumer protection
- Other relevant regulatory initiatives, for example, amendments to the Customer Service Guarantee
- Advice to the Communications Minister.

The Consumer Council will take a significant role in directing the activities of the Consumer Forum (see below). Members will attend the regional meetings and ensure that concerns raised by consumers are addressed by the ACA.

(2) Create a 'Consumer Forum', open to all consumer representatives with an interest in communications. This Forum to operate primarily on a regional basis, meeting on a State-by-State basis. Regional meetings will function to gather consumer input about communications related issues, and to provide relevant ACA material to consumer participants. On an annual basis, selected forum members will be assisted to attend a national Forum (held in various state capital cities in rotation), to facilitate national consumer consultation and information exchange.

It is envisaged that the members of the Council and the Forums would include representatives from the broad range of consumer interests. This might need to be done on a more or less regular basis.

Committees should be formed as needed to address particular concerns from the diverse needs of the community such as people with a disability, Indigenous people, people in rural and remote areas, young people and older people.

However, people with a disability have ongoing concerns with accessibility of technology in order to use the Standard Telephone Service. Therefore, a Disability Liaison Forum should be established by the ACA to comprehensively deal with current and future issues.

Such particular forums would need to be co-ordinated by the Consumer Council and communicate with both the Council and Forum levels of the revised CCF framework.

The ACA to provide a budget and secretarial service for the operation of this Framework.

29	<p>The organising body of any relevant industry, government or regulatory forum provide consumer representatives with appropriate resources in order to participate. These resources include:</p> <ul style="list-style-type: none"> • travel, accommodation and sitting fees; • AUSLAN interpreters, audio loop systems and carers for people with disabilities as needed; and • information and documentation in alternative formats on request. <p>Meeting venues should meet the AS 1428 Accessibility standard.</p>	<p>Recommendation applies to a number of parties including DCITA, ACA, ABA, ACCC and industry bodies (including ACIF and IIA).</p>
30	<p>ACA and DCITA increase and broaden the level of consumer involvement in international and regional standards setting committees and forums and that this be appropriately resourced.</p>	<p>ACA, DCITA.</p>
31	<p>ACA ensures that committees with consumer interest such as the Communications Technical Regulatory Advisory Committee have adequate opportunity for consumer representation.</p>	<p>ACA</p>
32	<p>The ACA consults with consumers about the impact of making requests to industry or industry bodies before any regulatory intervention action is undertaken (e.g. requests to develop codes).</p>	<p>ACA</p>
33	<p>The ACA ensures adequate and appropriate training of all staff in seeking, valuing and using consumer input.</p>	<p>ACA</p>
34	<p>The TIO to equalise representation by consumers and industry at the governance level with clearly and unambiguously defined roles as is the case with other Alternative Disputes Resolution Schemes such as the Banking Industry Ombudsman.</p>	<p>TIO</p>
35	<p>All industry suppliers adequately resource and support consumer consultation mechanisms to review product development, consumer protection policies and procedures, compliance activities and consumer outcomes reporting.</p>	<p>Industry</p>
36	<p>The ACA facilitate a process to promote better consultation practices by all consumer councils and bodies in industry. That this process be conducted with a view to better communication among the network of consumer representatives in the telecommunications sector so that resources can be more effectively used in the future and consumers can feel more empowered to participate.</p>	<p>ACA</p>
37	<p>ACIF develop guidelines for the best practice conduct of consumer consultation mechanisms by industry with the aim to maximise participation and consumer outcomes and to minimise duplication and burnout. The guideline should refer to Annexes 3, 5, 6 and 7 of Vol. 2.</p>	<p>ACIF</p>

38	The ACA develop and fund a program in consultation with consumers that will actively build the network of consumer advocates involved in the telecommunication policy arena by seeking out new representatives and providing appropriate resourcing, training and mentoring as needed. A capacity building program of this type should be co-ordinated through the community sector to reach its full potential.	ACA, DCITA
39	ACIF reform and reconstitute its Consumer Advisory Council (CAC) and the Disability Advisory Body (DAB) to be on an equal level in ACIF's structure as the ACIF Board. All ACIF activity proposals would then be considered by the ACIF CAC and DAB as well as the ACIF Board to ensure consumer viewpoints and impacts are properly taken into account by ACIF. All new consumer codes and guidelines and changes to existing codes and guidelines would need to be approved by the CAC and DAB before going to the Board. The CAC and DAB would have a right of veto on the publication by ACIF of consumer codes and guidelines. This would ensure that the CAC and DAB are treated on the same level of importance and that consumer participation is central to all ACIF processes and activities.	ACIF
40	ACIF review the level of consumer representation on the ACIF Board and all ACIF Reference Panels and the number of consumer representatives on the Consumer Codes Reference Panel be increased as a matter of priority.	ACIF
41	ACIF encourage and fund consumers to participate in ACIF working committees and reference panels.	ACIF
42	ACIF set up a Working Committee to revise its Consumer Participation Guideline to take into account the principles outlined in Vol. 2.	ACIF
43	The Minister and DCITA, in formulating communications policy, recognise the benefits to consumers of a "one stop shop" for resolution of consumer complaints in communications and work towards the most appropriate way of achieving this. One way of achieving this policy outcome would be by amending the Telecommunications (Consumer Protection and Service Standards) Act 1999 in order to: <ul style="list-style-type: none"> ● expand the jurisdiction of the TIO to allow the TIO to evolve into a 'Communications Industry Ombudsman'; ● bring consumer complaints relating to pay television services within the operations of the TIO; and ● bring network connection & customer equipment issues under the jurisdiction of the TIO. 	DCITA, TIO.

44	<p>DCITA should work toward streamlining complaints processes relating to premium services by conducting a review of consumer complaint handling across the different service types and in the context of the ACA-ABA merger. The merger of the ACA and the ABA presents an opportunity to overcome existing jurisdictional limitations that affect code development on matters that cross carriage and content. In this environment, it may be appropriate for the Telephone Information Services Standards Council (TISSC) code to be registered with ACMA and to be enforceable by the new regulator. This would also allow content regulation on mobiles as well as other issues associated with high bills to be dealt with via a registered code. The successful aspects of the TISSC process (for example, the participation of public/consumer members, compared to other self-regulatory processes; the audit compliance program) could also be recognised under these arrangements.</p>	DCITA
45	<p>The industry adopt the practice that every complaint made to a service provider be given a Complaints reference number.</p>	Industry
46	<p>The ACA coordinate a multi-agency investigation into the implications of continued convergence and the question of complaint handling whether a further expansion of TIO is needed or a re-examination of the role and powers of the ACCC to ensure consumers have adequate processes for redress.</p>	ACA, DCITA, ACCC, TIO.
47	<p>The results of the annual TIO external reviews be published.</p>	TIO
48	<p>The Minister direct the ACA to undertake a public inquiry into complaint handling procedures within the industry. This recommendation is supported by the huge concerns that have been raised in all forums about the difficulty involved in making a complaint about communications services.</p>	DCITA, ACA.
49	<p>As an outcome from its public consultation on the <i>Regulation Compliance Philosophy Discussion Paper</i> the ACA develop a public document outlining the process that the regulator will use to establish when an industry code of practice has failed.</p>	ACA

50	<p>As the second part to the implementation of the ACA's newly drafted Compliance Policy a stronger and more active enforcement approach be taken in consumer protection issues within the telecommunications industry.</p> <p>The adoption of a stronger and more active enforcement approach will include:</p> <ul style="list-style-type: none"> • identification of systemic issues, including issues both within and outside of the jurisdiction of the TIO; • commencement of strategic prosecutions in relation to systemic issues; <p>Dissemination of information about investigations, prosecutions and judgements throughout the marketplace as a means of changing market behaviour must be an integral part of the compliance process if it is to remain transparent and responsive.</p>	ACA
51	<p>The ACA institutes a systematic program of pro-active monitoring and auditing to actively seek out marketplace problems. These activities to test the actual market experience of consumers should utilise techniques such as shadow shopping style investigations, information gathering in real-time inside industry processes and customer experience audits to follow sample consumer paths through the system.</p>	ACA

52	<p>An ACIF Codes Compliance and Monitoring Committee (CCMC) be established. The CCMC would comprise of equal industry and consumer representation and would perform the following functions:</p> <ul style="list-style-type: none"> a) monitor code compliance; b) investigate and make a determination on any allegations of a code breach; c) monitor any other aspects of codes that are referred by the ACIF; and d) publish an annual report. <p>ACIF Industry members be required to:</p> <ul style="list-style-type: none"> a) ensure that the CCMC has adequate resources and funding to carry out its functions satisfactorily and efficiently; b) annually lodge (in a form acceptable to the CCMC) a report on their compliance with ACIF codes; c) co-operate and comply with all reasonable requests of the CCMC in pursuance of its function; d) empower the CCMC to carry out its functions and to set operating procedures dealing with the following matters first having regard to the operating procedures of the TIO and then consulting with the TIO and the ACIF: <ul style="list-style-type: none"> i) receipt of complaints; ii) privacy requirements; iii) civil and criminal implications; iv) timeframes for acknowledging receipt of a complaint, its progress, responses from the parties to the complaint and for the recording the outcome; v) use of external expertise; and vi) fair recommendations, undertakings and reporting. e) Empower the CCMC to name them in connection with a breach of an ACIF code or in the annual CCMC report where it can be shown that they have been: <ul style="list-style-type: none"> i) been guilty of serious or systemic non-compliance; ii) ignored the CCMC's request to remedy a breach or failed to do so within a reasonable time; iii) breached an undertaking given to the CCMC; or iv) not taken steps to prevent a breach re-occurring after having been warned that they may be named. 	ACIF
53	<p>The ACIF Code Administration and Compliance Scheme be reviewed and amended to incorporate the CCMC as proposed.</p>	ACIF
54	<p>The ACA to be active in the instigation of enforcement action in areas currently outside the TIO's jurisdiction. This should include complaints about customer equipment including the provision and maintenance of disability equipment.</p>	ACA
55	<p>The TIO should do code compliance audits like the TISSC.</p>	TIO

56	As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.	ACA, TIO, Office of the Federal Privacy Commissioner, HREOC, TISSC, state consumer affairs agencies.
57	ACIF provide more assistance to suppliers for compliance with the self-regulatory regime. This would include upgrading the compliance checklists into more useful documents, actively encouraging suppliers to sign codes of practice, providing training for industry about compliance and code content in particular.	ACIF
58	With the assistance of DAB, TEDICORE and HREOC, ACIF should develop a training program targeting industry to raise awareness about accessibility and disability for its membership. The program should also focus on how suppliers can meet their obligations under the Disability Discrimination Act.	ACIF, HREOC.
59	Industry accepts and implements assessment of consumer outcomes as an essential part of business performance reporting in the triple bottom line context. Consumers need to be genuinely involved in establishing industry measures and benchmarks of consumer outcomes.	Industry
60	ACA to develop a guideline for any organisation providing information in a wide variety of media for public distribution stating that it should offer the information in accessible formats such as large print, Braille or audio tape on request. As well, information on websites should adhere to the international W3C Web Content Accessibility Guidelines.	ACA
61	When producing and distributing information, government organisations use a range of media, formats and outlets appropriate to the target audience. This includes use of plain language and providing alternatives to electronic access.	Recommendation applies to a number of parties, including DCITA, ACA, ABA and ACCC.

62	ACA works with consumers in advising and researching community education programs to maximise awareness raising activities and effective information production and dissemination.	ACA
	The ACA should acknowledge that the provision of information must not take the place of regulation and enforcement. The issue of unfair contract terms is a good illustration of the fact that in some cases no amount of information will remedy the problem; instead action is needed to remove those terms from suppliers' contracts.	
63	Regulators and suppliers form partnerships with community organisations to resource the provision of information, expertise and a constituent audience via their networks. Examples include funding, advertising in community sector publications, sponsorship eg of conferences, portals, online communities, research.	ACA, DCITA, ACCC, TIO.
64	The ACA creates and pursues initiatives for the development of industry training and accreditation for retail staff in the communications industry to meet the needs of all consumers in terms of services, technology and finance.	ACA, industry.
65	The ACA in consultation with consumers develop a consumer rights campaign supported by a toolkit which outlines which authority or body to go to if the consumer has an enquiry or complaint.	ACA
66	Suppliers use the following techniques to improve the awareness levels of their customers to their rights: <ul style="list-style-type: none"> • distribute a consumer rights brochure at the point of sale; • insert a summary page about consumer rights in the front of all directories (e.g. white pages); • get customers to sign at point of sale that they have been given and understand information about their rights; • continue to distribute information as bill inserts particularly on any final notices sent; • the contact details of the TIO be distributed with all warning notices and final notices; and • the industry develop a community advertising campaign with consumers about what to do if customers need help. 	Industry

67	<p>Government, regulators and industry use evidence-based models of consumer participation in research by the following methods:</p> <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners; and consumer related research organisations for funding under such programs as Australian Research Council grants. 	<p>Recommendation applies to a number of parties including DCITA, ACA, ABA, ACCC, industry bodies (including ACIF and IIA) and industry.</p>
68	<p>ACA introduces an explicit funding program that includes program funding, commissioned research, general research consultancies, and co-operative work with consumer groups conducting communications research.</p>	<p>ACA, DCITA.</p>
69	<p>ACA appoints consumer representatives to sit on an advisory committee that decides on the research program.</p>	<p>ACA, DCITA.</p>
70	<p>DCITA develops an ongoing, transparent and well-funded program for consumer-based research into information technology and telecommunications. This should include social and behavioural research, statistical studies, technological development and policy issues. Accessibility for people with disabilities to information and communications technology (ICT) should form a significant part of the research program. Consumers should be involved at all key stages of the program and in the funded projects.</p>	<p>DCITA</p>
71	<p>DCITA develops a set of guidelines or protocols which apply to the work of the Communications Research Unit to include consultation on research priorities with consumers and publication of the CRU's work program and results.</p>	<p>DCITA</p>

ATTACHMENT B:

**CONSUMER DRIVEN COMMUNICATIONS:
RECOMMENDATIONS BY AGENCY**

Department of Communications, Information Technology and the Arts (DCITA)

No.	Recommendation	Comment:
1	<p>Legislation merging the ABA and the ACA should build on the existing aspects of the telecommunications regulatory framework that involve consumer consultation. It should avoid any movement towards adopting the minimalist public consultation model for codes and standards set out in section 123(4)(b)(iii) and section 126 of the <i>Broadcasting Services Act</i> for the whole Communications sector.</p>	
2	<p>The Telecommunications Act be amended such that consumer participation in code development be mandatory and must be demonstrated before the ACA can register any co-regulatory code (not confined to those produced by the Australian Communications Industry Forum (ACIF)).</p> <p>This be achieved by introducing into the Telecommunications Act a requirement that the ACA is satisfied that in the development of codes of practice consumer consultation has been adequate. Therefore amend section 117 (1)(i) as follows:</p> <p>From:</p> <p>‘(i) the ACA is satisfied that at least one body or association that represents the interests of consumers has been consulted about the development of the code;’</p> <p>To:</p> <p>‘(i) the ACA is satisfied that there has been adequate consumer consultation in the development of the code and that at least one body or association that represents the interests of consumers has participated in the development and drafting of the code;’</p>	

3	<p>The objects of the Telecommunications Act and regulatory policy (ss3 and 4) be reworked in relation to the role of self-regulation. Policy should be reshaped to recognise that it can be appropriate to allocate matters to the ACA for action without necessarily satisfying the current tests relating to codes/standards.</p> <p>Section 4 of the Act be amended as follows:</p> <p>“(4) Regulatory policy</p> <p>The Parliament intends that telecommunications be regulated in a manner that:</p> <p>(a) promotes the greatest-practicable use of industry self-regulation where this will not impede the long term interests of end-users; and</p> <p>(b) does not impose undue financial and administrative burdens on participants in the Australian telecommunications industry;</p> <p>but does not compromise the effectiveness of regulation in achieving the objects mentioned in section 3.”</p> <p>This is a moderate change to regulatory policy, informed by several years of practical implementation of the current framework. It would recognise both the successes and failures of the current arrangements.</p> <p>This does not require ACIF to be removed from the framework or even a radical alteration in the emphasis on co-regulation. No change would be required to the further statement of regulatory policy in section 112.</p>	
4	<p>Amend the Telecommunications Act (Division 5 Part 6) to include circumstances additional to code failure/unfulfilled request as triggers for development of an industry standard. Retain the distinction that codes are developed by industry and standards by the regulator.</p> <p>A new section 125A should be inserted in Part 6 which allows the ACA to make a Standard in circumstances where there is evidence to suggest self-regulatory mechanisms will not adequately respond to an identified need in relation to consumer protection. In deciding whether to exercise this right, the ACA is to have reference to the views of, and consult with, any body or association that represents a section of the industry and to the views of any body or association that represents consumers.</p>	

5	<p>A new section be inserted into Part 34 Special Provisions relating to the ACA's telecommunications functions and powers requiring that where a complaint is made about a breach of a standard, a licence condition or a Service Provider Rule, the ACA is required to investigate the matter.</p> <p>The new section 582 would adapt section 149 of the <i>Broadcasting Services Act 1992</i> which requires the ABA to investigate any complaint relating to a breach of a licence condition.</p> <p>The new section 582 would require the ACA to investigate any complaint received from an organisation that represents consumers where the complaint relates to a breach of a licence condition, service provider rule, or a standard (except where the complaint is frivolous or vexatious).</p>	
6	<p>The Department of Communications, Information Technology and the Arts (DCITA) facilitate the establishment of an independent consumer-managed disability equipment program so that end-users can connect to the standard telephone service regardless of their disability and the service provider they use. This should be included in the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i> in a similar way to the National Relay Service.</p>	
12	<p>The Telecommunications (Consumer Protection and Service Standards) Act be amended to require the ACA to develop a Consumer Protection Standard. The ACA be required to develop and determine the Standard while consulting with industry and consumer groups.</p>	
17	<p>The Minister reconsider the importance of Industry Development Plans (IDPs) which ensure that carriers, as part of the carrier licensing process, report on their strategic commercial partnerships and all their research and development activities including those addressing the needs of people with disabilities.</p>	
18	<p>The Government consider repealing the changes to this scheme introduced in 2002 (at least to the extent that they exempt carriers from addressing the needs of people with disabilities) or that the Minister minimise the impact of these changes by limiting the categories of declared carriers, thereby restricting the allocation by the ACA of exemptions from the IDP requirements.</p>	
19	<p>The industry should be required to develop community impact statements for all major new products and services in consultation with consumers before their introduction. This should be done in tandem with trials and pilots to ensure that it is as usable and accessible by all sectors of the community as possible and that it does not cause any interference with existing technologies or equipment.</p>	<p>Also applies to industry.</p>

20	All carriage service providers offering retail services to develop Disability Action Plans, lodge these with the Human Rights and Equal Opportunity Commission and to review them regularly.	Also applies to HREOC, industry.
21	<p>DCITA grants for consumer advocacy and research funding program be overhauled to ensure:</p> <ul style="list-style-type: none"> • Scalability - so the funding level grows with the industry • Stability – so there is a sustainable funding base for consumer groups • Program as well as project based funding for periods longer than 1 year. <p>Consumer groups be funded to enable improved co-ordination of input to legislation reviews so that the expertise of groups with specialist knowledge can be shared such as through the Consumers Telecommunications Network (CTN) Consumers Forum.</p> <p>Funding also be allocated more specifically to raising consumer awareness and presenting alternative views on issues from a consumer perspective.</p> <p>DCITA ensure that in expanding assistance to new groups under the grants for consumer advocacy and research that organizations currently receiving funding continue to be allocated sustainable levels of funding.</p> <p>DCITA investigate the possibility of handing control of funding for sitting fees for participation in self regulatory agencies to the self-regulatory agency.</p>	Also applies to HREOC, industry.
22	<p>A regular mechanism for Ministerial consultation with the consumer sector be established, including the reinstatement of Ministerial Advisory Committees, and consideration be given to the enhancement of the formalised consultation process with consumers through the Consumer Affairs mechanisms of the Federal Government. A process for better liaison with Standing Committee of Officials of Consumer Affairs could result from this consideration.</p>	
23	<p>Protocols be developed by legislators, regulators and industry in conjunction with consumers to allow adequate time (at least one month) and appropriate feedback for all consultation activities which involve submissions, responses, and feedback by community organisations, for example to Standing or Parliamentary Committees, policy reviews or codes.</p>	Also applies to ACA, ACCC and industry.

27	<p>The merged ACA-ABA entity (ACMA) should draw on the following as appropriate when developing consumer consultative mechanisms to build on the existing telecommunications framework:</p> <ul style="list-style-type: none"> • consultative committees; • consultations (individual and group) with consumer representatives (eg as occurred in the development of the Integrated Public Number Database (IPND) Standard) and other industry participants; • genuine community consultations (i.e. town hall type exercises - suitable for some issues such as payphones or ABA local content investigation); • smaller focus groups; • more innovative mechanisms such as citizens juries or the Office of Film and Literature Classification Community Assessment Panels scheme; • written submissions; and • consultancy arrangements on specific matters. 	<p>Also applies to ACMA.</p>
29	<p>The organising body of any relevant industry, government or regulatory forum provide consumer representatives with appropriate resources in order to participate. These resources include:</p> <ul style="list-style-type: none"> • travel, accommodation and sitting fees; • AUSLAN interpreters, audio loop systems and carers for people with disabilities as needed; and • information and documentation in alternative formats on request. <p>Meeting venues should meet the AS 1428 Accessibility standard.</p>	<p>Recommendation applies to a number of parties including ACCC and industry bodies (including ACIF and IIA).</p>
30	<p>ACA and DCITA increase and broaden the level of consumer involvement in international and regional standards setting committees and forums and that this be appropriately resourced.</p>	<p>Also applies to ACA.</p>
38	<p>The ACA develop and fund a program in consultation with consumers that will actively build the network of consumer advocates involved in the telecommunications policy arena by seeking out new representatives and providing appropriate resourcing, training and mentoring as needed. A capacity building program of this type should be co-ordinated through the community sector to reach its full potential.</p>	<p>Also applies to ACA.</p>

43	<p>The Minister and DCITA, in formulating communications policy, recognise the benefits to consumers of a “one stop shop” for resolution of consumer complaints in communications and work towards the most appropriate way of achieving this.</p> <p>One way of achieving this policy outcome would be by amending the Telecommunications (Consumer Protection and Service Standards) Act 1999 in order to:</p> <ul style="list-style-type: none"> • expand the jurisdiction of the TIO to allow the TIO to evolve into a ‘Communications Industry Ombudsman’; • bring consumer complaints relating to pay television services within the operations of the TIO; and • bring network connection & customer equipment issues under the jurisdiction of the TIO. 	Also applies to TIO.
44	<p>DCITA should work toward streamlining complaints processes relating to premium services by conducting a review of consumer complaint handling across the different service types and in the context of the ACA-ABA merger. The merger of the ACA and the ABA presents an opportunity to overcome existing jurisdictional limitations that affect code development on matters that cross carriage and content. In this environment, it may be appropriate for the Telephone Information Services Standards Council (TISSC) code to be registered with ACMA and to be enforceable by the new regulator. This would also allow content regulation on mobiles as well as other issues associated with high bills to be dealt with via a registered code. The successful aspects of the TISSC process (for example, the participation of public/consumer members, compared to other self-regulatory processes; the audit compliance program) could also be recognised under these arrangements.</p>	
46	<p>The ACA coordinate a multi-agency investigation into the implications of continued convergence and the question of complaint handling whether a further expansion of TIO is needed or a re-examination of the role and powers of the ACCC to ensure consumers have adequate processes for redress.</p>	Also applies to ACA, ACCC, TIO.
48	<p>The Minister direct the ACA to undertake a public inquiry into complaint handling procedures within the industry. This recommendation is supported by the huge concerns that have been raised in all forums about the difficulty involved in making a complaint about communications services.</p>	Also applies to ACA.
61	<p>When producing and distributing information, government organisations use a range of media, formats and outlets appropriate to the target audience. This includes use of plain language and providing alternatives to electronic access.</p>	Also applies to ACA and ACCC.

63	Regulators and suppliers form partnerships with community organisations to resource the provision of information, expertise and a constituent audience via their networks. Examples include funding, advertising in community sector publications, sponsorship of conferences, portals, online communities, research.	Also applies to ACA, ACCC, TIO, industry.
67	Government, regulators and industry use evidence-based models of consumer participation in research by the following methods: <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and techniques and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners; and consumer related research organisations for funding under such programs as Australian Research Council grants. 	Also applies to ACA, ACCC, industry bodies (including ACIF and IIA) and industry.
68	ACA introduces an explicit funding program that includes program funding, commissioned research, general research consultancies, and co-operative work with consumer groups conducting communications research.	Also applies to ACA.
69	ACA appoints consumer representatives to sit on an advisory committee that decides on the research program.	Also applies to ACA.
70	DCITA develops an ongoing, transparent and well-funded program for consumer-based research into information technology and telecommunications. This should include social and behavioural research, statistical studies, communications technology (ICT) should form a significant part of the research program. Consumers should be involved at all key stages of the program and in the funded projects.	
71	DCITA develops a set of guidelines or protocols which apply to the work of the Communications Research Unit to include consultation on research priorities with consumers and publication of the CRU's work program and results.	

Australian Communications Authority / Australian Communications and Media Authority (ACA/ACMA)

No.	Recommendation	Comment:
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7	<p>A protocol setting out issues to consider whether consumer input into code development by an industry body has been adequate be developed by the ACA before undertaking to register a code, pursuant to the legislative change nominated in recommendation 2. The protocol should include:</p> <ul style="list-style-type: none"> ○ public forum at the outset to inform all stakeholders including consumers, suppliers and regulators of issues and objectives; ○ strict timeframe for completion of public comment draft and final registration copy; ○ equal representation of consumer and supplier representatives on the code development working committee; ○ representatives from the ACA, the Australian Competition and Consumer Commission (ACCC) and the Telecommunications Industry Ombudsman (TIO); ○ independent chair (not a supplier or consumer representative); ○ independent professional draftsman; ○ provision of daily sitting fee, transport and accommodation costs for consumer representatives; ○ resources for consumer representatives to liaise with each other during the code development via teleconferencing; ○ assistance for consumer representatives to consult with wider constituencies; ○ a forum held before public comment to ensure broader consumer input summarising issues; and ○ forum prior to completion of the public comments to ensure all the submissions have been properly considered before the ballot draft is finalised. <p>Before this legislative change eventuates, the ACA should make the protocol available as a best practice guide.</p>	
8	<p>The ACCC and the ACA develop a method of defining market failure using social measures in addition to economic parameters.</p>	<p>Also applies to ACCC.</p>
9	<p>The ACA, in consultation with industry and consumers develop a self-regulation test which functions like a checklist to establish which path of regulation is most workable to ensure strong community safeguards when necessary.</p>	
13	<p>The ACA to develop the single Standard using a Customer Lifecycle approach (see Volume 2, Annex 3.1), to take the place of the current miscellaneous collection of standalone codes. This will link the regulatory requirements to the experience a consumer has in the market. This approach would also serve to eliminate duplication, gaps and overlap between current codes. The clear objective of this work must be improved consumer protection and certainly no derogation from standards embodied in current Codes.</p>	
14	<p>If the ACA is to require a single Consumer Protection Code to be developed by ACIF, for registration, this development should be directed by a tight brief (using a Customer Lifecycle approach - see Vol. 2, Annex 3.1). The ACA must also make clear an expectation of improved consumer protection and certainly no derogation from standards embodied in current Codes. It should also define clear and urgent deadlines, require balanced consumer participation in code development processes, and specify best practice chairing and drafting protocols.</p> <p>Failure to observe these parameters will trigger development of a Standard by the Authority, in which case the recommendation above about Standard development by the ACA would apply.</p>	<p>Also applies to ACIF.</p>

15	<p>The ACA should pursue a review of the definition of the Standard Telephone Service. This review should be done with full participation by consumer representatives. The review could consider the implications of the Next Generation Network (NGN) services such as Voice over Internet Protocol and Text over Internet Protocol. In conducting this review, the ACA should investigate the declaration of the standard telephone service as an essential service, with all associated rights and obligations.</p>	
16	<p>Consideration for the newly defined Standard Telephone Service must also be given to accessibility reflecting ability and ease of use, quality of service and the needs of consumers for affordable and appropriate services and products. The ACA introduces service provider rules that require fixed line carriage service providers to offer priority assistance services.</p>	
23	<p>Protocols be developed by legislators, regulators and industry in conjunction with consumers to allow adequate time (at least one month) and appropriate feedback for all consultation activities which involve submissions, responses, and feedback by community organisations, for example to Standing or Parliamentary Committees, policy reviews or codes.</p>	<p>Also applies to DCITA, ACCC and industry.</p>
26	<p>In merging with the ABA, the ACA should oppose any proposal to move towards the minimalist public consultation model for codes and standards set out in Part 9 of the <i>Broadcasting Services Act</i>.</p>	
27	<p>The merged ACA-ABA entity (ACMA) should draw on the following as appropriate when developing consumer consultative mechanisms to build on the existing telecommunications framework:</p> <ul style="list-style-type: none"> • consultative committees; • consultations (individual and group) with consumer representatives (eg as occurred in the development of the Integrated Public Number Database (IPND) Standard) and other industry participants; • genuine community consultations (i.e. town hall type exercises - suitable for some issues such as payphones or ABA local content investigation); • smaller focus groups; • more innovative mechanisms such as citizens juries or the Office of Film and Literature Classification Community Assessment Panels scheme; • written submissions; and • consultancy arrangements on specific matters. 	<p>Also applies to DCITA.</p>

The ACA restructure its current Consumer Consultative Forum (CCF) in the following way, to be referred to as the Consumer Consultative Framework.

(1) Create a standing 'Consumer Council', with a fixed number of consumer representatives selected in a transparent way for a fixed term such that the consumer movement has confidence in that representation.

The Consumer Council will have a membership that is committed and resourced to provide ongoing involvement with the ACA about consumer matters. It would provide authoritative policy advice to the ACA, be empowered to take the initiative in raising matters for ACA attention, and should meet on a regular basis, but be available for urgent matters as needed. As a standing Group, members would need to be resourced to meet that commitment.

The Consumer Council will be convened as a review panel to directly advise the Authority on the following matters (without limiting the activities of the Council):

- Consumer codes presented for registration
- Draft service provider rules, licence conditions relating to consumer protection
- Other relevant regulatory initiatives, for example, amendments to the Customer Service Guarantee
- Advice to the Communications Minister.

The Consumer Council will take a significant role in directing the activities of the Consumer Forum (see below). Members will attend the regional meetings and ensure that concerns raised by consumers are addressed by the ACA.

(2) Create a 'Consumer Forum', open to all consumer representatives with an interest in communications. This Forum to operate primarily on a regional basis, meeting on a State-by-State basis. Regional meetings will function to gather consumer input about communications related issues, and to provide relevant ACA material to consumer participants. On an annual basis, selected forum members will be assisted to attend a national Forum (held in various state capital cities in rotation), to facilitate national consumer consultation and information exchange.

It is envisaged that the members of the Council and the Forums would include representatives from the broad range of consumer interests. This might need to be done on a more or less regular basis. Committees should be formed as needed to address particular concerns from the diverse needs of the community such as people with a disability, indigenous people, people in rural and remote areas, young people and older people.

However, people with a disability have ongoing concerns with accessibility of technology in order to use the Standard Telephone Service. Therefore, a Disability Liaison Forum should be established by the ACA to comprehensively deal with current and future issues. Such particular forums would need to be co-ordinated by the Consumer Council and communicate with both the Council and Forum levels of the revised CCF framework.

The ACA to provide a budget and secretariat service for the operation of this Framework.

29	<p>The organising body of any relevant industry, government or regulatory forum provide consumer representatives with appropriate resources in order to participate. These resources include:</p> <ul style="list-style-type: none"> • travel, accommodation and siting fees; • AUSLAN interpreters, audio loop systems and carers for people with disabilities as needed; and • information and documentation in alternative formats on request. <p>Meeting venues should meet the AS 1428 Accessibility standard.</p>	<p>Recommendation applies to a number of parties including DCITA, ACCC and industry bodies (including ACIF and IIA).</p>
30	<p>ACA and DCITA increase and broaden the level of consumer involvement in international and regional standards setting committees and forums and that this be appropriately resourced.</p>	<p>Also applies to DCITA.</p>
31	<p>ACA ensures that committees with consumer interest such as the Communications Technical Regulatory Advisory Committee have adequate opportunity for consumer representation.</p>	
32	<p>The ACA consults with consumers about the impact of making requests to industry or industry bodies before any regulatory intervention action is undertaken (e.g. requests to develop codes).</p>	
33	<p>The ACA ensures adequate and appropriate training of all staff in seeking, valuing and using consumer input.</p>	
36	<p>The ACA facilitate a process to promote better consultation practices by all consumer councils and bodies in industry. That this process be conducted with a view to better communication among the network of consumer representatives in the telecommunications sector so that resources can be more effectively used in the future and consumers can feel more empowered to participate.</p>	
38	<p>The ACA develop and fund a program in consultation with consumers that will actively build the network of consumer advocates involved in the telecommunications policy arena by seeking out new representatives and providing appropriate resourcing, training and mentoring as needed. A capacity building program of this type should be co-ordinated through the community sector to reach its full potential.</p>	<p>Also applies to DCITA.</p>
46	<p>The ACA coordinate a multi-agency investigation into the implications of continued convergence and the question of complaint handling whether a further expansion of TIO is needed or a re-examination of the role and powers of the ACCC to ensure consumers have adequate processes for redress.</p>	<p>Also applies to ACCC, TIO.</p>
48	<p>The Minister direct the ACA to undertake a public inquiry into complaint handling procedures within the industry. This recommendation is supported by the huge concerns that have been raised in all forums about the difficulty involved in making a complaint about communications services.</p>	<p>Also applies to DCITA.</p>

49	<p>As an outcome from its public consultation on the <i>Regulation Compliance Philosophy Discussion Paper</i> the ACA develop a public document outlining the process that the regulator will use to establish when an industry code of practice has failed.</p>	
50	<p>As the second part to the implementation of the ACA's newly drafted Compliance Policy a stronger and more active enforcement approach be taken in consumer protection issues within the telecommunications industry.</p> <p>The adoption of a stronger and more active enforcement approach will include:</p> <ul style="list-style-type: none"> • identification of systemic issues, including issues both within and outside of the jurisdiction of the TIO; • commencement of strategic prosecutions in relation to systemic issues; <p>Dissemination of information about investigations, prosecutions and judgements throughout the marketplace as a means of changing market behaviour must be an integral part of the compliance process if it is to remain transparent and responsive.</p>	
51	<p>The ACA institutes a systematic program of pro-active monitoring and auditing to actively seek out marketplace problems. These activities to test the actual market experience of consumers should utilise techniques such as shadow shopping style investigations, information gathering in real-time inside industry processes and customer experience audits to follow sample consumer paths through the system.</p>	
54	<p>The ACA to be active in the instigation of enforcement action in areas currently outside the TIO's jurisdiction. This should include complaints about customer equipment including the provision and maintenance of disability equipment.</p>	
56	<p>As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.</p>	<p>Also applies to TIO, Office of the Federal Privacy Commissioner, HREOC, TISSC, state consumer affairs agencies.</p>

60	ACA to develop a guideline for any organisation providing information in a wide variety of media for public distribution stating that it should offer the information in accessible formats such as large print, Braille or audio tape on request. As well, information on websites should adhere to the international W3C Web Content Accessibility Guidelines.	
61	When producing and distributing information, government organisations use a range of media, formats and outlets appropriate to the target audience. This includes use of plain language and providing alternatives to electronic access.	Recommendation applies to a number of parties, including DCTA and ACCC.
62	ACA works with consumers in advising and researching community education programs to maximise awareness raising activities and effective information production and dissemination.	
63	The ACA should acknowledge that the provision of information must not take the place of regulation and enforcement. The issue of unfair contract terms is a good illustration of the fact that in some cases no amount of information will remedy the problem; instead action is needed to remove those terms from suppliers' contracts.	
64	Regulators and suppliers form partnerships with community organisations to resource the provision of information, expertise and a constituent audience via their networks. Examples include funding, advertising in community sector publications, sponsorship eg of conferences, portals, online communities, research.	Also applies to DCTA, ACCC, TIO, industry.
65	The ACA creates and pursues initiatives for the development of industry training and accreditation for retail staff in the communications industry to meet the needs of all consumers in terms of services, technology and finance.	Also applies to industry.
	The ACA in consultation with consumers develop a consumer rights campaign supported by a toolkit which outlines which authority or body to go to if the consumer has an enquiry or complaint.	

67	<p>Government, regulators and industry use evidence-based models of consumer participation in research by the following methods:</p> <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and techniques and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners; and consumer related research organisations for funding under such programs as Australian Research Council grants. 	<p>Recommendation applies to a number of parties including DCITA, ACCC, industry bodies (including ACIF and IIA) and industry.</p>
68	<p>ACA introduces an explicit funding program that includes program funding, commissioned research, general research consultancies, and co-operative work with consumer groups conducting communications research.</p>	<p>Also applies to DCITA.</p>
69	<p>ACA appoints consumer representatives to sit on an advisory committee that decides on the research program.</p>	<p>Also applies to DCITA.</p>

Australian Competition and Consumer Commission (ACCC)

8	<p>The ACCC and the ACA develop a method of defining market failure using social measures in addition to economic parameters.</p>	<p>Also applies to ACA.</p>
23	<p>Protocols be developed by legislators, regulators and industry in conjunction with consumers to allow adequate time (at least one month) and appropriate feedback for all consultation activities which involve submissions, responses, and feedback by community organisations, for example to Standing or Parliamentary Committees, policy reviews or codes.</p>	<p>Recommendation applies to a number of parties, including DCITA, ACA and industry.</p>
25	<p>The ACCC hold an annual telecommunications specific open forum for consumers to give direct feedback to Commissioners about important issues.</p>	

29	<p>The organising body of any relevant industry, government or regulatory forum provide consumer representatives with appropriate resources in order to participate. These resources include:</p> <ul style="list-style-type: none"> • travel, accommodation and sitting fees; • AUSLAN interpreters, audio loop systems and carers for people with disabilities as needed; and • information and documentation in alternative formats on request. <p>Meeting venues should meet the AS 1428 Accessibility standard.</p>	<p>Recommendation applies to a number of parties including DCITA, ACA and industry bodies (including ACIF and IIA).</p>
46	<p>The ACA coordinate a multi-agency investigation into the implications of continued convergence and the question of complaint handling whether a further expansion of TIO is needed or a re-examination of the role and powers of the ACCC to ensure consumers have adequate processes for redress.</p>	<p>Also applies to ACA, DCITA, TIO.</p>
56	<p>As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.</p>	<p>Also applies to ACA, TIO, Office of the Federal Privacy Commissioner, HREOC, TISSC, state consumer affairs agencies.</p>
61	<p>When producing and distributing information, government organisations use a range of media, formats and outlets appropriate to the target audience. This includes use of plain language and providing alternatives to electronic access.</p>	<p>Recommendation applies to a number of parties, including DCITA, and ACA.</p>
63	<p>Regulators and suppliers form partnerships with community organisations to resource the provision of information, expertise and a constituent audience via their networks. Examples include funding, advertising in community sector publications, sponsorship e.g of conferences, portals, online communities, research.</p>	<p>Also applies to ACA, DCITA, TIO, industry.</p>

67	<p>Government, regulators and industry use evidence-based models of consumer participation in research by the following methods:</p> <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and techniques and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners, and consumer related research organisations for funding under such programs as Australian Research Council grants. 	<p>Recommendation applies to a number of parties including DCITA, ACA, industry bodies (including ACIF) and industry.</p>
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Australian Communications Industry Forum (ACIF)

10	<p>ACIF develops an industry guideline on research and the self-regulation process to provide for voluntary codes or guidelines being supported by research which is either conducted by consumer groups or involves consumer groups in an advisory capacity or as research assistants.</p>	
11	<p>ACIF take a key role in developing industry training and accreditation for retail staff in the communications industry to meet the needs of all consumers in terms of services, technology and finance.</p>	
14	<p>If the ACA is to require a single Consumer Protection Code to be developed by ACIF, for registration, this development should be directed by a tight brief (using a Customer Lifecycle approach - see Vol. 2, Annex 3.1). The ACA must also make clear an expectation of improved consumer protection and certainly no derogation from standards embodied in current Codes. It should also define clear and urgent deadlines, require balanced consumer participation in code development processes, and specify best practice chairing and drafting protocols.</p>	<p>Also applies to ACA.</p>
	<p>Failure to observe these parameters will trigger development of a Standard by the Authority, in which case the recommendation above about Standard development by the ACA would apply.</p>	

29	<p>The organising body of any relevant industry, government or regulatory forum provide consumer representatives with appropriate resources in order to participate. These resources include:</p> <ul style="list-style-type: none"> • travel, accommodation and sitting fees; • AUSLAN interpreters, audio loop systems and carers for people with disabilities as needed; and • information and documentation in alternative formats on request. <p>Meeting venues should meet the AS 1428 Accessibility standard.</p>	<p>Recommendation applies to a number of parties including DCTA, ACA and ACCC.</p>
37	<p>ACIF develop guidelines for the best practice conduct of consumer consultation mechanisms by industry with the aim to maximise participation and consumer outcomes and to minimise duplication and burnout. The guideline should refer to Annexes 3, 5, 6 and 7 of Vol. 2.</p>	
39	<p>ACIF reform and reconstitute its Consumer Advisory Council (CAC) and the Disability Advisory Body (DAB) to be on an equal level in ACIF's structure as the ACIF Board. All ACIF activity proposals would then be considered by the ACIF CAC and DAB as well as the ACIF Board to ensure consumer viewpoints and impacts are properly taken into account by ACIF. All new consumer codes and guidelines and changes to existing codes and guidelines would need to be approved by the CAC and DAB before going to the Board. The CAC and DAB would have a right of veto on the publication by ACIF of consumer codes and guidelines. This would ensure that the CAC and DAB are treated on the same level of importance and that consumer participation is central to all ACIF processes and activities.</p>	
40	<p>ACIF review the level of consumer representation on the ACIF Board and all ACIF Reference Panels and the number of consumer representatives on the Consumer Codes Reference Panel be increased as a matter of priority.</p>	
41	<p>ACIF encourage and fund consumers to participate in ACIF working committees and reference panels.</p>	
42	<p>ACIF set up a Working Committee to revise its Consumer Participation Guideline to take into account the principles outlined in Vol. 2.</p>	

52	<p>An ACIF Codes Compliance and Monitoring Committee (CCMC) be established. The CCMC would comprise of equal industry and consumer representation and would perform the following functions:</p> <ol style="list-style-type: none"> a) monitor code compliance; b) investigate and make a determination on any allegations of a code breach; c) monitor any other aspects of codes that are referred by the ACIF; and d) publish an annual report. <p>ACIF Industry members be required to:</p> <ol style="list-style-type: none"> a) ensure that the CCMC has adequate resources and funding to carry out its functions satisfactorily and efficiently; b) annually lodge (in a form acceptable to the CCMC) a report on their compliance with ACIF codes; c) co-operate and comply with all reasonable requests of the CCMC in pursuance of its function; d) empower the CCMC to carry out its functions and to set operating procedures dealing with the following matters first having regard to the operating procedures of the TIO and then consulting with the TIO and the ACIF: <ol style="list-style-type: none"> i) receipt of complaints; ii) privacy requirements; iii) civil and criminal implications; iv) timeframes for acknowledging receipt of a complaint, its progress, responses from the parties to the complaint and for the recording the outcome; v) use of external expertise; and vi) fair recommendations, undertakings and reporting. e) Empower the CCMC to name them in connection with a breach of an ACIF code or in the annual CCMC report where it can be shown that they have been: <ol style="list-style-type: none"> i) been guilty of serious or systemic non-compliance; ii) ignored the CCMC's request to remedy a breach or failed to do so within a reasonable time; iii) breached an undertaking given to the CCMC; or iv) not taken steps to prevent a breach re-occurring after having been warned that they may be named. 	
53	<p>The ACIF Code Administration and Compliance Scheme be reviewed and amended to incorporate the CCMC as proposed.</p>	

57	ACIF provide more assistance to suppliers for compliance with the self-regulatory regime. This would include upgrading the compliance checklists into more useful documents, actively encouraging suppliers to sign codes of practice, providing training for industry about compliance and code content in particular.	
58	With the assistance of DAB, TEDICORE and HREOC, ACIF should develop a training program targeting industry to raise awareness about accessibility and disability for its membership. The program should also focus on how suppliers can meet their obligations under the Disability Discrimination Act.	Also applies to HREOC.
67	Government, regulators and industry use evidence-based models of consumer participation in research by the following methods: <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and techniques and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners; and consumer related research organisations for funding under such programs as Australian Research Council grants. 	Recommendation applies to a number of parties including DCITA, ACA and ACCC.

Industry (Suppliers)

19	The industry should be required to develop community impact statements for all major new products and services in consultation with consumers before their introduction. This should be done in tandem with trials and pilots to ensure that it is as usable and accessible by all sectors of the community as possible and that it does not cause any interference with existing technologies or equipment.	Also applies to DCITA.
20	All carriage service providers offering retail services to develop Disability Action Plans, lodge these with the Human Rights and Equal Opportunity Commission and to review them regularly.	Also applies to DCITA, HREOC.

23	Protocols be developed by legislators, regulators and industry in conjunction with consumers to allow adequate time (at least one month) and appropriate feedback for all consultation activities which involve submissions, responses, and feedback by community organisations, for example to Standing or Parliamentary Committees, policy reviews or codes.	Recommendation applies to a number of parties, including DCITA, ACA and ACCC.
35	All industry suppliers adequately resource and support consumer consultation mechanisms to review product development, consumer protection policies and procedures, compliance activities and consumer outcomes reporting.	
45	The industry adopt the practice that every complaint made to a service provider be given a Complaints reference number.	
59	Industry accepts and implements assessment of consumer outcomes as an essential part of business performance reporting in the triple bottom line context. Consumers need to be genuinely involved in establishing industry measures and benchmarks of consumer outcomes.	
63	Regulators and suppliers form partnerships with community organisations to resource the provision of information, expertise and a constituent audience via their networks. Examples include funding, advertising in community sector publications, sponsorship eg of conferences, portals, online communities, research.	Also applies to ACA, DCITA, ACCC and TIO.
64	The ACA creates and pursues initiatives for the development of industry training and accreditation for retail staff in the communications industry to meet the needs of all consumers in terms of services, technology and finance.	Also applies to ACA.
66	Suppliers use the following techniques to improve the awareness levels of their customers to their rights: <ul style="list-style-type: none"> • distribute a consumer rights brochure at the point of sale; • insert a summary page about consumer rights in the front of all directories (e.g. white pages); • get customers to sign at point of sale that they have been given and understand information about their rights; • continue to distribute information as bill inserts particularly on any final notices sent; • the contact details of the TIO be distributed with all warning notices and final notices; and • the industry develop a community advertising campaign with consumers about what to do if customers need help. 	

67	<p>Government, regulators and industry use evidence-based models of consumer participation in research by the following methods:</p> <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and techniques and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners; and consumer related research organisations for funding under such programs as Australian Research Council grants. 	<p>Recommendation applies to a number of parties including DCITA, ACA, ACCC and industry bodies (including ACIF and IIA).</p>
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Human Rights and Equal Opportunity Commission (HREOC)

20	<p>All carriage service providers offering retail services to develop Disability Action Plans, lodge these with the Human Rights and Equal Opportunity Commission and to review them regularly.</p>	<p>Also applies to industry, DCITA.</p>
24	<p>The Human Rights and Equal Opportunity Commission (HREOC) conduct an annual forum to track developments in telecommunications accessibility. This forum would make recommendations and monitor improvements.</p>	
56	<p>As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.</p>	<p>Also applies to ACA, TIO, Office of the Federal Privacy Commissioner, TISSC, state consumer affairs agencies.</p>
58	<p>With the assistance of DAB, TEDICORE and HREOC, ACIF should develop a training program targeting industry to raise awareness about accessibility and disability for its membership. The program should also focus on how suppliers can meet their obligations under the Disability Discrimination Act.</p>	<p>Also applies to ACIF.</p>

Internet Industry Association (IIA)

29	<p>The organising body of any relevant industry, government or regulatory forum provide consumer representatives with appropriate resources in order to participate. These resources include:</p> <ul style="list-style-type: none"> • travel, accommodation and sitting fees; • AUSLAN interpreters, audio loop systems and carers for people with disabilities as needed; and • information and documentation in alternative formats on request. <p>Meeting venues should meet the AS 1428 Accessibility standard.</p>	<p>Recommendation applies to a number of parties including DCITA, ACA and ACCC.</p>
67	<p>Government, regulators and industry use evidence-based models of consumer participation in research by the following methods:</p> <ul style="list-style-type: none"> • adopt and popularise methods of research and evaluation which are developed in collaboration with consumers; • acknowledge and act on lessons from available research by consumer organisations; • use participatory research methods and techniques and include consumers as part of the research team; • appoint steering committees to ensure active participation from consumers; • incorporate consumers' needs and interests into the research agenda; • publish and/or make available research reports; • facilitate joint applications by industry partners; and consumer related research organisations for funding under such programs as Australian Research Council grants. 	<p>Recommendation applies to a number of parties including DCITA, ACA, ACCC and industry.</p>

Telecommunications Industry Ombudsman (TIO)

34	<p>The TIO to equalise representation by consumers and industry at the governance level with clearly and unambiguously defined roles as is the case with other Alternative Disputes Resolution Schemes such as the Banking Industry Ombudsman.</p>	
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43	The Minister and DCITA, in formulating communications policy, recognise the benefits to consumers of a "one stop shop" for resolution of consumer complaints in communications and work towards the most appropriate way of achieving this.	Also applies to DCITA.
46	One way of achieving this policy outcome would be by amending the Telecommunications (Consumer Protection and Service Standards) Act 1999 in order to: <ul style="list-style-type: none"> • expand the jurisdiction of the TIO to allow the TIO to evolve into a 'Communications Industry Ombudsman'; • bring consumer complaints relating to pay television services within the operations of the TIO; and • bring network connection & customer equipment issues under the jurisdiction of the TIO. 	
47	The ACA coordinate a multi-agency investigation into the implications of continued convergence and the question of complaint handling whether a further expansion of TIO is needed or a re-examination of the role and powers of the ACCC to ensure consumers have adequate processes for redress.	Also applies to ACA, DCITA, ACCC.
55	The results of the annual TIO external reviews be published.	
56	The TIO should do code compliance audits like the TISSC.	
63	As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.	Also applies to ACA, Office of the Federal Privacy Commissioner, HREOC, TISSC, state consumer affairs agencies.
	Regulators and suppliers form partnerships with community organisations to resource the provision of information, expertise and a constituent audience via their networks. Examples include funding, advertising in community sector publications, sponsorship eg of conferences, portals, online communities, research.	Also applies to ACA, DCITA, ACCC, industry.

56	As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.	Also applies to ACA, TIO, HREOC, TISSC, state consumer affairs agencies.
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Telephone Information Services Standards Council (TISSC)

56	As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.	Also applies to ACA, TIO, HREOC, OFPC, state consumer affairs agencies.
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State consumer affairs agencies

56	As a part of its monitoring and reporting role the ACA coordinate the collection of complaints and complaint statistics by complaint agencies (TIO/ACA/ACCC/Office of the Federal Privacy Commissioner/HREOC/TISSC/state consumer affairs agencies) and produce a public report of the data together with an analysis of trends and findings. This report will form the basis of standardised performance reporting and comparative industry reporting.	Also applies to ACA, TIO, HREOC, OFPC, TISSC.
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