

YOUR PHONE SERVICE.

YOUR RIGHTS.

**WORKING
TO KEEP THE
COUNTRY
CONNECTED**

1800 883 488
www.telinfo.gov.au



Australian Government

Authorised by the Australian Government Capital Hill Canberra.
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Australian Government

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May 2004

INTRODUCTION



Daryl Williams, AM QC MP
Minister for Communications,
Information Technology and
the Arts

Your Phone Service. Your Rights. has been developed as part of the Australian Government's response to the Regional Telecommunications Inquiry, which found that more could be done to inform regional and rural consumers about their telecommunications rights.

This booklet explains your rights, how they work and how they give you equitable access to telephone services, no matter where you live or work. It also provides advice about what you can do if you have a problem with your phone service or phone company.

Telephone companies are required by law to meet service guarantees.

Your rights are protected now and into the future through laws like the Universal Service Obligation and the Customer Service Guarantee. They are overseen by government regulators and an independent umpire, the Telecommunications Industry Ombudsman.

By understanding your rights and how to exercise them, you will get the best out of your telephone service and help to keep the country connected.

A handwritten signature in cursive script that reads "Daryl Williams".

Daryl Williams

1. YOUR RIGHT TO A PHONE SERVICE— THE UNIVERSAL SERVICE OBLIGATION (USO)

You are legally entitled to reasonable access to a standard phone service and to payphones regardless of where you live or carry out business. The legislated obligation to guarantee this access to service is known as the Universal Service Obligation (USO). Telstra is currently the only universal service provider for Australia.

WHAT IS THE STANDARD PHONE SERVICE?

In general, the standard phone service means the basic fixed phone line. There are a number of phone companies that can provide you with a standard phone service. These companies are required to provide certain features as part of a standard phone service, including access to:

- local, national and international calls
- 24-hour access to the emergency call service number
- operator assisted services for directory assistance, national and international connections and reporting of service difficulties
- itemised billing, including itemised local calls on request.

You are entitled to the supply of one standard phone service to your home and business under the USO. The USO does not extend to mobile services, the Internet, or other enhanced telecommunications services except in certain circumstances.

EQUIPMENT TO ACCESS THE STANDARD PHONE SERVICE

Your right to a standard phone service under the USO includes the right to a standard phone handset if requested. Additional costs — such as handset rental — apply.

HOW TO OBTAIN A STANDARD PHONE SERVICE

The standard phone service may also be provided by other phone companies. For details contact the *telinfo* number or website. To obtain a standard phone service under the USO contact your local Telstra office.

CHARGES FOR CONNECTING A STANDARD PHONE SERVICE

There is a standard fee for Telstra to set up new phone connections, which is currently \$209*. This fee may be reduced if you are entitled to a concession. Contact your local Telstra office for details.

In isolated cases Telstra may charge to connect a remote property to its phone network. This charge is capped at \$1540*. There may also be additional costs when a trench needs to be dug for the underground cable that connects your premises to the phone network. You are responsible for organising and paying for trenching on your property.

*Charges correct at the time of printing but subject to change.

PAYPHONES

The USO also covers payphones. Telstra has an obligation to provide reasonable access to payphones and install and maintain these payphones in a timely manner.

In providing payphone services Telstra considers:

- size of the community and the location of the nearest payphone
- accessibility of the site
- availability of appropriate infrastructure
- risk of damage from vandalism
- the environmental impact.

Telstra must consult with the local community, site owner and local government when considering the removal or relocation of a payphone, where it is the only payphone at a site.

DIGITAL DATA SERVICES

In addition to the USO the Digital Data Service Obligation (DDSO) ensures that faster Internet services are reasonably available to all Australians.

The DDSO consists of two parts, a general obligation (GDDSO) to provide access on request to a 64kbps ISDN service, and a special obligation (SDDSO) where, if you don't have access to ISDN, you can get a rebate for a satellite service. Telstra is currently Australia's GDDSO provider. The SDDSO is currently available from both Telstra and Hotkey Internet Services. More information about the DDSO and how to access it is available on the *telinfo* website.

2. INTERIM AND ALTERNATIVE PHONE SERVICES

If Telstra, as the universal service provider, cannot connect or repair your phone in specified timeframes, it must offer you another service until your permanent service is provided or restored.

These other services are known as interim services and alternative services. An example of an interim service is a satellite phone or mobile phone. An example of an alternative service is diverting your normal service to your existing mobile phone.

Telstra must offer you an interim service or in some circumstances, a choice between an interim service or an alternative service if your permanent service cannot be connected within 30 working days of a connection request, or cannot be repaired within five working days of you formally reporting a fault.

If your Telstra phone service has repeated faults—three or more faults, lasting for a total period of 14 days or more over a 12-month period—Telstra must supply an interim or alternative service within two or three working days from the date you formally request the service (depending on where you live or work).

This interim or alternative service will be provided for as long as your normal phone service is not working, or for 14 days—whichever is longer—unless you agree otherwise. If your phone service becomes faulty again within 12 months of it being repaired, you immediately qualify for another offer of an interim or, in some circumstances, a choice between an interim service and an alternative service.

Special arrangements apply for customers with certain potentially life-threatening medical conditions (see page 12 under Priority Assistance).



3. YOUR RIGHT TO TIMELY CONNECTION AND REPAIRS—THE CUSTOMER SERVICE GUARANTEE (CSG)

By law, you are entitled to timely service for connection and repairs to your standard phone service. The CSG sets the timeframes for the services and if your phone company doesn't meet the timeframes, you may be entitled to financial compensation.

WHAT SERVICES ARE COVERED BY THE CSG?

The CSG covers the supply of standard phone services. Special call handling features are also covered by the CSG, including call waiting, call forwarding, call barring, calling number display and calling number display blocking.

The CSG applies to all phone companies. Any phone company that offers these services in your area must meet guaranteed timeframes to:

- connect standard telephone services
- repair faults
- attend appointments with customers.

Under recent legislation, small phone companies entering a new market may apply for a temporary exemption from the CSG. To date, no exemptions have been given.

The CSG does not apply to:

- customers with more than five phone lines
- repairs for your own telecommunications equipment
- mobile phone services, except where provided as an interim or alternative phone service.

TIMEFRAMES FOR CONNECTING AND REPAIRING A STANDARD PHONE SERVICE

Connection times under the CSG vary from two to 20 working days (except in circumstances beyond the control of your phone company), depending on the existence of a previous connection, the population of your area and the availability of infrastructure (such as local telephone exchanges, main cables and radio distribution systems).

Repair times under the CSG should not exceed three working days, except in circumstances beyond the control of your phone company.

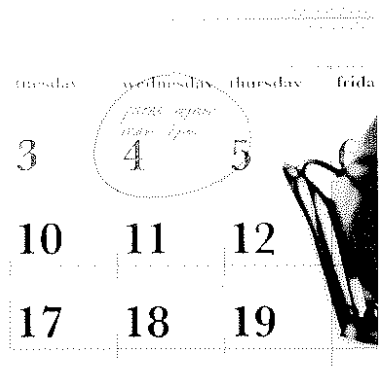
For a full explanation of these periods and the limited exceptions to these periods, please refer to the *telinfo* website.

CONNECTION TIMES UNDER THE CSG

The following table outlines the maximum timeframes for connecting new services, according to your location:

CONNECTION SITUATION	COMMUNITY TYPE	COMMUNITY SIZE (people)	CONNECTION TIME (following customer's application)
Existing connection to network	All	All	within 2 working days
No existing connection to network <i>Close to cabling or other infrastructure</i>	Urban	10 000 or above	within 5 working days
	Major rural	Between 2501 and 9999	within 10 working days
	Minor rural	Between 200 and 2500	within 10 working days (if Telstra retail customer) or otherwise within 15 working days
No existing connection and not close to cabling or other infrastructure	Remote	Less than 200	within 15 working days
	All	All	within 20 working days

If your phone company makes a commitment to connect in less time than outlined in the table above, then this becomes the connection time for that company.



TIMEFRAMES FOR REPAIRING FAULTS

The following table outlines the maximum timeframes for your phone to be repaired by your phone company:

FAULT SITUATION	COMMUNITY TYPE	COMMUNITY SIZE (people)	REPAIR TIME (following customer's fault report)
Administrative error by the phone company, or phone company can correct fault without attending the premises or undertaking external plant work.	All	All	End of next working day
Where the phone company cannot correct fault without attending premises or undertaking external plant work.	Urban	10 000 or above	End of next working day
	Rural	Between 200 and 9999	End of second working day
	Remote	Less than 200	End of third working day

TIMEFRAMES FOR APPOINTMENTS

If a phone company makes an appointment with you to connect or repair a service, the company must commit to an appointment within a five-hour period. The phone company must keep this appointment unless it gives you reasonable notice.

If an appointment is missed you may be entitled to compensation. The following table outlines when appointments are officially missed:

APPOINTMENT PERIOD	DEFINITION OF MISSED APPOINTMENT
Four hours or less	Phone company does not attend within 15 minutes of the appointment period*
Between four and five hours	Phone company does not attend within the appointment period*

*An extra 45 minutes is allowed where the phone company must travel long distances for an appointment in a community of 2500 people or less.

WHEN THE NORMAL CSG TIMEFRAMES DO NOT APPLY

The CSG performance standards do not apply if you have accepted a phone company's offer to supply an interim or alternative phone service or if you have refused a reasonable offer of an interim or alternative service.

CSG timeframes for phone companies are extended in circumstances beyond their control, such as when natural disasters or extreme weather conditions cause mass failure of services. These circumstances are called Mass Service Disruptions (MSDs).

In these circumstances, the CSG timeframe is extended for the period of the MSD. This means that there will still be a CSG timeframe in which the service must be provided by your phone company, but the timeframe will be longer to take account of the MSD.

For further information on MSDs and the CSG timeframes, visit the *telinfo* website or call the free *telinfo* number.



COMPENSATION

Your phone company must pay you compensation for each working day that connections or repairs are delayed beyond maximum CSG timeframes, or if it fails to keep an appointment.

The following table outlines the compensation for each situation:

CUSTOMER	SERVICES DELAYED	COMPENSATION FOR FIRST 5 WORKING DAYS (per working day)	COMPENSATION AFTER FIRST 5 WORKING DAYS (per working day)
Residential/ Charity	Connection or repair of standard phone service	\$12	\$40
	Connection or repair of enhanced call handling features to an existing service	\$6	\$20
	Connection or repair of two or more enhanced call handling features to an existing service	\$12	\$40
	Not keeping an appointment	\$12 for each missed appointment	
Business	Connection or repair of the standard phone service	\$20	\$40
	Connection or repair of enhanced call handling features to an existing service	\$10	\$20
	Connection or repair of two or more enhanced call handling features to an existing service	\$20	\$40
	Not keeping an appointment	\$20 for each missed appointment	

CLAIMING COMPENSATION

Your phone company must pay compensation when the CSG timeframes are not met, including when the timeframes have been extended because of a mass service disruption. You don't have to apply for compensation if it is due to you, your phone company must pay it to you automatically.

If you believe your phone company has not properly paid you compensation, you should first contact them to try and resolve the issue. If you can't work it out with your phone company you can complain to the Telecommunications Industry Ombudsman (TIO) — see page 14.

4. WHAT IF I HAVE SPECIAL NEEDS?

ACCESS TO STANDARD PHONE SERVICES FOR PEOPLE WITH A DISABILITY

Under the USO, Telstra is obliged to supply appropriate equipment to customers who cannot communicate using a standard phone handset. Telstra must provide this equipment at the same rental rate as it provides standard phone handsets.

The type of equipment available includes teletypewriter (TTY) machines, modems, handsets with hearing aid couplers, hands-free phones, adaptors for people with cochlear implants and phones with adjustable ring tones and voice amplifiers.

NATIONAL RELAY SERVICE

The National Relay Service (NRS) is a phone access service available to all Australians. It enables text and voice phone users to communicate with each other. If you are deaf, or have a hearing or speech impairment and you use a TTY or a computer with a modem, you can contact anyone in the wider telephone network through the NRS. Similarly, the NRS can be used by anyone in the community to communicate with those who use a TTY or computer modem.

This service is available 24 hours a day, seven days a week. It is confidential and is provided to you at no additional cost.

For more information contact the NRS on 1800 555 630 (TTY), 1800 555 660 (voice), 1800 555 690 (fax) or visit www.aceinfo.net.au

PRIORITY ASSISTANCE

If you have certain life-threatening medical conditions, Telstra must provide connection and fault repair within 24 hours in urban and rural areas and 48 hours in remote areas. This is called priority assistance and these timeframes only apply if you don't have another working standard phone service. Priority assistance is available where you or a member of your household has a diagnosed medical condition with a high risk of rapid deterioration to a life-threatening emergency situation.

If the priority service cannot be connected or repaired within these timeframes, Telstra is required to offer and, if you accept the offer, provide an interim service within timeframes of 24 to 48 hours.

Visit the Telstra website (www.telstra.com.au/accessforeveryone/priorities.htm) or call 13 2200 if you need further information on what medical conditions might be eligible for priority assistance or if you want to obtain an application form to register for priority assistance.

Telstra is the only service provider required by law to offer priority services and does not currently charge an extra fee for these services. Other phone companies may offer a similar priority service. You should ask your phone company if it supplies priority service. If they do offer priority assistance, they must follow the requirements of the Australian Communications Authority registered industry code.

5. WHAT DO I DO WHEN MY RIGHTS ARE NOT MET?

Australian phone companies generally comply with their legal obligations, including USO and CSG requirements. However, problems can occur and are sometimes difficult to resolve. If you have a problem with your phone company the following steps are recommended.

STEP 1. FIND OUT THE FACTS

Before you make a complaint, make sure you understand as much as you can about your phone service, and the obligations that both you and your phone company have.



When you signed up with your phone company, you agreed to a contract for your phone services. A summary of this contract should have been provided to you when you first signed up and you are entitled to a copy of this summary or your full agreement on request at any time. Ask your phone company for an explanation if you're not clear on what your agreement means.

STEP 2. CONTACT YOUR PHONE COMPANY

Once you are clear about your complaint and what you need to resolve, then contact your phone company again. It may be that they can sort out your difficulty easily and quickly.

Make a note of any conversations you have with your phone company, and keep this together with any written correspondence or contract information from the company, in case you need to refer to it later.

If you're not satisfied with your phone company's response, or if you have concerns about the way they handled your complaint or problem, you can take the issue to the Telecommunications Industry Ombudsman.

STEP 3. COMPLAIN TO THE TELECOMMUNICATIONS INDUSTRY OMBUDSMAN (TIO)

You should only ask the TIO to investigate your complaint once you have tried to resolve the problem with your phone company and you believe the matter has not been properly dealt with.

It is worthwhile registering a formal complaint with the TIO, so that any continuing problems are picked up by the organisations that regulate the telecommunications industry.

The next section provides details on the TIO, the types of problems or complaints it can deal with, and the TIO complaints process.

STEP 4. TAKE FURTHER ACTION IF NECESSARY

Having a complaint investigated by the TIO is one way of getting your problem resolved. However, depending on the nature of the problem, you may also be able to take your complaint to your state or territory fair trading agency, or you may wish to take your case to a small claims tribunal.

You are not required to register a complaint with the TIO before taking other action. If you do register a complaint with the TIO, this doesn't prevent you from taking other action.

6. COMPLAINTS AND THE TELECOMMUNICATIONS INDUSTRY OMBUDSMAN (TIO)

The TIO is an independent dispute resolution service, a kind of independent umpire, that can assist you if you have been unable to resolve your complaint with your phone or Internet company directly.

WHAT KIND OF COMPLAINTS CAN THE TIO DEAL WITH?

The TIO deals with complaints about telecommunications services. In addition to complaints about your standard phone service, the TIO can also investigate complaints about other services provided by your phone or Internet company. The sort of complaints that the TIO can deal with include billing problems, phone faults, poor customer service, mobile phone contract problems and Internet access difficulties.

WHEN SHOULD I GO TO THE TIO?

If you have a complaint about your phone or Internet company, the first step you should take is to contact the company in question and try and resolve it directly with them.

However, if you are not satisfied with the company's response to your complaint, you can make a complaint to the TIO.

HOW DO I MAKE A COMPLAINT?

You can make a complaint to the TIO by phone, mail, fax or online. Details for contacting the TIO are on page 17 of this booklet.

DO I HAVE TO DO ANYTHING ELSE?

The TIO suggests that you pay any undisputed parts of your phone bill before making a complaint. You should also be clear about the outcome you want from your complaint. Be aware that the TIO cannot investigate all types of complaints.

HOW LONG DOES IT TAKE FOR THE TIO TO DEAL WITH A COMPLAINT?

More than 90 per cent of complaints to the TIO are resolved within a few days, but the more complex cases can take a few weeks. It depends on the nature of the complaint.

HOW MUCH DOES IT COST?

There is no charge to have a complaint investigated by the TIO.

HOW DO I CONTACT THE TIO?

You can get more information about the TIO on the Internet at www.tio.com.au or by calling the TIO on free call 1800 062 058.

7. KEEPING THE NETWORK RELIABLE

To make sure Australia's telecommunications network continues to improve, the Australian Government has put in place the Network Reliability Framework (NRF). The NRF requires Telstra to overhaul services that have recurring faults or face penalties of up to \$10 million. For individual services, the reliability requirements are for no more than three faults in 60 days and no more than four faults in 365 days.

An Australian Government authority, the Australian Communications Authority (ACA), collects data on network reliability and enforces Telstra's obligations under the NRF. The ACA also publishes reports on the information it receives from Telstra about its NRF performance.

This works to keep the country connected, now and into the future.

8. PROTECTING YOU AND YOUR FAMILY

It is your right to choose the features that can be accessed by your phone service and bar those you don't want. While your phone line can be a lifeline in keeping your family together, some phone services can also be a source of concern to many families, especially those with young children and teenagers.

There are laws in place to help you protect your family from unexpected costs and phone services you don't require. In addition, by shopping around and asking the right questions, you can get the best deal and the right service for you and your family. The ACA has a number of 'toolkits' to help you make these choices. See page 18 for details.

WHAT CAN I DO TO MANAGE THE COSTS OF MY PHONE SERVICE?

Cases of unexpected high phone bills are often the result of calls made to numbers that are charged at a premium rate, for example, domestic 190 numbers or international 0011 phone numbers.

The most effective way to prevent an unexpected high bill from premium rate numbers is to have a bar to 190 and 0011 calls placed on your phone service. There is currently a range of call barring options offered by phone companies. Contact your phone company and ask about the call barring options it offers.

Pre-paid services are another effective way of preventing unexpectedly high bills and are available for both fixed and mobile services. Some phone companies also contact customers if their bill is unusually high. Ask your phone company about the services they offer to help you manage your bills. Phone companies will be required to inform you about the risks associated with premium rate services and the actions you can take to protect yourself from unexpected high bills.

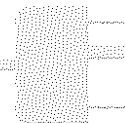
WHAT IS THE GOVERNMENT DOING TO KEEP PHONE SERVICES AFFORDABLE?

There are measures in place on Telstra that control connection charges, the prices of untimed local calls and directory assistance charges. Telstra is also required to reduce prices for a range of fixed line call charges, as well as offering a package of measures to protect low-income customers from the effects of line rental increases.

MANAGING ACCESS TO ADULT CONTENT

You may be concerned about your family accessing certain services such as 1901 phone sex services. The law prevents phone companies from billing you for phone sex services of this kind unless you have given written agreement to these services being accessed by your phone. If you agree to access these services you will be given a personal identification number (PIN) to limit access to a service supplied on the 1901 number range.

Complaints about phone sex service providers can be made to the ACA. Complaints about the bills for sex service calls can be made to the TIO. Phone companies are only liable for breaches of the legislation if they bill you for the content of a sex line service in your phone bill without observing the above legal requirements. The government will shortly put in place measures to prevent minors from accessing adult content on mobile phones through new premium rate text, picture and video messaging services.



9. OTHER SOURCES OF HELP AND INFORMATION

DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS (DCITA)

The DCITA *telinfo* website and free phone number provide information about a range of telecommunications issues, including further information about your rights outlined in this booklet.

Phone: 1800 883 488* free call

Internet: www.telinfo.gov.au

YOUR PHONE COMPANY

As the only universal service provider, Telstra is the only company that covers all regional areas across Australia. However, many other companies provide telecommunications services. If your service is provided by another service provider, you should contact them in the first instance with any problem you have.

The contact details of your service provider can be found at www.telinfo.gov.au

TELSTRA

Phone: 13 2200

Internet for Priority Assistance customers: telstra.com.au/accessforeveryone/priorities.htm

TELECOMMUNICATIONS INDUSTRY OMBUDSMAN (TIO)

The TIO provides a free and independent dispute resolution service if you have complaints about your phone or Internet service.

Phone: 1800 062 058* free call

Fax: 1800 630 614

Internet: www.tio.com.au

Address: PO Box 276, Collins Street West, Melbourne Victoria 8007

AUSTRALIAN COMMUNICATIONS AUTHORITY (ACA)

The ACA is responsible for regulating telecommunications and promoting industry self-regulation. The ACA also plays a major role in informing people about their telecommunications rights.

Phone: 1300 850 115*

Internet: www.aca.gov.au

The ACA also produces consumer rights toolkits which are available by calling the number above or from the ACA website at:

Internet: <http://toolkit.aca.gov.au/core.htm>

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION (ACCC)

The ACCC's responsibility is to ensure compliance with the Commonwealth competition, fair-trading and consumer protection laws.

Phone: 1300 302 502*

Internet: www.accc.gov.au

NATIONAL RELAY SERVICE

The National Relay Service provides phone access services to allow text and voice customers to communicate with each other.

Phone: 1800 555 630 (teletypewriter or TTY), 1800 555 660* (voice)

Fax: 1800 555 690 (fax)

Internet: www.aceinfo.net.au

*Calls from mobiles to 1300 or 1800 numbers will be charged at the applicable mobile rate

