

11 December 2017

ACCC
Attention: Communications Sector Market Study team
23 Marcus Clarke Street
Canberra ACT 2601

By email: commsmarketstudy@acc.gov.au

Dear Sir/Madam,

Response to ACCC consultation on Draft Report Communications Sector Market Study

Thank you for the opportunity to comment on the ACCC's Draft Report *Communications Sector Market Study* before its finalisation.

The Draft Report extensively covers the state of competition and the experiences of consumers in the Australian communications market, with particular focus on the roll-out of the National Broadband Network (**NBN**) as a major transformative event.

I note the extensive 29 draft recommendations and actions proposed by the ACCC and that a number seek to: improve the consumer experience when services are delivered over the NBN; enhance demand-side competition through improved consumer information and choice; and remove barriers to consumer switching.

My comments below focus on:

- Reporting on complaints about services delivered over the NBN
- Provision of information to consumers about migration to the NBN

1. Reporting on complaints about services delivered over the NBN

The Draft Report recommended the Telecommunications Industry Ombudsman collects and reports on a clear data set for complaints about services delivered over the NBN, and by technology type¹.

I report on complaints about services delivered over the NBN in annual and six-monthly reports². The data is based on consumers' descriptions of problems with their service. The reports show complaints about services delivered over the NBN in the context of the number of new or total premises activated on the NBN. This enables a better understanding of the impact of the roll-out of the NBN on small business and individual consumers.

My office will continue to refine its data collection and reporting, including exploring the possibility of automating the collection of technology type for reporting of complaints about services delivered over the NBN. However, I need to balance the collection of granular data with the practicalities of whether the small businesses and residential

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consumers have knowledge of the technology type applicable to them, and the need to prioritise the delivery of an accessible and efficient complaints resolution service³.

2. Provision of information to consumers about migration to the NBN

The Draft Report proposes the ACCC work with my office, the ACMA and other government agencies, to improve information provision to consumers, particularly complaints data. This is so consumers may improve their understanding of what steps to take when migrating to the NBN⁴.

I agree it is important for consumers to have accessible and clear information about the process of migrating to the NBN. This will assist in enhancing awareness and reducing confusion about processes for connection and fault rectification in a complex supply chain, as well as avenues for complaint resolution.

I suggest it would also be important to also work with ACCAN, as the specialist body representing telecommunications consumers. ACCAN is well placed, along with the ACCC and the ACMA, to provide information to consumers.

My office will continue to support the consumer education initiatives of ACCAN, the ACMA and the ACCC by:

- providing information to consumers about the Telecommunications Industry Ombudsman, the types of complaints my office handles, as well as useful tips for making a complaint⁵;
- publishing new guidance notes and case studies about our general approach to certain types of complaints issues;
- reporting complaints, including those about services delivered over the NBN in the annual and six-monthly reports⁶;
- referring consumers to the information materials developed by ACCAN, the ACMA and the ACCC through website cross-links⁷ and our enquiry service.

If you have any questions regarding my response, please feel free to contact me, or my Senior Policy Advisor, Ai-Lin Lee on (03) 8680 8403 or Ai-Lin.Lee@tio.com.au.

Yours sincerely



Judi Jones
Ombudsman
Telecommunications Industry Ombudsman

¹ ACCC, Draft Report *Communications Sector Market Study* (October 2017), draft recommendation 18, 23 and 165

² <http://www.tio.com.au/publications/annual-reports>

³ *Telecommunications (Customer Protection and Service Standards) Act 1999*, s128; Treasury, *Benchmarks for Industry-based Customer Dispute Resolution, Principles and Purposes* (February 2015); and Treasury, *Key Practices for Industry-based Customer Dispute Resolution* (February 2015)

⁴ ACCC, Draft Report *Communications Sector Market Study* (October 2017), draft action 19, 24 and 165 – 166

⁵ <http://www.tio.com.au/making-a-complaint/types-of-complaints-we-handle>; <http://www.tio.com.au/making-a-complaint/tips-before-coming-to-the-tio>; <http://www.tio.com.au/consumers/how-to-complain>;

<http://www.tio.com.au/publications/case-studies>

⁶ As above, note 2

⁷ <http://www.tio.com.au/consumers/useful-organisations>