



Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017

Telecommunications Act 1997

I, MITCH FIFIELD, Minister for Communications, give the following direction under subsection 125AA(4) of the *Telecommunications Act 1997*.

Dated 20 Dec 2017

MITCH FIFIELD
Minister for Communications

Part 1—Introduction

1 Name

This instrument is the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

3 Authority

This instrument is made under subsection 125AA(4) of the *Telecommunications Act 1997*.

4 Definitions

In this instrument:

ACMA means the Australian Communications and Media Authority.

Section 5

Act means the *Telecommunications Act 1997*.

legacy network means one or more network units used by a carriage service provider to supply a legacy service.

legacy service means:

- (a) a legacy service within the meaning of Part 4 of the *Telecommunications Regulations 2001*; and
- (b) a telecommunications service supplied using a hybrid fibre-coaxial network.

national broadband network has the same meaning as in the *National Broadband Network Companies Act 2011*.

NBN means the national broadband network.

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) carriage service provider;
- (b) carrier;
- (c) hybrid fibre-coaxial network;
- (d) network unit;
- (e) use.

Part 2—Direction to the ACMA

Division 1—Direction

5 Direction on industry standard

- (1) I direct the ACMA to determine an industry standard under subsection 125AA(1) of the Act that complies with Divisions 2, 3 and 4 of this Part.

Note: The ACMA may comply with this subsection by determining one or more industry standards: see paragraph 23(b) of the *Acts Interpretation Act 1901*.

- (2) An industry standard referred to in subsection (1) is:
- (a) to be determined no later than six months after the commencement of this direction; and
 - (b) to commence in whole or in part no later than three months after it is made.
- (3) In determining an industry standard for the purposes of subsection (1), I direct the ACMA to consider conferring functions and powers on the Telecommunications Industry Ombudsman.

Note: If the Telecommunications Industry Ombudsman consents, an industry standard may confer functions and powers on the Telecommunications Industry Ombudsman: see section 114 of the Act.

- (4) I direct the ACMA to vary an industry standard made under this Part, as it considers necessary from time to time, in a like manner and subject to like conditions specified in subsection (1).
-

Division 2—Industry standard relating to provision of information and advice by carriage service providers

Section 6

Note: The power to make an industry standard determined under subsection 125AA(1) includes the power to vary that standard in a like manner: see subsection 33(3) of the *Acts Interpretation Act 1901*.

Division 2—Industry standard relating to provision of information and advice by carriage service providers**6 Standard on consumer information**

- (1) The ACMA must determine an industry standard that:
 - (a) applies to carriage service providers in relation to services supplied by those providers using the NBN; and
 - (b) deals with information and advice that carriage service providers should provide or make available to consumers to help consumers make informed decisions about NBN services prior to entering a contract with a carriage service provider for the supply of those services.
- (2) Without limiting paragraph 6(1)(b), an industry standard must deal with:
 - (a) minimum requirements for information and advice to be provided to consumers about services supplied using the NBN;
 - (b) requirements in relation to when the information and advice about the services is to be provided; and
 - (c) requirements in relation to the manner in which that information or advice is to be provided.

Division 3—Industry standard relating to continuity of voice and broadband services**7 Standard on promoting continuity of voice and broadband services**

- (1) The ACMA must determine an industry standard that:
 - (a) applies to all of the following:
 - (i) carriage service providers in relation to the services they supply using a legacy network;
 - (ii) carriage service providers in relation to the services they supply using the NBN;
 - (iii) carriers to the extent that those carriers supply legacy services;
 - (iv) NBN Co Limited in its capacity as a carrier;and
 - (b) deals with the provision of voice and broadband services by persons listed in paragraph (1)(a) to consumers in areas where legacy services are readily able to be supplied and the area has been declared ready for service by NBN Co Limited.
- (2) Without limiting paragraph 7(1)(b), the industry standard must deal with:

Section 7

- (a) requirements for the supply to a consumer of a legacy service that is a voice service, a broadband service, or both, to their premises using a legacy network, where it is not possible to obtain a working voice or broadband service using the NBN, including requirements for the supply of such services in the following circumstances:
 - (i) where the migration of a legacy service to the NBN has been unsuccessful, and is unlikely to be successful within a reasonable period of time; and
 - (ii) where the migration of a legacy service to the NBN has been successful, but a voice service or broadband service cannot be supplied to a particular consumer on the NBN for an unreasonable period of time, and it remains readily feasible to supply legacy services to that premises;
- (b) processes for the reconnection of legacy services if required in accordance with a requirement for the purposes of paragraph (2)(a), including timeframes for completion of those processes;
- (c) requirements for persons listed in paragraph (1)(a) to nominate a contact point for coordination activities in relation to reconnection of legacy services, including requirements regarding who that nomination must be communicated to, and in what manner.

Division 4—Industry standard relating to handling of consumer complaints

8 Standard on ensuring professional, effective and efficient handling of complaints

- (1) The ACMA must determine an industry standard that:
 - (a) applies to:
 - (i) carriage service providers; and
 - (ii) carriers responsible for network units that are used in the supply of services;
 - and
 - (b) deals with the handling of consumer complaints about the supply of services by persons listed in paragraph (1)(a) in a professional, effective and efficient manner.
- (2) Without limiting paragraph 8(1)(b), the standard must deal with:
 - (a) requirements for carriage service providers to establish a consumer complaints handling process, including minimum requirements in relation to timeliness, accessibility and transparency of that process;
 - (b) a requirement that a consumer complaint handling process established under a requirement for the purposes of paragraph (2)(a) must be free of charge for consumers;

Section 7

- (c) requirements for carriage service providers to manage, monitor, analyse, and record consumer complaints, including requirements for response times for steps in the consumer complaints handling process to be completed;
- (d) requirements that, where:
 - (i) a carriage service provider (the first carriage service provider) supplies a carriage service; and
 - (ii) that carriage service is involved (directly or indirectly) in the supply of another carriage service (the retail carriage service) by another carriage service provider (a retail carriage service provider) to consumers;the first carriage service provider must provide reasonable assistance to:
 - (iii) the retail carriage service provider; and
 - (iv) any other carriage service provider who supplies a carriage service that is involved (directly or indirectly) in the supply of the retail carriage service;in managing and resolving any complaints received by the retail carriage service provider in relation to the retail carriage service.
- (e) requirements that, where:
 - (i) a carrier is responsible for a network unit; and
 - (ii) that network unit is used by a carriage service provider (the retail carriage service provider) to supply a carriage service to consumers (a retail carriage service), or to supply a carriage service that is involved (directly or indirectly) in the supply of a retail carriage service;the carrier must provide reasonable assistance to:
 - (iii) the retail carriage service provider; and
 - (iv) any carriage service provider who supplies a carriage service that is involved (directly or indirectly) in the supply of the retail carriage service;in managing and resolving any complaints received by the retail carriage service provider in relation to the retail carriage service.