



Telecommunications (Financial Hardship Industry Standard) Direction 2023

I, Michelle Rowland, Minister for Communications, make the following direction.

Dated 31 August 2023

Michelle Rowland
Minister for Communications

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1 Name

This instrument is the *Telecommunications (Financial Hardship Industry Standard) Direction 2023*.

2 Commencement

This instrument commences the day after this instrument is registered.

3 Authority

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

4 Definitions

Note: A number of expressions used in this instrument are defined in section 7 of the Act, including the following:

- (a) ACMA;
- (b) carriage service;
- (c) carriage service provider;
- (d) Telecommunications Industry Ombudsman.

In this instrument:

Act means the *Telecommunications Act 1997*.

5 Direction to the ACMA on financial hardship matters

- (1) I direct the ACMA to determine a standard under subsection 125AA(1) of the Act that deals with:
 - (a) information to be provided by carriage service providers to customers, and made available to customers and potential customers, relating to financial hardship matters; and
 - (b) support to be provided by carriage service providers to customers who are, or may be, experiencing financial hardship.
- (2) The standard is to be:
 - (a) determined by 15 February 2024; and
 - (b) commence in full at the earliest practical opportunity and no later than 29 March 2024.
- (3) I direct that the ACMA may vary the standard as it considers necessary from time to time, provided that the standard as varied complies with this instrument.

6 Application of the standard

- (1) Subject to this section, the standard is to apply to carriage service providers in their dealings with residential, small business and not-for-profit customers.

(2) The standard may:

- (a) deal with matters differently for different classes of carriage service providers; or
- (b) exempt certain classes of carriage service providers from particular provisions of the standard.

7 Objectives and content of the standard

Objectives of the standard

- (1) The standard is to be drafted to give effect to the following objectives, as they relate to the telecommunications activities of carriage service providers:
 - (a) that carriage service providers promote their financial hardship policies and information about assistance for customers who are, or may be, experiencing financial hardship, and that the policies and information can be easily found and accessed by customers and potential customers;
 - (b) that carriage service providers identify customers who may be experiencing financial hardship early and assist those customers;
 - (c) that carriage service providers' eligibility criteria and assessment processes related to financial hardship assistance have appropriate regard to the essential nature of carriage services;
 - (d) that customers who are experiencing financial hardship receive adequate, appropriate and tailored assistance to manage their payment obligations, and associated debts, to their carriage service providers; and
 - (e) that any credit management action taken by carriage service providers in relation to customers who are experiencing financial hardship prioritise keeping those customers connected to appropriate services and only use disconnection as a measure of last resort.

Content of the standard

- (2) The standard may include rules on the following matters as they relate to the telecommunications activities of carriage service providers:
 - (a) requirements to establish written financial hardship policies which include processes for assisting customers who are, or may be, experiencing financial hardship and other requirements relating to financial hardship policies considered appropriate by the ACMA;
 - (b) requirements for carriage service providers to promote their financial hardship policies and to give, and make available, information and advice to customers and potential customers about financial hardship policies and assistance;
 - (c) requirements for the early identification of customers who may be experiencing financial hardship and ongoing evaluation of their circumstances;

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- (d) requirements for appropriate customer service for customers who are, or may be, experiencing financial hardship;
 - (e) requirements and processes for assessment and provision of financial hardship assistance to customers;
 - (f) requirements for training and conduct of staff in identifying and supporting customers who are, or may be, experiencing financial hardship;
 - (g) requirements for credit management action undertaken by, or on behalf of, the carriage service provider in relation to customers experiencing financial hardship, including requirements related to restriction, suspension or disconnection of those customers' services; and
 - (h) other matters that the ACMA considers necessary to meet the objectives set out at section 7(1).
- (3) The standard may deal with arrangements for handling customer complaints relating to financial hardship matters and may confer functions and powers on the Telecommunications Industry Ombudsman.

Note: The consent of the Telecommunications Industry Ombudsman is required to confer functions and powers on the Ombudsman: see section 114 of the Act.

- (4) In determining the standard, the ACMA may define any terms that it considers appropriate or necessary, including terms used in this direction but not defined in section 4.