

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Telecommunications Act 1997

Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No.1)

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No.1)* (the **Amending Instrument**) under subsection 125AA(1) of the *Telecommunications Act 1997* (the **Act**) and in accordance with sections 5 and 6 of the *Telecommunications (Complaints Handling Industry Standard Amendment) Direction 2024* (the **Direction**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

The Minister for Communications (the **Minister**) has the power under subsection 125AA(4) of the Act to direct the ACMA to:

- (a) determine a standard under subsection 125AA(1) of the Act that:
 - (i) applies to participants in a specified section of the telecommunications industry;
 - (ii) deals with one or more specified matters relating to the activities of those participants; and
- (b) do so within a specified period.

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The Direction was given to the ACMA by the Minister under subsection 125AA(4) of the Act and commenced on 28 August 2024. The Direction requires the ACMA to make amendments to the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Handling Standard**) under subsection 125AA(1) of the Act to give effect to the following objectives in subsection 6(1) of the Direction:

- (a) that the definition of ‘complaint’ appropriately includes consumers who contact a telecommunications provider in relation to a network outage;
- (b) that telecommunications providers prioritise complaints from consumers affected by network outages;
- (c) that telecommunications providers should have in place, and implement, complaints handling policies and processes that:
 - (i) are fit-for-purpose;
 - (ii) provide for consumer focused, efficient, effective and professional handling and resolution of complaints;
 - (iii) provide for transparency;
 - (iv) provide for appropriate processes for the internal escalation of complaints; and
 - (v) ensure that consumers are provided with clear and sufficient information at appropriate times in relation to avenues for external dispute resolution.

Subsection 6(2) of the Direction lists matters in respect of which the ACMA may include rules in the Complaints Handling Standard to meet the objectives in subsection 6(1) as they relate to the telecommunications activities of providers.

The Amending Instrument meets the objectives and content requirements in section 6 of the Direction. In accordance with subsection 5(2) of the Direction, the Amending Instrument was determined by 30 April 2025 and will commence in full on 30 June 2025.

Background

On 8 November 2023, a major service outage occurred involving Optus's¹ mobile and fixed line telecommunications networks, significantly disrupting services for customers of Optus and its telecommunication service resellers. It interrupted critical services for consumers and businesses, as well as essential government and public health and safety infrastructure, including access to the emergency call service Triple Zero.

On 9 November 2023, the Australian Government announced it would undertake a post-incident review into the Optus outage (the **Optus outage review**). The objective of the review was to determine what industry, government and the community could learn from the event. It focused on emergency calls, customer communications, complaints handling, and compensation processes.

The final report on the Optus outage review² made 18 recommendations for improvements across the functioning of Triple Zero, coordination between relevant parties during a service outage, communication to customers and the public, complaints-handling and compensation relating to network outages, and network resilience.

Recommendation 12 of the Optus outage review recommended that the Complaints Handling Standard and related Record Keeping Rules should be amended to ensure they account for the impacts of network outages and that the definition of a complaint in the Standard meets community expectations in relation to crisis events.

In the government's published response to the Optus outage review, it agreed with Recommendation 12. It noted that 'it is appropriate to consider if the standard, and its related Record Keeping Rules, meet community expectations, specifically in regard to their recourse when impacted by outages. It is important that the Standard provides clear guidance to service providers, and enables efficient processes to escalate complaints for review when necessary.'

The response also noted that the government would direct the ACMA to review the Complaints Handling Standard and make appropriate changes within 12 months, and that the ACMA would consult with industry and the Telecommunications Industry Ombudsman (the **TIO**) to update the Complaints Handling Standard and its related rules.

The Direction and the resulting Amending Instrument implement the government's response to Recommendation 12 in relation to the Complaints Handling Standard.

Although not directly related to the Optus outage review findings, the Direction also envisaged a wider review of the Complaints Handling Standard by the ACMA to ensure it is working well for all complaint types. The Direction objectives in paragraph 6(1)(c) and the terms of subsection 6(2) are particularly relevant for this wider review.

Telecommunications services are essential for participation in modern life and consumers rely on these services to support work, education, healthcare, banking, entertainment and connection to community and government services. As the last review of the Complaints Handling Standard was completed five years ago, the ACMA's wider review was intended to examine whether the rules are

¹ Optus Mobile Pty Limited, Optus Networks Pty Limited, Optus Internet Pty Limited and Optus Fixed Infrastructure Pty Limited (collectively "Optus").

² Review into the Optus outage of 8 November 2023 – Final Report, published on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts website, 30 April 2024 at <https://www.infrastructure.gov.au/departments/media/publications/review-optus-outage-8-november-2023-final-report>

appropriately consumer-focused, ensure the timely resolution of complaints and that issues and resolutions are recorded and provided to the consumer.

Further detail about the wider review contemplated by the Direction and the content of possible amendments to address the objectives in paragraph 6(1)(c) are provided in the explanatory statement to the Direction.

The ACMA conducted its review of the Complaints Handling Standard using several approaches to identify where rules may not be working as well as intended, could be improved or could be augmented to meet the Direction's objectives.

These approaches included:

1. Reviewing relevant research and systemic investigation reports³ from the TIO, consumer advocacy groups and the ACMA.
2. Examining trends in TIO complaints data and data reported to the ACMA quarterly under the *Telecommunications (Consumer Complaints) Record Keeping Rules 2018*.
3. An internal desktop review of carriage service providers' (CSPs) websites to gather intelligence about the ease with which consumers could find how to make a complaint, the written complaints handling process itself, and whether information was displayed about a consumer's right to refer their complaint to the TIO if they were dissatisfied about how the CSP had handled their complaint.
4. An audit to consider whether provisions in Part 4 of the Complaints Handling Standard requiring CSPs to monitor and analyse complaints to identify and prevent systemic issues were achieving their intended outcome. The ACMA published a report on its findings on its website⁴ when publicly consulting on the proposed amendments to the Complaints Handling Standard.
5. Holding nine bilateral meetings with telecommunication sector stakeholders, including consumer and industry organisations and TIO staff to obtain early input to the review.
6. Conducting formal public consultation on the proposed amendments, including with key stakeholder bodies as required under the *Telecommunications Act 1997* (discussed in more detail in the Consultation section below).

The ACMA made the original Complaints Handling Standard as part of a suite of new rules to improve the experience of consumers moving onto the NBN, in accordance with sections 5 and 8 of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

In January 2019 the ACMA decided to undertake a post-implementation review of those new rules. Following the review, the ACMA made amendments to the Complaints Handling Standard as set out in *Telecommunications (Consumer Complaints Handling) Industry Standard Variation 2020 (No. 1)* (the **Variation Instrument**).

More background details regarding the making of the Complaints Handling Standard and the Variation Instrument are set out in the Explanatory Statements to these two instruments on the Federal Register of Legislation.

Purpose

A key purpose of the Amending Instrument is to provide protections to consumers affected by network outages by requiring CSPs to treat a consumer's report of a loss of service of their phone or internet as a complaint when there is reason to suspect this is due to a major or significant local network outage.

When the Optus outage occurred, the definition of 'complaint' in the Complaints Handling Standard allowed CSPs not to treat initial reports of faults or service difficulties from consumers as complaints

³ These include: 'Barriers to effective dispute resolution in the telco industry', report by the Consumer Policy Research Centre report, commissioned and published by the TIO on 24 July 2024; 'A time for change – Three years of systemic investigations in review', published by the TIO on 22 June 2023; 'Investigating complaints about essential mobile services report', published by the TIO on 20 July 2022; and 'What consumers want – Consumer expectations for telecommunications safeguards', published by the ACMA in July 2023.

⁴ 'Telco complaints monitoring and analysis: audit report' published on the ACMA website on 12 February 2025.

unless (a) the consumer expressed dissatisfaction about the matter and expected a response or resolution, or (b) the consumer advised that they wanted the report treated as a complaint.

The Optus outage review accepted feedback from the TIO that considered that this definition is unlikely to be appropriate in a crisis situation, such as the Optus outage, because consumers are likely to expect that all contacts they make are inherently ‘complaints’ about the situation unless they expressly state that they are not raising a complaint. Consumers should not be required to know that they may need to specify that they want their contact treated as a complaint in order to have it handled as one.

The amended definition of complaint in the Amending Instrument and associated changes to the Complaints Handling Standard address this issue. CSPs must now check whether reports of service outages from consumers are reasonably suspected to be caused by network outages and, if so, automatically treat them as network outage complaints. The Amending Instrument also introduces a network outage complaint handling process that prioritises the restoration of services as quickly as practicable as the default resolution.

In addition, the ACMA has conducted a broad review of the Complaints Handling Standard, as contemplated by the Direction and made amendments to meet the Direction’s objectives in paragraph 6(1)(c) consistent with the amendment content matters specified in subsection 6(2) of the Direction.

Numerous areas for improvement were identified following the ACMA’s review of the Complaints Handling Standard. The Amending Instrument includes changes to:

1. make a CSP’s complaints handling process easier for consumers to find on their CSP’s website, for better transparency
2. make it easier and clearer for consumers to know how to contact their CSP to lodge a complaint
3. ensure CSPs have improved accessibility to lodge a complaint, including through additional communication channels (CSP app and online chat function) and through the National Relay Service for hearing impaired consumers.
4. significantly reduce the time to resolve a complaint
5. require more explicit wording in messaging to consumers about their right to use the TIO’s service to get a complaint resolved if they are dissatisfied with their CSP’s efforts.
6. align the Complaints Handling Standard more closely to the *Telecommunications (Financial Hardship) Industry Standard 2024 (Financial Hardship Standard 2024)*.

These amendments, collectively, are intended to lift the obligations on CSPs to meet current community expectations for a more effective and transparent complaints handling process to manage telecommunications complaints.

Operation

The Amending Instrument has been made to fulfil the requirements of the Direction. The amendments made to the Complaints Handling Standard include:

Part 1 - Preliminary

Section 5 of the Complaints Handling Standard sets out the definitions that are used in the Standard. This section has been amended to change and add terms relevant to the application of minimum requirements for a new network outage complaints process and how this process must be managed by CSPs.

Other definitional changes have been made to include new ways to lodge complaints and to align the Complaints Handling Standard with the Financial Hardship Standard 2024.

Minor changes have also been made to a number of definitions to improve clarity and to conform with improved drafting practices.

Part 2 – Complaints handling process

This Part imposes obligations on CSPs to have a complaints handling process that meets minimum requirements. The amendments to the Part will improve the readability and accessibility of the complaints handling process for all consumers, make the complaints handling process and complaint contact methods easier for consumers to find on CSPs' websites and increase the methods of contact that can be used to make a complaint. Amendments to improve the accuracy of complaints handling process information, timeliness to resolve complaints, and information about consumer rights to use the TIO have also been made. An amendment to this Part clarifies that the process set out in it does not apply to the new network outage complaints handling process.

New Part 2A – Network outage complaints handling process

This Part has been added to impose requirements on CSPs to establish a network outage complaints handling process that includes minimum requirements specifically for handling network outage complaints. The requirements relate to the accessibility, timeliness, transparency, and accuracy of this process. As part of these requirements, CSPs must have a network outage complaints handling process that is set out in writing, accessible on their website, is free of charge to use, and that describes the main steps for accepting and resolving a network outage complaint.

Part 3 – Complaints management and response times

This Part, which imposes requirements on CSPs regarding the management of non-network outage complaints and response times, has been amended to clarify timeframes for acknowledging non-network outage complaints using new methods of contact for lodging complaints. It also strengthens obligations to resolve complaints as soon as practicable and in a way that suits the consumer. Amendments have also been made to reduce the timeframes to resolve non-urgent complaints and complaints relating to billing errors. Changes have also been made to require CSPs to more explicitly advise consumers about their right to refer complaints to the TIO if they are dissatisfied with how it has been handled by their CSP, and to make sure that consumers are actively informed of this right if a complaint is not resolved within 30 calendar days. An amendment to this Part clarifies that requirements in Part 3 do not apply to the management of network outage complaints handling.

New Part 3A – Network outage complaints – management and response times

This Part has been added to impose requirements on CSPs regarding the management of network outage complaints and response times. It sets out obligations for CSPs to ensure that the network outage complaints process is managed by a senior manager, that there are appropriate internal procedures for implementing the process and that relevant personnel know how to assist consumers with potential network outage complaints. It also sets out requirements for determining if a service outage report from a consumer constitutes a network outage complaint, steps that must be taken to acknowledge a network outage complaint to the consumer, and actions that must be taken before the default resolution of a network outage complaint has been achieved. The latter obligations include requirements to inform consumers in writing how they can pursue a complaint related to the effects of the network outage if they are not satisfied with the resolution of their complaint.

Part 4 – Complaints monitoring and analysis

This Part requires CSPs to establish processes, procedures and systems for monitoring and analysing their complaints records to attempt to identify systemic issues and problems and prevent them from recurring. It has been amended so that network outage complaints must be included in these processes and related actions.

Part 5 – Complaints record-keeping

This Part sets out requirements for CSPs to keep records of specific information about complaints. This Part also sets out how a CSP must retain these records and comply with privacy requirements. This Part has been amended to include a separate list of information about network outage complaints that must be kept by CSPs. Additional requirements have been added to protect all complaint records from misuse, interference and loss, unauthorised access, modification or disclosure, and to ensure the

secure disposal or destruction of records when no longer needed. These additional requirements are in line with similar record retention protections included in the Financial Hardship Standard 2024.

Part 6 – Reasonable assistance

This Part, which imposes requirements on CSPs and carriers to provide reasonable assistance to retail carriage service providers, has been amended so that requests for reasonable assistance from CSPs relating to network outage complaints are acknowledged within three hours, sooner than for other complaints (two working days). This recognises the typically shorter duration of network outages and the critical importance of restoring consumer services quickly.

Part 7 – Transitional

This Part sets out transitional arrangements for complaints that remain unresolved at the commencement of the amendments made by the Amending Instrument.

A provision-by-provision description of the Amending Instrument is set out in the notes at **Attachment A**.

The Amending Instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (the LA) and is disallowable.

Documents incorporated by reference

The Amending Instrument incorporates or refers to the following Acts and legislative instruments (including by the adoption of definitions), which are available free of charge on the Federal Register of Legislation (<http://www.legislation.gov.au>):

1. the AIA
2. the Act
3. the *Privacy Act 1988*
4. the Direction
5. the LA
6. the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*
7. the Financial Hardship Standard 2024
8. the *Telecommunications (Consumer Protection and Service Standards) Act 1999*
9. the *Telecommunications (Consumer Service Guarantee) Standard 2023*.

The Acts, industry standards and Direction listed above are incorporated as in force from time to time, in accordance with section 10 of the AIA, subsection 13(1) of the LA and section 589 of the Act.

Consultation

In reviewing the Complaints Handling Standard, the ACMA held bilateral stakeholder engagement meetings to discuss potential areas of change and to seek early input. The meetings were held between 9 and 16 September 2024 and included meetings with representatives from the Australian Communications Consumer Action Network (ACCAN), Consumer Action Law Centre, TIO, NBN Co., Telstra, Optus, Aussie Broadband, TPG Telecom and Communications Alliance.

A range of topics were covered, including the definitions of ‘complaint’ and ‘network outage’, ways to manage network outage complaints, transparency and accessibility of making a complaint, reduced timeframes for resolving complaints, keeping consumers updated about the progress of their complaint and consumer information about their right to use the TIO. Stakeholders were also given the opportunity to raise any other concerns about the Complaints Handling Standard.

Feedback from these meetings helped the ACMA to develop rule changes that were proposed during public consultation.

Between 12 February and 14 March 2025, the ACMA conducted a public consultation process, through the release on the ACMA's website of a consultation draft of the Complaints Handling Standard with proposed amendments included and highlighted, accompanied by a consultation paper explaining the proposed changes.

On 12 February 2025, the ACMA published a notice in *The Australian* newspaper, being a newspaper circulating nationally. It stated that the ACMA has prepared proposed amendments to the Complaints Handling Standard and advised that a copy could be accessed via the ACMA's website. It invited interested persons to submit written comments by 14 March 2025.

The ACMA also invited comment on the consultation draft from Communications Alliance (being a body that represents the telecommunications industry), the TIO, the ACCC, Information Commissioner, ACCAN (being a body that represents the interests of consumers), industry stakeholders, consumer groups and the public.

Before the Amending Instrument was made, the ACMA was satisfied that public consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA and subsection 125AA(3), and sections 132, 133, 134 and 135 of the Act.

The ACMA received 16 submissions from a range of stakeholders including the telecommunications industry, consumer advocates, individual consumers and government agencies.

All non-confidential submissions were published on the ACMA website as part of the consultation process.

The submissions provided a broad range of feedback on the proposed amendments and the ACMA considered all relevant issues raised by the submissions in the consultation process when making the amendments to the Complaints Handling Standard. Key issues raised by stakeholders included the following:

- New processes for handling network outage complaints – industry stakeholders were concerned about the complexity, regulatory burden and cost of the process, while consumer organisations considered that the definition of complaint should be widened to cover more consumers who report a service difficulty or fault at any time, rather than it being limited to network outages.
 - > The purpose of introducing a separate process was because the existing complaints handling process in the Complaints Handling Standard was designed to address individual complaints. It is less apt for complaints about network outages, which could involve a potentially large number of consumers complaining about the same matter at the same time that has a single root cause that needs to be addressed swiftly.
 - > However, some changes were made to the network outage complaints process to reduce the regulatory burden and make it more practical to implement. This included changes such as not requiring CSPs to follow up with consumers to acknowledge network outage complaints if they cannot do so at first contact. Changes were also made to limit urgent network outage complaints to those consumers who indicate that there is a risk to their personal safety or a serious health risk.
- Service outage reports before a network outage is known – Some industry and other stakeholders were unsure of the network outage complaints process when a consumer reports that their service is not working to their CSP before the CSP is aware of a network outage that may be the cause of the problem.
 - > In response, new subsection 17B(2) has been redrafted to only require CSPs to determine (and acknowledge) that a service outage report is being handled as a network outage complaint if the CSP is able to make that determination at first contact with the consumer. The proposed requirement to determine if a service outage report is a network outage complaint and follow up with consumers within 30 minutes to acknowledge this (paragraph 17B(2)(b)) was not included.

- Natural disaster exemption - Industry and other stakeholders held opposite views on the proposed approach not to require CSPs to handle reports of service outages as network outage complaints when the main cause is a natural disaster. Industry agreed with the proposal, while non-industry stakeholders noted that the effect of the outage is still the same to a consumer and should be captured.
 - > The exemption of network outage complaints where natural disasters are the primary cause has been retained. Natural disasters were primarily omitted from the proposed network outage complaints process because they are not caused by CSPs or their carrier supplier. Network owners affected by the natural disaster will still be motivated to restore services quickly. Affected consumers will also still have information available about the status of network outages in these circumstances through public channels and information on their CSP's website under rules in the CCO Standard.
- All contacts about network outages are complaints – industry objected to the proposed approach that all contacts from consumers reporting service outages likely to be due to network outages must be treated as network outage complaints. They argued this does not accommodate consumers who wish to make an enquiry or report a network outage but do not mean it to be treated as a complaint.
 - > The Direction required the definition of “complaint” be amended to appropriately include consumers who contact a provider in relation to a network outage. The Standard will retain the separate network outage complaints process, including that all contacts about network outages should be treated as network outage complaints.
 - > The ACMA also noted that the explanatory statement to the Direction also highlighted the TIO's submission to the Optus Outage Report⁵, which considered that in an outage it was likely that consumers would expect all contacts about service outages be treated as complaints.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility with human rights set out in **Attachment B** has been prepared to meet that requirement.

⁵ Review into the Optus Outage of 8 November | Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Notes to the *Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No.1)*

Section 1 Name

This section provides for the industry standard to be cited as the *Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No. 1)* (the **Amending Instrument**).

Section 2 Commencement

This section provides for the Amending Instrument to commence on 30 June 2025.

Section 3 Authority

This section identifies the provision of the Act that authorises amending the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Handling Standard**), namely subsection 125AA(1) of the *Telecommunications Act 1997* (the **Act**) and notes that it has been determined in accordance with sections 5 and 6 of the *Telecommunications (Complaints Handling Industry Standard Amendment) Direction 2024* (the **Direction**).

Section 4 Amendments

This section provides that the Complaints Handling Standard is varied in accordance with Schedule 1.

Schedule 1—Amendments

This schedule sets out the amendments to the Complaints Handling Standard.

Part 1 – Main amendments

Items [1 to 23] amend section 5 of the Complaints Handling Standard.

Section 5 defines a number of key terms used throughout the Standard and notes that a number of other expressions used in the Standard are defined in the Act. Several key terms have been amended, and new key terms inserted, that relate to the inclusion of “network outage complaints” in the Standard. A number of other changes have been made to defined terms to improve the drafting of definitions in the Standard.

Key amendments to the definitions in section 5 include:

Item 6 amends the definition of “complaint” to specify that it includes a “network outage complaint”, which is a new complaint type introduced by the Amending Instrument. It does not include an initial call by a consumer to report a fault or service difficulty to their carriage service provider (**CSP**) unless the consumer wants it to be treated as one, or if the consumer expresses dissatisfaction and explicitly or implicitly expects a response.

However, if, in an initial call, a consumer indicates that they cannot establish or keep a connection with their carriage service (voice, internet connection or both) then, this must be treated as a “service outage report” and the CSP must determine whether it constitutes a “network outage complaint”.

Item 12 inserts the new definition of “network outage complaint” which encompasses the case when a consumer contacts their CSP with a “service outage report” and the CSP determines that there is

reason to suspect that a network outage is occurring that is affecting, or is likely to affect, the consumer. If the sole or predominant cause of the network outage is a “natural disaster”, however, the consumer’s service outage report does not need to be treated as a network outage complaint.

Item 20 inserts a new definition for “service outage report”, to mean the initial call or contact from a consumer to a CSP indicating they cannot maintain or establish connection with a carriage service.

If a service outage report is not determined to be a network outage complaint, either because a “network outage” is not likely to be the cause or it is not due to a natural disaster, a note in the definition of “service outage report” clarifies that a CSP is still required to determine whether the contact should be treated as a complaint.

Item 12 inserts a new definition for “network outage” to mean a “major outage” or a “significant local outage”. Items 10 and 20 insert new definitions for “major outage” and “significant local outage” both of which have the same meaning as in the *Telecommunications (Customer Communications for Outages) Industry Standard 2024 (CCO Standard)*. A range of other definitions in the CCO Standard are also referred to in section 5 in relation to determining and managing network outage complaints.

Item 21 repeals and substitutes paragraph (a) of the definition for “urgent complaint”. New paragraph (a) includes complaints made by consumers who are being dealt with under the rules for the way CSPs must treat consumers who are experiencing financial hardship in the *Telecommunications (Financial Hardship) Industry Standard 2024 (the Financial Hardship Standard)*.

Item 23 repeals and substitutes the note at the end of section 5 of the Complaints Handling Standard to include “ACMA” and “telecommunications network” as expressions used in the Standard that are defined in the Act.

Item [24] amends the note at the end of section 6 to include reference to the website for the Federal Register of Legislation.

Item [25] inserts new section 6A, which clarifies that Part 2 of the Complaints Handling Standard does not apply to network outage complaints.

Item [26] amends paragraph 7(1)(b) of the Complaints Handling Standard to include clearer language about compliance.

Item [27] amends subsection 7(2) to require that the most senior responsible executive at the CSP must approve the complaints handling process and be responsible for its implementation. The term “most senior responsible executive” replaces the “Chief Executive Officer (or equivalent)” to avoid the use of a position title that CSPs may not use.

Item [28] substitutes a new subsection 8(1). Changes include improving the requirements for accessibility of the complaints handling process for consumers by requiring the use of clear and plain language, the process to be easy to understand, use of a font style and size that is clear and easy to read, and accessibility for consumers with a range of different backgrounds and needs.

Other changes relate to information that a CSP’s complaints handling process must include about communication methods available for consumers to make complaints. The amendments clarify that the requirement to permit consumers to make complaints by telephone, means that they can speak with a member of the CSP’s personnel, not just be able to leave a voicemail message. Consumers must also be able to make complaints using a CSP’s app or live chat service, if these methods are used by the CSP to communicate with its consumers about other consumer matters. CSPs must specify the details of the National Relay Service for helping deaf or hard of hearing consumers to make a complaint. Complaints handling processes must also set out that CSPs will provide a written confirmation to consumers when their complaint has been resolved.

Item [29] inserts a new subsection 8(1A) to specify that if a CSP uses a telephone number for general enquiries and complaints which then requires the caller to select an option for the kind of assistance they want, the CSP must provide a specific option to speak to a member of its personnel dealing with complaints from the first set of recorded options.

The ACMA has observed that general phone numbers are commonly used for a CSP's complaints phone contact method, however when the consumer calls this number, there is often no clear option to choose if the consumer wants to make a complaint. This change will address this issue and make it easier for consumers to make a complaint by phone.

Item [30] repeals subsection 8(3) and inserts new subsections 8(3), (4) and (5). The requirements in these new subsections enhance the visibility of information on a CSP's website for consumers about how to make a complaint. A link to this information must be displayed on their home page which must be in a clear and prominent position and include the word "complaint" or a similar variation in the link text. This link must also be included in the help or support section of a CSP's website and be accessible from a main heading.

The amendments also specify that this link must list all contact methods for consumers to make a complaint and include an express statement those methods they can be used to make a complaint.

New subsection 8(5) specifies that contact details for making a complaint must be included on any bills sent to consumers and be more prominent than contact details for other organisations that are named on the bill. This is to avoid consumers being confused about who they should contact if they have a complaint about a bill. There have been instances where CSPs have put the details of other organisations on a bill and that may inadvertently misdirect consumers to contact that organisation when the CSP has a responsibility to try to help the consumer in the first instance.

Item [31] inserts new section 8A into the Complaints Handling Standard and this requires CSPs to keep the contact details for making a complaint by telephone, email address or other online point of contact, street or postal address, and the National Relay Service contact details up-to-date and accurate.

Item [32] substitutes a new section 9 that requires CSPs to have a complaints handling process that minimises wait times, call transfers and minimises the number of people that consumers must deal with to have a complaint resolved. The process must also set out the relevant timeframes associated with each step of resolving a complaint including acknowledgement, proposing and resolving a complaint, delays and prioritisation and escalation of complaints.

Item [33] substitutes a new paragraph 10(d) which requires CSPs to include in its dispute resolution process the statement "If you are not satisfied with how we have handled your complaint, you have a right to take it to the Telecommunications Industry Ombudsman, which is a free and independent service" This is to help address concerns that consumers are not sufficiently aware of the services of the TIO and their right to use this service. The report "Barriers to effective dispute resolution in the telco industry" by the Consumer Policy Research Centre report and commissioned by the TIO (published in July 2024) found that awareness of the TIO appears to be declining and that this was no higher among people who had experienced a problem with their telecommunications service compared to the general population.

Item [34] inserts new Part 2A, which sets out the requirements a CSP must comply with regarding their network outage complaints handling process. It sets out obligations for establishing a network outage complaints handling process and who is responsible for its approval, implementation and operation. It also sets out minimum requirements for accessibility, accuracy and maintaining updated information, and identifying relevant time periods for key steps in the network outage complaints handling process and the timeframe for achieving the default resolution.

Item [35] inserts new section 10E, which clarifies that Part 3 of the Complaints Handling Standard does not apply to network outage complaints

Item [36] amends the wording of subparagraph 11(b)(iv) to align with the wording used in the definition of ‘urgent complaint’ with respect to consumers who are “financial hardship customers”.

Item [37] is a consequential amendment to subparagraph 11(c)(iii) due to the renumbering of paragraphs in subsection 8(1) made by item 28.

Item [38] repeals subsection 12(2) and inserts a new subsection to clarify that where a complaint was received by methods that are made in real-time (such as in store, phone or live chat) or via near real-time (including a live chat or via the CSP’s app), then the complaint must be acknowledged immediately.

Item [39] repeals subsections 13(1) and (2) and substitutes new subsections regarding the resolution of complaints. It amends paragraph 13(1)(a) so that if a CSP is required to use its best efforts to resolve a complaint on first contact, or if this is not possible, then as soon as practicable after first contact with the consumer. Although the Complaints Handling Standard has timeframes within which complaints should be resolved, this provides an overarching requirement to resolve complaints sooner where this is practicable.

New paragraph 13(1)(b) requires CSPs to make all reasonable efforts to resolve complaints in a manner the best suits the needs of the consumer, where a consumer has expressed a particular need to the CSP. This may involve, for instance, a request to use a particular method of communication throughout the handling of the complaint, which the CSP should make all reasonable efforts to accommodate.

The timeframes for complaints resolution are also reduced, including for proposing a resolution to a consumer (10 working days), implementing a complaint (5 working days), and resolving complaints about billing errors (30 calendar days). Under the existing Complaints Handling Standard, CSPs have up to 5 weeks to resolve non-urgent complaints, combining time for proposing a resolution (15 working days) and implementing an agreed resolution (10 working days). These timeframes were unnecessarily long and not in line with community expectations.

Item [40] replaces paragraph 14(2)(a) with a new paragraph that amends the reference to the timeframe for resolving billing error complaints to the “relevant billing period or within 30 calendar days, whichever is shorter” to align with the new timeframe in the amended subsection 13(1).

Item [41] amends paragraph 14(2)(c) to change the number of days before delay provisions are triggered for complaints covered by this paragraph to 10 working days. This aligns with the new timeframe for proposing a resolution in subsection 13(1).

Item [42] amends paragraph 14(2)(f) to require CSPs to advise a complainant about the dispute resolution service as set out in new subparagraph 10(d).

Item [43] replaces subsections 15(1) and (2) so as to amend CSP requirements relating to prioritisation, escalation and external dispute resolution. These changes include requiring a CSP to provide consumers with advice about its internal escalation and prioritisation processes within 24 hours after a consumer indicates that they are dissatisfied with the response times for managing their complaint or reasonably want their complaint treated as an urgent complaint.

Where a consumer communicates to their CSP that they are dissatisfied with the progress or resolution of their complaint or enquires about their options to pursue a complaint further, this information about the internal escalation process must also be provided within 24 hours, together with the information about the TIO referred to in new paragraph 10(d).

Item [44] adds a new subsection 15(5), which requires that if a complaint is not resolved within 30 calendar days after it was received, a carriage service provider must, unless it has already been provided, provide the information referred to in paragraph 10(d) (about a consumer's right to refer a complaint to the TIO) to the consumer on the next working day after the end of that period. This helps to address concerns that a significant proportion of consumers report that their complaints remained unresolved for extended periods of time. While there may be a genuine reason why resolving a complaint is prolonged, and delay provisions have been triggered and complied with, this obligation ensures that a complaint cannot take longer than 30 calendar days without the consumer being made aware of their right to use the TIO service if dissatisfied with how their complaint is being handled.

Item [45] amends subsection 16(2) to require the provisions of specific information about consumers' rights to use the TIO service and key points about that service as set out in new paragraph 10(d).

Item [46] inserts new Part 3A, which sets out requirements for CSPs to manage network outage complaints.

New section 17A provides that a CSP must ensure that its network outage complaints process is managed by a senior manager who must maintain the effective and efficient operation of the process in accordance with the minimum requirements for network outage complaints handling. It also requires CSPs to have documented internal processes for managing network outage complaints and their resolution as soon as practicable and ensure that their personnel dealing directly with consumers or network outage complaints understand these processes and can manage and implement these processes while treating consumers with fairness and courtesy.

New section 17B sets out requirements for a CSP to determine if a service outage report is a network outage complaint. When a consumer contacts the CSP and reports that their voice or internet service (or both) is not working (that is, they are not able to establish or maintain a connection with their carriage service), then the CSP must take steps to determine if this is a network outage complaint. Under section 17B, a CSP must first determine if there is a "reason to suspect that a network outage is occurring", as defined in section 5. Under that definition, a CSP could be aware of a network outage if it is also a "responsible carrier" that is required to notify other carriers and CSPs of a network outage under the CCO Standard, is a CSP that has received one of these notifications, or otherwise receives information from a carrier that it is experiencing a network outage.

The CSP must then determine whether the consumer is affected or likely to be affected by a network outage that the CSP is aware of. Under new subsection 10B(3), a CSP must ensure that it gives its personnel dealing with consumers information about network outages that it is aware of that will help personnel make a determination about whether it is affecting the consumer who has made a service outage report. This is likely to involve seeking information from the consumer about the nature of their outage experience (for example, what service/s are affected, where are they located, when did they notice their service was not working).

If a CSP determines that there is a reason to suspect a network outage is occurring and the consumer is likely being affected by it, then the CSP must treat the service outage report as a network outage complaint and acknowledge the complaint to the consumer. The exception to this is if the network outage is solely or predominantly due to a natural disaster, as defined in the CCO Standard, in which case the network outage complaints requirements do not apply.

If a CSP determines that there is no reason to suspect that a consumer's service outage report is due to a network outage or that it is due to a network outage caused by a natural disaster, then the CSP must still consider whether if the service outage constitutes an ordinary complaint under its complaints handling process under Part 2 of the Complaints Handling Standard.

Under section 17C, an acknowledgement of a network outage complaint is required to be given to the consumer either verbally or in writing, confirming it is being treated as a network outage complaint

with a unique identifier. Consumers must also be informed of what the default resolution will be, contact methods that are available for near real- or real-time communication under section 16 of the CCO Standard, how the CSP will manage the complaint and keep the consumer informed about the outage and when it is restored, and where they can find information about the network outage complaints handling process on the CSP's website.

A network outage complaint is resolved when the default resolution has been achieved. The conditions for this are set out under new section 17D. Under this section, a CSP is required to complete all necessary actions within its capacity to implement the default resolution as soon as reasonably practicable for network outage complaints and urgent network outage complaints.

Once CSPs have sent a notification to advise affected consumers that the network outage has been restored (required under section 15 of the CCO Standard), the default resolution requirements include sending a follow-up message (subsection 17D(3)). This message must advise consumers with network outage complaints what to do if their service is still not working, how to seek further assistance if their service has still not been restored, and how to make a complaint if they wish to seek a more tailored resolution. If the CSP is offering a bulk resolution to consumers (such as free data or a credit), this information should be included as well.

This message is important to make sure that consumers know what to do if restoring services at the network level does not automatically restore services at the consumers home or business and that they will know what to do to get help. It also lets them know that they can make a further complaint to their CSP about impacts of the outage on them, if they are dissatisfied with the default resolution. If this occurs it will be treated as separate complaint managed under the complaints handling process in Part 2 of the Standard.

Additional protections are provided to consumers with a network outage complaint who are more at risk of harm during an outage where their situation warrants being treated as an urgent complaint. This includes consumers who are priority assistance customers⁶, the network outage is affecting the service for which they are receiving priority assistance. It also includes consumers who indicate that there is a risk to their personal safety or a serious health risk.

New subsection 17D(2) requires CSPs to make all reasonable efforts to assist a consumer with an urgent network outage complaint to stay connected to a carriage service during the network outage, including by considering alternative or interim options where available. No particular options must be provided and it is likely that assistance, if available, will depend on the particular circumstances of the network outage.

After a network outage is restored, CSPs must seek confirmation from consumers with an urgent network outage complaint within two calendar days that the default resolution has been successful. If the CSP receives a response from a consumer with an urgent network outage complaint that the default resolution has not worked, then the CSP must take steps to implement the default resolution within two working days. It must not close an urgent network outage complaint until service has been restored to the consumer.

CSPs must not close a network outage complaint less than 3 working days after sending the notification in paragraph 17D(3)(c), unless the consumer has indicated to their CSP that the default resolution has been successful.

Item [47] is a technical amendment to the heading of section 19.

⁶ Priority assistance is a service for landline customers with serious medical conditions and allows them to have service faults repaired urgently. Only Telstra offers this service, which is required under its carrier licence requirement.

Items [48] and [49] are consequential amendments to paragraphs 19(b) and (f) to include network outage complaints in the requirements for complaints monitoring and analysis.

Item [50] repeals section 20 and substitutes a new section. New subsection 20(2), sets out the information about network outage complaints that must be recorded by CSPs. This includes details such as the name and contact details of the consumer with the network outage complaint (or their representative), a unique reference identifier, a description of the issues, relevant times and dates, when the complaint was closed and copies of relevant communications and correspondence.

CSPs are also required to record whether a consumer was dissatisfied with the default resolution and made a non-network outage (follow-up) complaint related to the network outage and why.

The new subsection 20(3) requires that if a consumer makes a separate complaint related to their network outage complaint, then CSPs must use the unique identifier issued to the consumer for their network outage complaint for both complaints. This will enable the two to be linked in records and will be useful if the TIO needs to investigate a referred complaint or if the ACMA wishes to conduct assessments of compliance with the handling of network outage-related complaints.

Item [51] amends section 21 to add subsection (2). Subsection 21(1) requires a CSP to keep records that are sufficient to demonstrate its compliance with the requirements in Parts 2 to 5 of the Complaints Handling Standard. The new subsection (2) requires a CSP to protect this information from misuse, interference and loss, unauthorised access, modification or disclosure. It also requires a CSP to ensure that the information is disposed of, or destroyed, in a secure manner where the record is no longer necessary under the Complaints Handling Standard or any other applicable laws.

Item [52] is a technical amendment to paragraph 22(a) to improve the drafting of this provision.

Item [53] is a technical amendment to subparagraph 25(b)(i) to correct a cross-reference.

Item [54] repeals paragraph 26(c) and replaces it with new paragraph (c), which requires that a CSP identified in section 23 and a carrier identified in section 24 must ensure that the inbox for the email address or other method of communication identified in paragraph 26(b) is monitored each calendar day if the provider has a reason to suspect that a network outage is occurring. This is to ensure that if a request for reasonable assistance is made, a response can be provided more quickly if needed during a network outage.

Item [55] amends paragraph 26(d) to require that a CSP identified in section 23 and a carrier identified in section 24 must acknowledge receipt of a request for reasonable assistance from a CSP within 3 hours for network outage complaints.

Item [56] repeals paragraph 26(f) and replaces it with new paragraph (f), which requires confirmation of any proposed resolution for complaints other than network outage complaints as soon as practicable from a CSP identified in section 23 or a carrier identified in section 24 after completing its investigation of the issue set out in the reasonable assistance request. Network outage complaints are excluded from this requirement because CSPs are not required to seek agreement from the consumer to a proposed resolution before it is implemented, as for other complaints.

Item [57] is a technical amendment to include a reference to the new Part 3A.

Item [58] is a technical amendment to section 27 to improve the drafting of this provision.

Item [59] repeals Part 7 and substitutes a new Part 7 – Transitional, comprising a new section 29. This Part provides for transitional arrangements for compliance by CSPs with the Complaints Handling Standard.

It provides that where a complaint was made by a consumer to a CSP prior to the Amending Instrument commencing that:

- (a) was acknowledged as a complaint by the CSP in accordance with section 12 of the Complaints Handling Standard before the Amending Instrument commenced, and
- (b) remains unresolved at, or after, the date of the Amending Instrument commencing,

then the complaint must be assessed and dealt with under the Complaints Handling Standard as in force immediately prior to the commencement of the Amending Instrument.

Part 2 – Bulk amendment of references to “industry standard”

Item [60] makes a minor technical amendment to each of the provisions listed by removing each reference to “industry standard” and replacing it with a reference to “instrument”.

Statement of Compatibility with Human Rights

Prepared by the Australian Communications and Media Authority in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No.1)

Overview of the Instrument

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No.1)* (the **Amending Instrument**) under subsection 125AA(1) of the *Telecommunications Act 1997* (the **Act**) and in accordance with sections 5 and 6 of the *Telecommunications (Complaints Handling Industry Standard Amendment) Direction 2024* (the **Direction**).

The Minister for Communications (the **Minister**) has the power under subsection 125AA(4) of the Act to direct the ACMA to:

- (a) determine a standard under subsection 125AA(1) of the Act that:
 - (i) applies to participants in a specified section of the telecommunications industry;
 - (ii) deals with one or more specified matters relating to the activities of those participants; and
- (b) do so within a specified period.

The Direction was given to the ACMA by the Minister under subsection 125AA(4) of the Act and commenced on 28 August 2024. The Direction requires the ACMA to determine amendments to the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Standard**) under subsection 125AA(1) of the Act to give effect to the following objectives in subsection 6(1) of the Direction:

- (a) that the definition of ‘complaint’ appropriately includes consumers who contact a telecommunications provider in relation to a network outage;
- (b) that telecommunications providers appropriately prioritise complaints from consumers affected by network outages;
- (c) that telecommunications providers should have in place, and implement, complaints handling policies and processes that:
 - (i) are fit-for-purpose;
 - (ii) provide for consumer focused, efficient, effective and professional handling and resolution of complaints;
 - (iii) provide for transparency;
 - (iv) provide for appropriate processes for the internal escalation of complaints; and
 - (v) ensure that consumers are provided with clear and sufficient information at appropriate times in relation to avenues for external dispute resolution.

The Amending Instrument has been made to fulfil the requirements of the Direction.

Human rights implications

The Amending Instrument engages the following rights:

- the right to privacy in Article 17 of the *International Covenant on Civil and Political Rights* (the ICCPR); and
- the right to accessibility of communications in Article 9 of the *Convention on the Rights of Persons with Disabilities*.

Right to privacy

Article 17 of the ICCPR provides:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 17 of the ICCPR (like Article 16 of the *Convention on the Rights of the Child* and Article 22 of the *Convention on the Rights of Persons with Disabilities*) protects the right to freedom from unlawful or arbitrary interference with privacy. Certain provisions in the Standard could be considered to limit the right to privacy. However, the right to privacy is not an absolute right and a limitation is not incompatible with the right itself.

The Standard requires CSPs to collect and retain personal information regarding complaints from consumers for at least two years, to identify systemic issues and problems, and prevent those systemic issues and problems, and related complaints, from recurring. The Amending Instrument extends the record keeping requirements in the Standard to include the requirement to keep personal information regarding network outage complaints for a period of at least two years.

The type of personal information required to be collected by CSPs and recorded under the Standard is, in the ACMA's view, necessary to assist CSPs to manage and handle complaints from consumers. Keeping records about those complaints will also enable the ACMA to investigate a complaint that a CSP has breached the Standard. The ACMA has therefore formed the view that the Standard does not cause any interference with the privacy of consumers in an unlawful or arbitrary manner.

The collection and retention of personal information, which is provided for and circumscribed by the Standard, will not be arbitrary because the Standard specifies the amount of personal information that is necessary to fulfil the requirement of CSPs keeping systematic records of complaints. Most CSPs are subject to the *Privacy Act 1988* (the **Privacy Act**) regarding the personal information they handle in accordance with the Standard. In any event, it is expected that any personal information collected under the Standard would usually be provided with the consent of the consumer wishing to make a complaint.

Section 22 of the Standard imposes requirements on CSPs that are not covered by the Privacy Act, to ensure that relevant personal information is kept confidential and not disclosed to third parties except: as required to manage a complaint with the TIO or the ACMA; with the express consent of the consumer; or where disclosure is otherwise required or authorised by law.

These safeguards, together with the other restrictions on the handling of personal information mentioned above, indicate that the Standard is reasonable, necessary and proportionate.

For the same reasons as are set out in the Statement of Compatibility with Human Rights for the Standard, the ACMA considers that the requirements imposed by the Amending Instrument are reasonable, necessary, and proportionate.

Rights of people with disability

Article 9 of the *Convention on the Rights of Persons with Disabilities* requires parties to undertake to enable persons with disabilities to live independently and participate fully in all aspects of life. This includes taking appropriate measures to ensure persons with disabilities have access, on an equal basis with others, to information and communications, including access to emergency services.

The Amending Instrument inserts into the Standard the requirement that a CSPs complaint handling process must specify the details that a deaf or hard of hearing consumer may use to contact the National Relay Service (**NRS**) to assist the consumer to make a complaint.

The Amending Instrument protects the human rights of NRS users by ensuring that they are provided access to information from all CSPs in order to be able to make a complaint using the NRS. This will assist them to continue to use the NRS to meet their communication needs where there is an issue with their service and they need to make a complaint.

Conclusion

The Amending Instrument is compatible with human rights because it promotes the protection of human rights and to the extent that it may limit human rights, those limitations are neither unlawful nor arbitrary, but reasonable, necessary and proportionate to its legitimate purposes.