



Internet Services
25 Railway St
Stanthorpe Q 4380
P.O. Box 554
Stanthorpe Q 4380

Website www.halenet.com.au
E-mail admin@halenet.com.au
Phone 07 46814999
Fax 07 46814999
ABN 57 014 068 268

18th December 2013

Dear Minister,

Re: Carriers and Service providers Telecommunication Consumer Protection Code obligations

I am writing to you to alert you to the need for urgent changes in relation to the compliance requirements of Carriers and Service providers Telecommunication Consumer Protection Code obligations and the subsequent requirement of Carriers and Service Providers to Code compliance documentation

The code requires that Carriers and service providers lodge certain compliance related documentation with the Communications Compliance Ltd. Commcom is reportedly considered an independent industry established body set up to monitor compliance of the TCP code.

According to the CommCom Website "Communications Compliance was established under the Telecommunications Consumer Protections (TCP) Code C628:2012 as an independent body responsible for overseeing the conduct of the Code Compliance Framework outlined in the Code. Communications Compliance will also promote compliance with the TCP Code through industry guidance."

My company and others I have spoken to were unaware of the compliance requirement until we received a letter from the ACMA dated 19 Jun 2013. We were at no stage involved in the establishment of the body and have grave concerns about the lack of transparency of the information required firstly by Commcom and secondly why this function has been out sourced by the ACMA

Subsequent inquiries have revealed that in order to find out what we need to lodge to CommCom requires registration on the CommCom web site and the payment of an unspecified fee.

Problem / Issue of Concern

There would appear to be a delegation of the ACMA's responsibility to a private company where the representatives of that company are made up of consumer advocates and Labor party appointees and other self interested parties, and it would at first glance look like something is not quite right. The industry already has the TIO which we are all forced to be members of, which provides mediation between carriers and consumers. In operating for the last 17 years we have not had one complaint upheld against us. There is no justifiable need to have an additional consumer body as the TIO already more than provides that function and the ACMA is the relevant government body who should be carrying out these activities anyway.

Details of the CommCom Board and others can be found at <http://commcom.com.au/about-us/>

It is worrying and would seem very odd the board and members do not include any carrier representatives who actually have a stake in the industry. Although I don't believe there is a need for this body at all as its functions should be or are already catered for by the ACMA and the TIO. Having political appointees with no industry experience including the President of the New South Wales branch of the Australian Labor Party dilutes any credibility of such an organisation. This would appear

to be jobs for the boys and girls which are paid for by the carriers. It is just another impost which we carriers cannot afford.

Also according to the CommCom website "Communications Compliance does not enforce compliance with the Code, i.e. it does not issue fines or initiate legal action for non-compliance. Enforcement of the Code rests with the Australian Communications and Media Authority (ACMA)." This further questions the need for such an organisation.

"Communications Compliance does not accept complaints from consumers and does not engage in dispute resolution. This is the role of the TIO who provides free-of-charge dispute resolution services to residential and small business consumers." This further questions the need for such an organisation

"Communications Compliance operates not-for-profit, does not receive government funding and is financed through fees paid by CSPs for the services Communications Compliance renders and for its operations."

In other words they exist by imposing themselves on the CSP's. They don't add any value to the process and their compliance role is purely advisory.

This would seem like an overly bureaucratic way to ensure code compliance. It would also suggest that there are no carrier representatives other than retired ones involved that were salaried employees of carriers in their previous employment, although it would appear as if the carriers and service providers are being forced through regulation to fund the activities. The industry does not need to or should be expected to fund committees to perform this function. This is clearly an ACMA responsibility and should be funded by the ACMA. In fact there is little if any need for such a committee and the ACMA should discuss issues with carriers and service providers that have failed consumers not penalise the whole industry for the actions on a very small number of carriers and service providers. The regulation should be done on a cause and effect / evidenced based failure of the industry participants in question.

Solution

In line with the Government stated intention to reduce red tape and compliance cost,

We are asking that the minister direct the ACMA to undertake this activity in house and that any information required can be submitted in the same way as the Form 308 disclosures form.

Secondly that any consumer / carrier service provider liaison /advocacy role be left to the TIO

Yours Sincerely



Tim McCullagh
Manager / Owner HaleNET Internet