



24 September 2020

Consumer Safeguards Review
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
Canberra ACT 2601

By email only: consumersafeguardsreview@communications.gov.au

Dear Sir/Madam

Submission - Consumer Safeguards Review Part C

Ballarat & Grampians Community Legal Service (BGCLS) welcomes the opportunity to provide a submission to the Consumer Safeguards Review - Part C - Choice and Fairness Consultation Paper (**the Consultation Paper**).

This submission:

- calls upon government to acknowledge telecommunications are an essential service;
- provides a case study to demonstrate the consumer harm resulting from a lack of proper regulation of the telecommunications industry;
- supports Proposals 1, 2 and 3 in the Consultation Paper; and
- recommends improved consumer protection rules and direct regulation of telecommunications providers

We have provided further comments below.

Consumer harm in telco sector

BGCLS has assisted clients experiencing hardship related to telecommunication providers acting unfairly to customers. We submit that this is in part due to deficiencies in the current telecommunications regulations. BGCLS has assisted clients who are faced with unaffordable phone and internet/device contracts usually from inappropriate upselling, as well as dealing with telco services who have been unreasonable in responding to hardship, family violence and generally handling dispute resolution poorly.

Case study

Our client was pressured to sign up to a very expensive plan with a telecommunication company by her abusive boyfriend. When they broke up, the boyfriend physically fought her to keep the devices. Our client was left with the monthly bill.



She came to the office for help after she received a final bill after her plan had been cancelled by her now ex-boyfriend. He had cancelled the plan for the device that he had kept and was successful, despite that the Company knew the device had been stolen, and the boyfriend was not an authorised person on the account. Our client was unable to pay the final account.

We applied to the Company to have the fee waived on grounds of family violence. The Company was not cooperative, and the debt was referred to a debt collector despite. The Company did not provide a response to the request.

We subsequently lodged a complaint with the Telecommunications Industry Ombudsman. Our complaint was in two parts. The first part related to the fact that our client had declared the device stolen and had informed them of the situation, and despite that her ex-boyfriend was successful in cancelling the plan. The second part was in relation to the way they handled our application for a fee waiver.

Within 2 weeks, a Senior Customer Service advisor was in contact with us. We were able to fully explain the situation and few days later, we received confirmation that the debt was waived.

The Telecommunication Company was uncooperative and difficult to deal with resulting in the complaint escalating unnecessarily and a drawn-out outcome for the client.

Telecommunications is an essential service

BGCLS considers that telecommunications are an essential service, which has been highlighted during the COVID-19 pandemic. Access to remote assistance is more important than ever. We consider that access to telecommunication services is necessary for the following:

- participation in society, including undertaking daily activities such as banking, engaging with Centrelink/Medicare/MyGov
- Receiving medical and mental health assistance, via tele-health and engaging with help lines
- Keeping in touch with family/ medical assistance
- For people living in regional areas
- For people fleeing family violence
- Court attendances during lockdown periods

Better regulation needed

Telecommunications should be regulated like other essential services. For example:

- licensing telecommunications providers, as well as their resellers and agents;
- improved protections to deal with mis-selling issues, affordability, hardship responses, responses to vulnerable consumers, cultural competency, dispute resolution, family violence;
- provisions for the regulation of telecommunication contracts being akin to a finance contract and ensuring adequate checks and balances to ensure affordability;
- enhance ACMA's rule-making powers to replace the current self-regulatory regime with enforceable standards set by the regulator; and

- increase penalties for non-compliance with consumer protection rules and increase ACMA's resources to better enable it to monitor and enforce compliance.

This submission may be made public.

Please contact Toni Thomas at Ballarat & Grampians Community Legal Service on [REDACTED] or at [REDACTED] if you have any questions about this submission.

Yours Sincerely,

[REDACTED]

Toni Thomas
Principal Lawyer