

Arthur Marsh – submission for “Compliance Priorities 2024-25”.

Questions for consideration

In describing what you think should be ACMA compliance priorities for 2024–25, please address some or all of the following questions:

> What have you identified as matters of significant public interest or concern?

Successfully contacting one’s telco and getting issues addressed promptly and getting effective regulatory enforcement if and when telcos fail to take action promptly.

> What do you see as being potential and actual causes of harm to consumers?

The examples I wish to raise are:

1) The situation of being ignored/stalled by telcos and being given ineffective means of resolution if the telco fails to understand and take prompt action to resolve issues – e.g. being told to use the TIO, who then tells you that they either can’t handle your complaint or to report the matter to the ACCC who don’t take action on individual complaints.

This leads to a feeling of helplessness. Delays in responding to individuals or not responding at all about the appropriate course of action to get regulatory enforcement doesn’t help either.

2) Telcos and regulators can also engage in unhelpful behaviour that might be considered to be “trolling” e.g. “if you bought your handset from us, it would work on our network, if you bought a third-party handset you have no way of knowing if it will work or continue to work on our network” / “because the telco didn’t say that this third party handset would work on their network, it isn’t compatible with their network, end of story, tough luck”.

One should be able to easily find information from the telco as to the requirements of their network (supported bands and technologies) and information from handset suppliers on supported bands and technologies of their handsets and be able to buy and successfully use a third-party handset.

One also gets the feeling the feeling that every organisation that you have to deal with is giving you the impression that “If you just followed the proper processes, none of your difficulties would exist”? (Mind you, I think that many organisations' ideas of the “proper processes” include having infinite patience for resolution and infinite time to repeat one's self and remind the organisation, or just be able to accept that black is white...)

> What are the high-level risks of non-compliance that you have identified, including from technological developments?

Risks include a feeling of hopelessness in getting satisfactory telecommunications outcomes, e.g. not being able to get services appropriate to one's requirements and ending up not having working services.

This is harmful to quality of life.

> What are the emerging issues where we can encourage compliant behaviour, deter non-compliance or boost public confidence?

Given that most if not all requirements of industry codes and standards have no means for an individual to get the codes enforced, the ACMA should enable and detail how individuals can know what codes and standards apply (maybe require the telcos to list the codes and standards on their web sites with links to further information on the ACMA or other web sites) and how to achieve enforcement of the code or standard to achieve compliant behaviour by the telco. I have had one telco provide out-of-date and hence misleading information about the TCP Code and provide a red herring about their complaints handling process, referring to the Australian Standard for complaints handling rather than the Telecommunications (Consumer Complaints Handling) Industry Standard 2018.

> Are there any technological or market developments that you think are testing the effectiveness of the regulatory framework?

VoLTE being a non-standard that encourages a "make no promises" line by telcos and equipment suppliers yet being required for mobile network voice calls after 3G shutdown shows that regulation has failed. VoLTE support by MVNO's and in international roaming is in a state of "if it works, good" without any guarantee of what will work. (In the case of VoLTE and international roaming, the telco initially claimed it was dependent on the customer's handset and mobile plan ie "blame the customer", and only after the ACMA finally took up the matter with the telco close to 11 months from my initial queries to the telco did the telco clarify that it also depended on the network being roamed on and the nature of the roaming agreement between the telcos).

There is also a similar problem with 5G StandAlone (5GSA) and Voice over New Radio (VoNR).

The regulatory framework is also failing where customers are being forced to use less resilient services – e.g. mobile services that can be out for several days due to power to the mobile tower being cut, having landline service via FTTN which is susceptible to local and node power failures, landline via FTTP set to require extra powered equipment at the customer end due to the removal of analogue telephone ports from future NTD installations. This is in contrast to "maintaining and improving end-to-end network performance" to paraphrase a part of an old version of the Telecommunications Act.

> In what specific areas can we clarify the scope and application of the law?

Privacy including the right to promptly access data held by the telco/IPND about the account holder and get it corrected and verified promptly.

Truth in advertising including being able to get clarification/correction where information is in breach of section 3.2.1 of the TCP Code "A Supplier must ensure that any information provided or made available to Consumers is clear, accurate, free of material omissions, relevant, current, readily available, and, in cases where information is provided, timely."

>We're also interested in your views on whether we should extend any of our 2023-24 compliance priority areas for a year or more - and if so, why? Your views will assist us to shape our workplan and ensure we use our compliance and enforcement resources effectively.