

Submission in response to ACMA consultation on changes to consumer complaints-handling rules

NBN Co

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Introduction

nbn welcomes the opportunity to respond to the ACMA's consultation paper on proposed amendments to the Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (**Complaint Handling Standard**). We understand the proposed changes are intended to make it easier for consumers to make complaints about network outages and also to generally improve how telcos handle all complaints about phone and internet services.

nbn supports the submission of Communications Alliance. In this submission we have chosen to expand on some matters that are particularly relevant from a network operator perspective. The views of nbn in this submission are supplementary to the Communications Alliance submission.

This response should also be read in conjunction with nbn's separate submissions on the proposed amendments to the *Telecommunications (Customer Communications for Outages) Industry Standard 2024 (Comms for Outages Standard)* and the Emergency Call Service Determination (**ECS Determination**).

Definition of network outages

nbn agrees with the proposed approach in the Consultation Paper, to align the definitions of network outages in the Complaints Handling Standard with those in the Comms for Outages Standard. From an operational perspective, it will be easier if definitions are aligned across each of the relevant standards. Therefore once a determination is made that a particular outage is a 'major outage' or a 'significant local outage', then the applicable processes under the Comms for Outages Standard, the ECS Determination and the Complaints Handling Standard will all apply.

However, as set out in nbn's separate submission on the Comms for Outages Standard, nbn has concerns with the proposed definitions. In particular, nbn considers the SIO threshold of 1,000 for 'significant local outage' is too low and will capture outages that are currently adequately dealt within the normal course of a carrier's BAU activities. From a complaint handling perspective, we are not aware of any evidence to suggest that local outages impacting 1,000 SIOs are not being effectively addressed under existing complaints handling processes.

Definition of network outage complaint

The Ministerial Direction to amend the Complaints Handling Standard includes an objective that the definition of 'complaint' appropriately includes consumers who contact a provider in relation to a network outage. The explanatory statement to the Direction notes that this objective relates to ensuring that consumers who contact their provider in relation to a network outage can attract the protections of the Complaints Handling Standard.

However, we share the concerns of carriage service providers (CSPs), as outlined in the submission by Communications Alliance, that the amendments proposed to implement this objective will have the undesirable effect that a service outage report from a customer will be

treated differently from a complaints handling perspective, depending on whether an outage effects a small number of services or a large number of services. It is not clear to us what benefit is intended to flow from this differential treatment under the Complaints Handling Standard.

As a network operator, nbn does not have primary responsibility for dealing directly with customers during a network outage. However, we are concerned that treatment of all customer contacts during an outage as a complaint may not accord with the expectation of consumers - who may just be seeking to ensure their service provider is aware of the outage, or wanting to know where they can find more information about the progress and likely rectification time.

As noted by Communications Alliance, increasing call handling times during a major outage or significant local outage is not necessarily a desirable outcome from a customer perspective in circumstances where there may be a very large increase in call volumes, as many customers are impacted by the same event. It may make more sense for a CSP to confirm with each customer whether they are seeking to lodge a complaint or merely seeking to pass on or receive information about a service outage.

It is unclear to us what benefit consumers (or other stakeholders) would obtain by a CSP treating all contacts as a complaint during an outage, when this is not the approach taken in other circumstances. The time taken to resolve a network outage and the prioritisation of restoring services is not determined by the number of complaints recorded, but rather by the services impacted and the steps needed to identify the cause of the outage and address the issue or put in place temporary solutions.

Prioritisation of network outage complaint

The Ministerial Direction to amend the Complaints Handling Standard includes an objective that providers appropriately prioritise complaints from consumers affected by network outages. We agree that prioritising the restoration of services is appropriate over the resolution of other complaints related to network outages.

However, the proposed draft amendments to the Complaint Handling Standard also seek to give a higher order of priority to some complaints over others. The drafting seeks to do this by:

- (a) Defining 'urgent network outage complaints' as:
 - a. where the consumer has expressed a need for urgent assistance using a real-time or near real-time communication method; or
 - b. which involves a priority assistance consumer and the service for which they are receiving priority assistance.
- (b) Requiring that urgent network outage complaints are resolved as soon as possible (where other network outage complaints are to be resolved 'as soon as practicable')
- (c) Requiring that a CSP must 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.

We are concerned that the proposed definition of urgent network outage complaints is overly subjective and solely based on a consumer self-identifying that their concern is urgent. To the extent the category of 'urgent network outage complaint' is retained in the finalised Standard and extends beyond Priority Assistance consumers, our recommendation is that the Standard should merely require CSPs to develop and apply an internal prioritisation process, that should include criteria that would be applied to determine whether an outage complaint is urgent.

However, we note that the default resolution for a network outage complaint is the restoration of services, and that, in most cases where a large scale outage occurs, the resolution will often occur simultaneously for all impacted services. Where service restoration is not simultaneous, in most cases the order in which services are restored will depend on the cause of the outage and the technical steps necessary to resolve it. Given the above, we are concerned that by identifying some outage complaints as urgent, the Standard may create a false expectation that the restoration of services to some customers is able to be prioritised over the restoration of other services to others, and will in fact be prioritised in that way.

We are also concerned that the requirement to make all reasonable efforts to assist a consumer with an urgent network outage complaint to stay connected to a carriage service during a network outage is ambiguous and may set consumer expectations that are unrealistic. If a CSP is in a position to assist a customer to stay connected during an outage (such as by switching to a different type of network) it would make sense for a CSP to do so. However, whether there is anything a CSP can do for a particular customer in respect of any outage will depend on a range of factors.

Reasonable assistance

We note that the proposed amendments to the reasonable assistance requirements in Part 6 of the Complaints Handling Standard would require a network operator such as nbn to:

- (a) acknowledge the receipt of a request for reasonable assistance:
 - i. within 3 hours for network outage complaints; and
 - ii. within 2 working days for all other complaints;
- (b) advise what the indicative timeframes are for responding to the request as soon as practicable;
- (c) confirm any proposed resolution for complaints other than network outage complaints as soon as practicable after completing its investigation of the issues set out in the request.

As a wholesaler nbn already has channels established to assist and provide information to CSPs during any network outage, as outlined in our submission on the Comms for Outage Standard, and the Comms for Outages Standard will add to those existing channels. For this reason, we do not think it is necessary or efficient to use the requests for reasonable assistance process as a further channel to manage communications between a network operator and CSPs during an outage.

In our view the proposed changes are unlikely to deliver any substantive benefit for consumers, given the communications already required under the Comms for Outages Standard. We also note that, from nbn's perspective, to effectively implement and manage the proposed changes to the reasonable assistance requirement would require system changes which are challenging to implement in the timeframe provided, and add cost to the business for minimal benefit.

Shorter complaint resolution times

nbn is concerned that the proposed reduced resolution implementation time of five working days is not practical for many of the types of complaints that nbn receives, such as those related to damage and infrastructure repair. While 5 days may be reasonable for the implementation of a resolution to many types of consumer complaints to CSPs, where the resolution of a complaint is complex and requires site access to be organised to undertake physical works, 5 days is unlikely to be adequate.

While we acknowledge that the Complaints Handling Standard does accommodate delays where the standard timeframes cannot be met, we remain concerned that the proposed reduction could lead to unrealistic expectations and dissatisfaction. For this reason, while we support the reduction of the timeframe to propose a complaint resolution from 15 working days to 10 working days, we do not support the reduction of the implementation time from 10 working days to 5 working days.

Easier to contact a CSP to make a Complaint/Improved accessibility

The ACMA proposes the following amendments with the intention of making it easier for consumers to find information about how to lodge a complaint:

- A CSP must keep contact details for making a complaint accurate and up to date in the complaints handling process and where they appear on their website.
- Contact details displayed on a CSP's website must set out all the mandatory contact methods in a list or table format so consumers can easily see all the different contact options and details.
- If the phone number used for complaints is a general or shared phone number that uses a menu system requiring consumers to select a number to be directed to assistance about a particular problem or enquiry, then the first menu list level must include a clear option for consumers to choose that will lead them directly to personnel trained to handle complaints.
- Clarification that the requirement to provide a phone number to make a complaint means that consumers will be able to use this method to talk directly to CSP personnel trained to handle complaints.
- Removing a reference to 'enquiry' in 8(3)(a) which requires CSPs to have a web page that sets out how to contact the CSP to make a complaint or enquiry. This is intended to clarify that if a consumer is using the contact details provided, then the consumer is intending to contact their CSP about a complaint, not an enquiry

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It is reasonable to require that contact details for making a complaint are kept up to date and to clarify that a complaint phone number should enable a consumer to talk to CSP personnel trained to handle complaints. However, we agree with Communications Alliance, that requiring contact details to be displayed in a particular way on a website and specifying the order in which options are provided within a phone menu system, is a level of detail that will not necessarily make complaints more user friendly in practice.