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Communications Alliance Ltd
PO Box 444
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Via email:
info@commsalliance.com.au

To Australian Communications and Media Authority,

Re: Response to Draft Telecommunications Consumer Protection (PCC) Code

Community Information Victoria (CIVic) is the peak body of the community information and support sector in Victoria. CIVic provides operational support, sector development, advocacy and representation to its member agencies. CIVic has over 60 member agencies, each managed by autonomous, community based management committees. CIVic member agencies provide information and support services to people in their local communities, including vulnerable and disadvantaged people. They provide information, referral, advocacy, emergency relief, case work, No Interest Loans Such services aim to uphold the dignity of all, respond to community needs, alleviate the impact of poverty and promote social justice.

First, we commend Communications Alliance Ltd, the Steering Group and the Working Committees responsible for revisions made to the Code.

As a peak body concerned with issues affecting vulnerable individuals and families, we welcome efforts made to increase consumer protection in a complex telecommunications consumer environment. We particularly welcome the creation of a Code of Compliance Framework to be overseen and monitored by an independent body – Communications Compliance (CC). We strongly believe that such a body must be independent, effective and adequately resourced in order to fulfill its role. We also strongly believe that the principles underlying such a body should not only seek to benchmark industry standards and Code compliance. They should also seek to ensure it functions within a broader consumer protection framework. When an independent and effective body functions from a broader consumer protection framework, it also builds and retains consumer confidence.

We are writing to express our concerns that the draft TCP Code does not adequately provide for, or remains unclear on, the broader consumer protections framework that should underline the roles and obligations of the CC. We recommend the Steering & Working Groups look to the Code Compliance Monitoring Committee (CCMC), responsible

for monitoring compliance with the Code of Banking Practice, for a best practice model.

In addition, we would like to raise the following general concerns with regard to the roles and obligations of the CC.

1. Funding, powers and sanctions of the CC

The CC must have the capacity to manage operations and make decisions independently. There should be clear jurisdictions, activities, powers and sanctions. It must also be adequately funded, with an effective and self-sustaining funding model. This has not been adequately addressed in the draft document. We recommend that adequate funding and resourcing be built into the Code to ensure the CC's long term sustainability and independence.

2. Enhancing and supporting Code compliance

Code management and compliance, in a self-regulatory environment, needs to go beyond identifying compliance breaches, compliance and external dispute resolution. There must be a capacity to identify trends and issues and appropriate remedies and outcomes. There is no mention in both Appendices 1 and 2 as to the investigatory, remedies and sanctions powers of the CC. Furthermore, there was no mention of the role of CC to identify trends and issues – a preventive component to their roles and function. Information gathering, sharing and analysis with a view to identifying trends and issues would greatly enhance industry compliance and consumer protection.

The CCMC has a three-tier function of breach identification and remediation, compliance assessments and reports and publications. In a self-regulatory environment, the capacity to provide those three levels of code management and compliance means that CCMC can effectively balance the need for code management and compliance within a broader consumer protection framework. We highly recommend that the CC play an equally balanced role, whereby the CC can seek to go beyond compliance and set a best practice industry benchmark.

Should you have any comments or questions regarding this response, please contact our Sector Development Officer Minh Nguyen, Tel (03) 9672 2004 or email minh@civ.org.au.

Yours sincerely,



Kate Wheller
Executive Officer