

## **Draft Consumer Protection (Amendment) Rule 2024 Outline (Annotated)**

### **1. NAME OF RULE**

This Rule is the *Consumer Protection (Amendment) Rule 2024*

### **2. PRELIMINARY**

### **3. COMMENCEMENT**

### **4. AMENDMENTS**

#### **SCHEDULE 1. AMENDMENTS TO THE CONSUMER PROTECTION RULE, 2014**

### **7. RIGHT TO INFORMED CONSUMER CHOICE**

#### **7.1. Right to full information on service choices and costs/prices**

##### **7.1.1. Information to be Provided by the Telecommunications Service Providers to Retail Customers**

- A Telecommunications Service Provider must ensure that any information provided or made available to Consumers is clear, accurate, free of material omissions, relevant, current, and readily available.
- Service Providers shall inform customers about the full features, costs, and fees for any product or service. Providers shall also inform customers about credit or data used after every call, SMS, or data usage. An itemized 6-month history of the customer's usage and costs shall be available at all times.

##### **7.1.2. Critical Information Summary**

- Suppliers must provide Critical Information Summaries (CIS) of their current offers to customers at no cost, for the purpose of helping customers to easily decide which products and services are best for them. These CISs will include descriptions of the offers' service abilities, the possible range of cost, a description of various potential fees, and contact information for customer service.

- CISs must be clearly formatted, no more than two pages long, available in person and online, and include information about any new or special offers.
- Service Providers must also have available additional information for customers outside of the CIS. This shall include the following: product descriptions, manufacturers' names, technical information, details about billing and payment, explanations about usage capacities, details of available post-sale support, mobile coverage, international roaming, virtual network operators, and product options for customers with disabilities.
- Telecommunications Service Providers will also provide an app-based system for customers to see personal usage history, costs, and tariffs. Customers will receive alerts after using certain percentages of their data.

## **7.2. Protection from fraud, deceptive advertising, inappropriate sales techniques**

### **7.2.1. Advertising, Sales, Contracts, and Customer Service**

- Telecommunications Service Providers shall not activate or deactivate service plans or value-added services without explicit customer permission.
- Service Providers must include conditions and restrictions for service or price offers in their advertisements.
- Service Providers shall not advertise claims about prices, products, or services that are untrue, impossible, or only possible for customers within highly specific parameters.
- Service Providers must provide advertisements that are clear and detailed, while not overshadowing their main message. Advertisements must also be designed on the basis of how long the typical viewer is likely to see them.
- Service Providers must be clear with customers about the principal terms, time-frames, and eligibility conditions of any special offers.
- Advertisements for internet-only plans must include the price for one megabyte of data.

## **7.3. Right to customer assistance with purchase and service options**

### **7.3.1. Facility to Provide Information on Retail Customer Account**

- Telecommunication Service Providers shall ensure that Sales Representatives promote and sell products clearly and responsibly, making sure to explain key terms and costs to customers.
- Sales Representatives shall be thoroughly trained and monitored to ensure desirable service and to address any potential issues with customer service that may arise.
- If a customer expresses a specific need in their Telecommunication Device or service, suppliers must offer information about what offers will best satisfy the customer's need.
- Service Providers will endeavor to maintain high-quality customer service through prominent hours of availability, low average wait times, significant first-contact resolutions, and thorough record-keeping.
- Service Providers must seek and obtain customer feedback about the customer service experience. Service Providers shall work to address any systemic issues that emerge.

#### **7.4. Customer access to detailed billing and usage information**

##### **7.4.1. Data Usage Alerts and Notifications**

- Telecommunications Service Providers must offer Spend-Management Tools to help customers budget their Telecommunication device usage. These tools must include at least one option that does not require use of the internet. Service Providers must also offer free information on how to obtain and use the Spend-Management Tools.
- Service Providers must provide customers with Usage Notifications that indicate when the customer has used certain amounts of their Data allowance and if the customer is incurring additional data use fees.

##### **7.4.2. Credit and Debt Management**

- Telecommunications Service Providers must undertake a Credit Assessment for customers before providing a Post-Paid Service with a minimum term greater than one month. If a customer is determined to be unlikely or unable to satisfy their financial obligations, then the Service Provider must suggest other, more affordable Offers available. The Service Provider must inform the customer about any liability the customer incurs.
- Service Providers must inform customers about any restrictions on the customer's service, including why the restriction exists and how it might be removed.

- In the event that a Security Deposit is required by a Service Provider, the Service Provider must provide the Consumer with information about the terms of that Security Deposit, including the circumstances in which the Security Deposit may accrue interest, be forfeited or be repaid.
- Service Providers must ensure Customers are given adequate notice regarding a decision by the Supplier to Restrict, Suspend or Disconnect their Telecommunications Service for Credit and/or debt Management reasons.
- Service Providers must ensure that Customers and former Customers are treated with fairness in relation to the Credit Management process.

## **7.5. Right to change and cancel service, and switch operators, without penalty**

### **7.5.1. Activation and Deactivation of Data Services**

- Customers must have the ability to activate and deactivate data services on their devices, to manage data usage and avoid unanticipated or excess data usage and charges. This ability must be easy and transparent for customers to use and understand.
- Service Providers must offer assistance to customers with understanding and utilizing data service activation and deactivation functions, and must provide reasonable credit or forgiveness of accidental excess data service usage.

### **7.5.2. Changing Service Providers**

- A Telecommunications Service Provider must use reasonable endeavors to ensure that a Consumer is only the subject of a Transfer to an alternative Service Provider if the Consumer has provided their consent to such Transfer. The transferring Service Provider must ensure that the transfer is allowed and must keep the Consumer informed about the details, success, or failure of the service transfer.
- If a Service Provider proposes to move its customer base to an alternate wholesale network provider, the Service Provider must, before the move is initiated, notify all its customers.

## **8. FAIR AND REASONABLE PRICING**

### **8.1. Publicly Available Tariff Plans**

#### **8.1.1. Filing of Tariff Plans with NICTA**

- Telecommunications Service Providers will file all tariff plans with NICTA promptly upon introduction or changing of any tariff plan.

### **8.1.2. Publication of Tariff Plans**

- Telecommunications Service Providers will publicly publish all tariff plans, and make them available for all customers.

### **8.1.3. Transparent Advertisement of Tariffs**

- Telecommunications Service Providers must clearly and prominently communicate all tariffs through public advertising and through on-line and other marketing channels. All customers and prospective customers must be informed of all tariff options.

## **8.2. Transparent, Affordable Service Pricing Options**

### **8.2.1. Billing**

- Service Provider Bills for post-paid customers will be available for customers on promised dates and include a full itemization of costs, fees, tariffs, and usage history. The bill will be easy to access for a minimal cost and there will be at least one payment option that is free of additional fees. Bills must be issued within 10 days of the Billing Period.

## **8.3. Protection against “bill shock,” unreasonable charges, price increases, bait-and-switch**

### **8.3.1. Limitations and Notification regarding price changes**

- **\*\*[NICTA will adopt rules regarding adequate timing, notice, and other limitations on price changes.]**

### **8.3.2. Activation and Deactivation of Value-Added Services**

- As protection against bill shock and unreasonable prices, customers will have full, clear control over activating and deactivating value-added services.

## **8.4. Notification and assistance regarding price or usage changes**

### **8.4.1. Billing and Metering Audit**

- Telecommunications Service Providers will provide notifications about price or usage changes, including offering billing and metering audits.

## **9. EQUITABLE ACCESS AND TREATMENT**

### **9.1. Services and Access Support for Persons with Disabilities**

#### **9.1.1. Persons with Disabilities**

- Telecommunications Service Providers will provide reasonable accommodation and assistance for Persons with Disabilities, to enable such customers to obtain the full benefits of utilizing telecommunications services.
- All mobile handset providers must import handsets that support People with Disabilities and adhere to NICTA's specific prescribed requirements. NICTA may issue handset providers with fines if suitable handsets are not available.
- A Service Provider Supplier must communicate with Consumers in plain language and offer support for Consumers who do not speak English.
- **\*\*[Other potential rules regarding Persons with Disabilities]**

### **9.2. Non-discrimination, equal treatment of all customers**

#### **9.2.1. Non-Discrimination**

- Service Providers must ensure that Sales Representatives and staff who interact with Consumers are able to interact with disadvantaged or vulnerable Consumers appropriately.
- Service Providers must ensure that a Consumer can appoint an Authorized Representative to act on their behalf, if the Consumer requires.

## **10. PROTECTION AND SAFETY**

### **10.1. Protection of customer privacy, confidentiality of information**

#### **10.1.1. Customer Privacy, Confidentiality Rules**

- Service Providers must ensure that all customers' or former customers' Personal Information is protected from unauthorized use or disclosure.
- Service Providers must make available, at no cost, information about any tools the Service Provider offers for preventing unauthorized access to the customer's account or services.

### **10.2. Protection from abuse, mistreatment, unauthorized use of data**

### **10.2.1. Rules on Protection from Abuse**

- **\*\***[NICTA will adopt rules on protection of consumers from abuse]

## **11. COMPLAINT AND REDRESS**

### **11.1. Procedures and criteria for filing complaints**

#### **11.1.1. Complaint Handling**

- **\*\***[The Rules that apply to Consumer complaints handling are currently set out in the NICTA Consumer Complaints Handling Guideline 20xx.] These may be updated under this rule.

### **11.2. Operator obligations for responding to and redressing complaints**

- Telecommunications Service Providers must establish clear and transparent procedures for receiving and responding to customer complaints. These must be submitted to NICTA for approval, and must be publicized and made available to all customers.
- Service Providers must provide customers with a Contract that includes the following: full details of the purchased services and/or products, the identity of the Service Provider, all terms and conditions, a CIS, activation and expiry dates, and any new information upon contract renewal.
- Service Providers shall keep records of all contracts for the full term of the contract plus two years. These records will be available to the customer for the full duration of that period.

### **11.3. NICTA support for complaint resolution**

- In the event of non-resolution of customer complaints, NICTA may intervene to support resolution according to these rules and the circumstances of the complaint.
- NICTA shall have the authority to audit Telecommunications Service Providers in case of suspected overcharging or other mistreatment of customers. In cases of discovered mistreatment, NICTA may issue fines to the Service Providers.

## **12. COMPLIANCE**

### **12.1. Rule Compliance and Monitoring**

- Telecommunications Service Providers must have systems and processes to support Regulation/Rule obligations.
- Service Providers must promote awareness of this Rule to their customers and communicate the requirements of the Rule to relevant staff.
- Services Providers must do all things reasonably necessary to assist NICTA to perform its functions.

## **12.2. Penalties**

- Any Telecommunications Service Providers who fail to comply with or observe any regulations of this Rule will be subject to the penalties of the National Information and Communications Act 2009.