

14 April 2014

NBN Regulatory Review
Department of Communications
CANBERRA ACT 2601

By Email: NBNReview@communications.gov.au

Dear Sir or Madam

Cost-Benefit Analysis and Review of Regulatory Arrangements for the National Broadband Network (NBN) – Telecommunications Regulatory Arrangements

The Telecommunications Industry Ombudsman (TIO) welcomes the opportunity to provide comments on the Telecommunications Regulatory Arrangements Paper ('the Arrangements Paper') released for public consultation on 24 March 2014.

This brief submission focuses on the rules about how NBN Co might appropriately deal with end-users (at page 24 of the Arrangements Paper).

The TIO deals with complaints about from end-users about telecommunications services. We have seen in our complaint handling that there are occasions where a direct dealing between end-users and NBN Co is beneficial. This is most evident in circumstances where NBN Co is well placed to resolve an end-user's issues. This includes where land access or property damage disputes arise from the installation of NBN infrastructure, or where there are complaints about the location of NBN equipment. NBN Co's ability to deal with end-users in these scenarios increases efficiency throughout the telecommunications environment. Appropriate arrangements avoid the formality, potential duplication and unnecessary run-around which may arise if an end-user is always required go through an RSP.

RSPs have also contacted the TIO with their views on the level of responsibility that should be apportioned to NBN Co to resolve certain complaint issues – most commonly in relation to connection and fault repair delays. For example, they may state that the reason for a complaint about a connection delay or rescheduled or missed appointment is due to an absence of information from NBN Co. RSPs tell us that it may be unfair for them to be held accountable when they do not have further information from NBN Co to provide to end-users. End-users have, on occasion, proffered similar views.

Given these views, it may be appropriate in some limited circumstances for NBN Co to deal directly with end-users to provide tailored information about the status of their connection. NBN Co's involvement need not be disruptive; instead, both NBN Co and the

RSP may both stand to benefit in managing end-user expectations and efficiently providing information without double handling.

NBN Co is a very visible enterprise in the Australian community. There are strong expectations of NBN Co to act as a good corporate citizen, including that it respond when its actions impact on end-users. It is therefore appropriate that NBN Co is permitted to deal directly with end-users in particular circumstances.

We therefore recommend that any rules for the operation of NBN Co do not preclude its ability to deal with end-users in appropriate circumstances, and in particular where this may assist in resolving an end-user complaint. This is consistent with NBN Co's current Complaint Management Policy.

If you wish to discuss the comments outlined in this correspondence, please do not hesitate to contact the TIO's Executive Director – Industry, Community & Government, David Brockman, on (03) 8600 8700 or at david.brockman@tio.com.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Cohen', with a vertical line through the middle of the letters.

Simon Cohen
OMBUDSMAN