

In response to:

General issues for comment

1. Do the proposals in this paper address the major issues of concern around choice and fairness and consumer safeguards?

Some of the issues around Industry Codes seem to be understood.

Most of my issues have been with the IPND Code whose 2017 version was supposed to provide for a customer's right of timely access to complete information about their telephone services held in the IPND and the right of timely correction and verification of the corrections, as a streamlined way of complying with the requirements of the Privacy Act. Trying to get this to work in practice has been frustrating, and even after submitting comments, based on my experiences, in the public comment period for what was to become the 2020 version of the IPND Code, there appeared to be nothing changed in the 2020 version of the IPND Code to improve compliance or a customer's experience of accessing, verifying, correcting where needed and verifying the corrections for how their telephone service details appear in the IPND.

I do not believe that the TIO is an appropriate body to address complaints around customer access, correction and verification of details of their telephone services in the IPND as the TIO will give the other party or parties extra time to comply and will not take action if the other parties eventually comply even the time taken is beyond the time-frames specified in the IPND Code. The Office of the Australian Information Commissioner while covering the Privacy Act has not demonstrated that it can take timely action on a customer's right of access, correction and verification of their personal data in the IPND either.

Also, the Industry Codes can have statements in their preambles or their main text which is known to be incorrect by the parties authoring the code themselves or through feedback during the public comment period yet do not get corrected. It would be helpful for there to be more accountability for the accuracy and content of Industry Codes.

In response to:

2. Are there any unforeseen issues or unintended consequences of the proposals?

I have no comment on this question.

In response to:

3. Are there any other issues that should be brought to the Government's attention?

There is a lack of awareness by the mobile handset retailers and their manufacturers' representatives in Australia that use the Android operating system of the Android Compatibility Definition Document found at <https://source.android.com/compatibility/cdd> and its implications with respect to Australian Consumer Law.

A Motorola G5s XT1797 handset that I purchased in 1997 through a reputable bricks and mortar retailer did not meet the Android Compatibility Definition Document's requirement for NFC (Near Field Communication) support advertised for that handset until a major software update over a year after purchase, and the manufacturer ceased supplying security updates for the handset's Android operating system less than a year after that, leaving me with a considerably shortened period where the handset met advertised specifications and was covered by warranty and security updates.

There is a lack of a clear and effective way for customers to exercise their rights under Australian Consumer Law for mobile handsets that fail to meet advertised specifications and to have warranties and security updates extended to cover lost time due to warranty returns or delayed implementation of advertised features.

Another issue is that with home-based VOIP telephony services, many RSP's restrict the use of their voice telephony services to their own supplied modems/routers, meaning that a customer has to purchase new hardware if switching RSP's and retaining the VOIP service, even though they can port the telephone number to the new provider. A fairer system would be for RSP's to be required to provide full details of their VOIP service settings to their customers so that the customers are not restricted to using the RSP supplied hardware and also not block customers from using VOIP services from other providers.