

## Canadian regulator visits ACMA

**ACMA hosted a recent visit from representatives of the Canadian Radio-television and Telecommunications Commission (CRTC), who were here to view first-hand how ACMA has facilitated the convergence of its business units since the amalgamation of the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA).**

Stephen Delaney and Jim Stefanik visited ACMA's three central offices in Canberra, Melbourne and Sydney, speaking to many staff and some of ACMA's key stakeholders to seek advice on what has worked well in the amalgamation of the two organisations and functions, as well as which areas need further work.

With responsibility for broadcasting content regulation and telecommunications, CRTC has a similar regulatory mandate to ACMA. The main area of difference between the two regulators is that CRTC is responsible for telecommunications competition issues, monitored in Australia by the Australian Competition and Consumer Commission (ACCC). Another distinction is that ACMA is accountable for spectrum management, while CRTC is not involved in this area.

ACMA is amongst only a handful of countries who have put in place a 'converged regulator'.



ACMA'S MICK OWENS WITH CRTC REPRESENTATIVES JIM STEFANIK AND STEPHEN DELANEY.

## ACMA directs Dodo to comply with complaints handling and billing codes

**ACMA has issued a Direction to telecommunications provider Dodo Australia Pty Ltd for it to comply with industry codes of practice relating to complaints handling and billing. This action by ACMA is an example of the regulator moving to take formal enforcement action when less formal measures were unable to achieve the required outcome for consumers. This is consistent (or in accordance) with ACMA's published approach to code compliance.**

ACMA's investigation of Dodo's compliance with the Australian Communication Industry Forum's complaints handling and billing codes followed a formal referral by the Telecommunications Industry Ombudsman (TIO), under Part 6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. The TIO was particularly concerned about the increasing number of complaints it was receiving about Dodo's complaints handling policies.

ACMA formed the view that Dodo had contravened the codes due to failures in its policies and procedures, and commenced negotiating an enforceable undertaking with

Dodo in September 2007.

ACMA and Dodo were unable to reach agreement on the time required to rectify breaches of the Billing Code. ACMA decided to issue a Direction under section 121 of the *Telecommunications Act 1997* in December 2007. Failure to comply with a Direction made under this section may incur civil penalties.

Dodo sought a reconsideration of the decision and the Direction was affirmed by ACMA in January 2008.

ACMA has used its formal investigation powers to ensure that customers of Dodo are offered the same level of consumer protection as

customers of other telecommunications providers. In recent times, Dodo appears to have made significant progress in its standard of complaints handling; however, ACMA still considers that Dodo is not yet fully compliant with the complaint handling and billing codes.

Industry codes are developed by industry bodies on matters relating to telecommunications activities. ACMA has directed Dodo to comply with the *ACIF C542:2003—Billing Code* and *ACIF C547:2004—Complaint Handling Code*.