

# Priority assistance services

Complaints we receive involving priority assistance services include claims that:

- a provider has rejected a consumer's application for a priority assistance service
- a provider did not tell a new customer that it offers a priority assistance service, or how to apply
- a provider did not tell a new customer it does not offer a priority assistance service, or give the names of providers that do
- there is a delay in connecting or repairing a priority assistance service.

**Priority assistance** is a level of service offered to residential consumers with a diagnosed life threatening medical condition. Priority assistance is intended to ensure faster connection, greater reliability, and faster fault rectification of a **standard telephone service**. Standard telephone services include most landline services, and usually exclude mobile and satellite services.

## Laws, codes, and guidelines

The following laws, codes, and guidelines are relevant to priority assistance services.

- Schedule 2 of the [Telecommunications Act 1997](#)
- [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#)
- [Telecommunications \(Customer Service Guarantee\) Standard 2011](#)
- [Carrier Licence Conditions \(Telstra Corporation Limited\) Declaration 1997](#)
- [Telecommunications \(Backup Power and Informed Decisions\) Service Provider Determination 2014](#)
- [Priority Assistance for Life Threatening Medical Conditions Industry Code 2007](#)
- Telstra's [Priority Assistance for Individuals Policy](#)

[2005](#)

- NBN Co's [Wholesale Broadband Agreement 2013-14](#)

## Our approach

When we deal with complaints involving priority assistance services we consider the law, good industry practice, and fairness in all the circumstances.

## The law

The [Telecommunications \(Consumer Protection and Service Standards\) Act](#) sets out a universal service regime to ensure that all people in Australia, wherever they reside or carry on business, have reasonable access to a standard telephone service (or an equivalent service if the person has a disability). This service is called a **USO service**. A provider that supplies USO services is known as the **universal service provider**.

*This position statement provides broad guidance on the law, good industry practice, and what the TIO may consider to be fair and reasonable in general circumstances. It is not a full statement of the law or good industry practice. The TIO considers each matter brought to it on its own particular merits.*

# POSITION STATEMENT

## Priority assistance services

Telstra is the current universal service provider. As part of its [Carrier Licence Conditions](#) Telstra is required to:

- develop, implement and maintain a documented priority assistance policy
- develop, implement and maintain processes, systems and practices to ensure that priority customers can be identified and given priority assistance.

Under the [Telecommunications Act](#) providers that do not offer priority assistance services must tell this to all prospective residential customers who ask for standard telephone services, and give these prospective customers the names of one or more providers that do.

### Good industry practice

Telstra's [Priority Assistance for Individuals Policy](#) includes the following commitments:

- Telstra is to generate awareness of priority assistance amongst customers and implement a communication strategy to achieve this aim.
- Eligibility for priority assistance must be substantiated with certification from either a medical practitioner or an authorised person. Telstra specifies the type of person who may validate a claim.
- Unless circumstances make it unreasonable, the maximum connection timeframes for the connection of the first standard telephone service at a premises are:
  - a) in urban and rural areas - within 24 hours or such a longer period as specified by the priority customer concerned
  - b) in remote areas - within 48 hours or such a longer period as specified by the priority customer concerned.
- Unless circumstances make it unreasonable, the maximum timeframe for the fault repair of at least one standard telephone service at a premises are:

- a) in urban and rural areas - within 24 hours or such a longer period as specified by the priority customer concerned
- b) in remote areas - within 48 hours or such a longer period as specified by the priority customer concerned.
- When the above timeframes cannot be met, Telstra will offer the priority customer an interim priority service, unless Telstra is prevented from accessing a priority customer's residence by reason of natural disaster, a Commonwealth, State or Territory law, risk to the personal health and safety of its staff, or other like extreme circumstances.
- A priority customer's service will not be disconnected for credit management reasons. The customer will always have access to emergency services and Telstra's customer service and fault centre.

NBN Co's [Wholesale Broadband Agreement](#) sets out specific rules for providers when ordering connection or fault repair of National Broadband Network services when a provider is offering priority assistance. These include that a battery backup service is mandatory for consumers who request or use priority assistance services.

The [Priority Assistance for Life Threatening Medical Conditions Industry Code](#) sets out rules about priority assistance for providers that are not the universal service provider. These rules include:

- information requirements about priority assistance, including:
  - before acquiring a new customer, or as soon as practicable after acquiring a new customer, a provider that offers priority assistance must give information about priority assistance to the customer
  - a provider not offering priority assistance must inform its customers it does not offer priority assistance, and state this on its website
- the definition of a life threatening medical condition for the purposes of eligibility for a priority assistance service

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# POSITION STATEMENT

## Priority assistance services

- timeframes for priority assistance connection and fault repair
- provision of interim services when timeframes cannot be met
- levels of service reliability.

### TIO view

When a provider markets or promotes a standard telephone service, for example as part of its unsolicited sales practices (including telemarketing and door-to-door selling), it should tell the consumer if it does or does not offer a priority assistance service. If the provider does not offer a priority assistance service, it should give the consumer the names of one or more providers that do.

As well as its obligations to make information about priority assistance generally available to consumers, when the universal service provider promotes its services through unsolicited sales practices, it should also tell consumers that it offers a priority assistance service.

### Dealing with a dispute

To assess a complaint involving priority assistance services we may ask for information from the consumer and provider, including:

- In appropriate circumstances, did the provider ask the consumer if they required priority assistance?
- Did the consumer tell the provider about any relevant life threatening medical condition that could qualify them for priority assistance?
- If the provider does not offer priority assistance services, did it state this and tell the consumer the names of providers who do?
- What does the consumer need access to? For example, 000 emergency services, a local hospital, private nurse, carer, or medical alert device?
- Did the provider turn down the consumer's application for a priority assistance service? Why?

- Has there been a delay in connecting or repairing a faulty priority assistance service?
- Has the priority assistance service been suspended or disconnected for credit management reasons? Can the consumer still contact emergency services from their phone?

We may also ask for documents, such as copies of:

- letters from relevant health professionals confirming a life threatening medical condition and any telephone access needs
- customer care notes
- connection and fault repair notes.

### Outcomes

When a consumer needs and is eligible for priority assistance, but was not told before agreeing to a service that a provider did not offer priority assistance, we expect the provider to release the consumer from contract with no exit fee.

When a consumer is eligible for priority assistance, and the provider offers it, but:

- their application has been refused, or
- the provider has not told them that priority assistance is available

we expect the provider to offer a priority assistance service and address any detriment the consumer experienced by not having the service earlier.

When there has been a delay in connecting or repairing a priority customer's service and the provider has not supplied an interim service, compensation under the Customer Service Guarantee Standard may be appropriate. For more information about compensation under the Customer Guarantee Standard see our position statements *Connections and disconnections* and *Faulty services or equipment*.

**Effective date:** 13 January 2015

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