



Telecommunications
Industry
Ombudsman

Submission to the
ACMA's proposed
changes to international
mobile roaming
regulations
September 2019

Introduction

Thank you for inviting the Telecommunications Industry Ombudsman (TIO) to comment on the ACMA's proposed international mobile roaming determination, which will replace the existing standard. We welcome the opportunity to contribute to this consultation.

It is pleasing to see the draft determination incorporate the recommendations we made in our submission to the ACMA's 2018 Review of the Standard¹. We support the proposed safeguards for consumers using telecommunications devices while travelling overseas and will take the determination into account when handling international mobile roaming complaints.

It is encouraging to see the draft determination adopt measures that extend consumer safeguards, such as providing some earlier notifications, and offering options for email and web-based notification in addition to SMS. These new methods go some way to addressing the current notification gap for consumers using devices other than smart phones, such as tablets, overseas.

The draft determination also provides increased flexibility for the wording of notifications, and provides greater protections for small business consumers with the increased annual telecommunications spend.

Since our last submission, we have continued to receive complaints from consumers who received unexpected charges after international mobile roaming. With these complaints in mind, we have outlined instances where the proposed determination could be extended to increase its effectiveness in addressing some types of activity. Each scenario highlighted below provides insights into the types of complaints we received last year.

Insights from complaints to the TIO about international roaming

We have identified the following themes in complaints about international mobile roaming received during 2018-2019. We hope this information will help identify any areas of the proposed changes which may need strengthening.

1. Consumers who select email or web-based notifications may receive late or delayed notifications

The proposed determination could go further by giving notifications to consumers who are mobile roaming as close to 'real-time' as possible, regardless of their device type (smartphone or tablet) or the notification method they have selected.

A possible limitation of the current proposed regulation is where consumers do not know they have a notification and may be unaware that they need to log into their account to retrieve an alert. These consumers might have moved into a different charging area, have received a usage alert, or have upcoming charging information. For each situation, a delay in receiving a notification could mean a consumer receives additional charges without their knowledge.

¹. [TIO-Submission-2018-ACMA-Review-of-the-International-Roaming-Standard-20180914](#)

While consumers using mobile devices will receive notifications as they are sent, consumers who have selected email and web-based notifications are likely to experience some delay.

Where a device or web-based application offers a pop-up option, this may require the consumer to have appropriate settings activated. There may be additional data costs if emails need to be set to download automatically in order to have notifications appear on screen.

2. Consumers might not be aware their tablet is excluded from a shared data plan

We receive complaints where consumers buy a shared data pack to use while international mobile roaming and believe their tablet usage is covered by the plan, but later receive unexpected data charges and find the tablet was charged separately.

This can happen where providers may sell bundled mobile and tablet plans that share data domestically, and consumers might not realise shared data in international roaming packs often only applies to smart phones.

Consumers often tell us they did not receive notifications alerting them to the separate charging for the tablet, so did not have an opportunity to make alternate arrangements or modify their use of the device to reduce their costs.

Under the proposed determination, international mobile roaming and the preferred notification method may be added when a consumer enters into a device contract. Despite having selected a preferred communication method, a consumer who believes the tablet is covered by a shared data plan may be unaware of the need to log in and retrieve notifications for the individual service.

Scenario 1: Consumer receives a high bill after using a tablet they thought was included in shared data

A consumer bought an international roaming shared data pack and told us they believed the tablet data was covered by this. The consumer did not receive usage notifications and was not aware of the charges until the provider called to say the consumer owed \$18,000 bill for excess data charges and restricted the services on the account.

3. Consumers may receive an 85% upcoming charge notification after using 100% of their included value

Under the proposed changes, when consumers reach 85% and 100% of their roaming plan's included value, they will receive a notification advising of the charges that will apply once they have used their included value.

We receive complaints where consumers have received a series of notifications in close succession, such as relevant usage level alerts followed directly by notifications of excess usage charges, sometimes for hundreds of dollars.

As the determination allows for delays in receiving international charging information, there may be instances where an 85% usage notification arrives after a consumer has used 100% of their included value.

This delay is likely to be further extended for consumers who have selected email or web-based notifications.

Scenario 2: Consumer receives two excess usage notifications immediately after 100% spend level notification

A consumer bought an international roaming pack to use over two weeks. The pack included a daily data allocation. After around one week using the pack, the consumer received a series of notifications in close succession. The first notification said the consumer had used 100% of their allocated data, the second said their data was \$450 more than their plan and the third \$600.

4. Consumers on cruises mistakenly believe their roaming pack covers them

We have identified an emerging issue with international mobile roaming while consumers are in international waters.

Over the past year consumers, often elderly, told us they received high bills after cruises. The types of complaints we see suggests consumers on cruises may not be aware of the countries their international mobile roaming pack should include.

These consumers tell us the roaming pack they bought did not cover the countries or the devices they understood were included.

From the complaints we have received, the types of consumers making these complaints may:

- not sufficiently understand the plan's terms and conditions (such as whether shared data includes a tablet)
- not be familiar with technology, and
- mistakenly believe the international roaming pack need only cover the countries they are visiting and not the international waters they are passing through.

Provisions for equally timely and effective notifications for all roaming devices, including tablets, could better safeguard consumers against unexpected charges incurred in situations such as these.

Scenario 3: Consumer receives high bill for plan and service use when international roaming did not cover the countries visited

A business consumer bought a daily rate international roaming call and data pack believing this would cover service use during an international cruise. While on the cruise, the consumer received several messages saying the country they were passing was not included in the plan. The consumer used 200MB data and was later charged more than \$800 for the data use and daily plan charge.

Scenario 4: International roaming plan did not cover consumer's cruise around Australia

An elderly consumer bought a daily rate international roaming pack before going on a cruise along the Australian coastline. When the consumer later received a \$300 bill, their provider said the daily rate did not apply to calls made while on the water. The international roaming charges per minute were the same as the daily rate.

5. An ongoing focus on international mobile roaming

We will continue to monitor complaints about international roaming to:

- see how providers are describing international mobile roaming packs to consumers
- identify areas where providers could improve the quality of information provided to consumers, and
- identify and respond to any possible systemic practices about international mobile roaming.

Where we identify areas for improvement, we will notify providers directly about opportunities for improvement.

While it is important that consumers buy roaming packs suitable for their travel, in instances where this does not occur it is crucial to have appropriate consumer safeguards in place including timely, effective usage and charging notifications for all roaming-enabled devices.

We encourage the ACMA to consider the areas we have raised in our submission and would welcome further changes to the proposed determination that take these into account.