

7 December 2023

Mr Daniel Abraham
Telecommunications Competition Section
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
Canberra ACT 2601

By email to coord@COMMUNICATIONS.gov.au

Dear Telecommunications Competition Section,

Department consultation on Telecommunications Legislation and Connected Vehicles

Thank you for the opportunity to comment on the Department's consultation on Telecommunications Legislation and Connected Vehicles.

While we do not have a view on who in the connected vehicles supply chain should be considered an eligible carriage service provider (CSP), if that entity is sufficiently involved in:

- a) arranging the supply of a mobile or carriage service for a residential customer or small business customer
- b) has an ongoing relationship with the residential customer or small business customer in relation to the supply of a mobile or carriage service (for example, if it bills the customer for a service supplied by a third party), or
- c) resolving a fault or other issue with a mobile or carriage service

then that entity should be considered an eligible CSP in accordance with section 127 of the *Telecommunications (Consumer Safeguards and Service Standards) Act 1999 (TCSS Act)*.

All the obligations that are required to be met by an eligible CSP under the current telecommunications regulatory framework should apply to vehicle manufacturers, distributors, or suppliers if they meet the above criteria. This includes any telecommunications-specific obligations and consumer protections beyond the general consumer law.

As part of their obligations as an eligible CSP, they should also be required to join the Telecommunications Industry Ombudsman (TIO) scheme. Any TIO membership exemption request should be made to the Australian Communications and Media Authority (ACMA), and it is up to the ACMA to decide whether an eligible CSP is exempt from the requirement

to join the TIO scheme. In making this decision, the ACMA must have regard to the factors listed in section 129(2) of the TCSS Act, including consulting with the TIO.¹

We would only join a vehicle manufacturer, distributor, or supplier to a complaint to the extent of their involvement in arranging or supplying a service to a residential or small business customer. This is our usual practice for all TIO members.

We look forward to the outcome of the Department's consultation. We would appreciate being kept informed of any developments that may impact on the TIO's jurisdiction.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Gebert', followed by a long horizontal flourish.

Cynthia Gebert
Telecommunications Industry Ombudsman

¹ TCSS Act section 129(4).