

# ACIF C546:2005 CUSTOMER TRANSFER INDUSTRY CODE



## SUMMARY

### Scope of the Code

The Code applies to all carriers and carriage service providers, including internet service providers (collectively referred to as suppliers). The Code specifically covers the sales representatives of suppliers, whether employed directly by the supplier or contracted (directly or indirectly) by a supplier.

The Code covers supplier processes with a potential customer for the transfer of part or all of their telecommunication service from another supplier to the gaining supplier.<sup>1</sup>

The Code covers all selling channels, including door to door selling, telemarketing, retail outlets, electronic data communications and direct mail. The bulk of Code rules apply to all the selling channels. There are additional rules for some specific selling channels.

### Key Provisions

The Code provides

- general conduct rules for a supplier's sales representative (in line with rules under trade practices and fair trading law)
- Rules to ensure that the potential customer is both authorised to make the transfer and is giving informed consent to the transfer
- Rules to ensure that the transfer is confirmed with the customer, and verified (when appropriate) by the supplier
- The transfer is recorded, with customer access to that record.

### Enforceability

Once a Code is registered, ACMA can issue a formal warning to a supplier about non-compliance. ACMA can also issue a direction to a supplier to comply with Code provisions, and the direction is enforceable in a Federal Court. The TIO has consented to handle complaints under the Code. Therefore, TIO staff will use Code provisions that cover the relevant supplier when resolving customer complaints.

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<sup>1</sup> The inter-supplier processes to be followed in the transfer of services is covered by ACIF C531:2005 Commercial Churn Industry Code. Supplier rules about advertising their services, and about what customers must be told when contracting for a service are covered by ACIF C521:2004 Customer Information on Prices Terms and Conditions Industry Code.

## **General Rules - Sales Representatives must:**

### **General Conduct**

- identify themselves, the supplier they represent, their purpose **NEW**
- not mislead/ not engage in unconscionable conduct
- receive induction and training in the Code and relevant legislation

### **Authorised Customer Identification**

- Get the right person and rectify the transfer if they get the wrong person **PARTLY NEW**

### **Informed Consent**

- Ensure the customer understands they are entering into a contract for a service with another supplier – **PARTLY NEW**
- Ensure Customer knowledge about terms and conditions, what is being transferred and to whom, equipment compatibility, and the possibility they may not be able to transfer **PARTLY NEW**

### **Post Transfer Requirements**

- Confirm details at the point of sale
- Verify the transfer (or sample of transfers) where the contact was initiated by the Supplier **NEW EXPLANATION**
- Notify the customer of transfer completion within 10 business days
- Retain records of transfer for 2 years or as required by legislation and provide customers or a nominated third party, on request, with access to the record including providing a copy of or play back of the voice recording

### **“Opt out” requirements**

- Ensure a customer is informed that they can request not to receive further marketing approaches, and, if the customer so requests, ensure they are not contacted. **NEW**

## **Rules for Specific channels<sup>2</sup>**

### **Telemarketing**

- include specific requirement for verbal consent to record the transfer, with adequate information of the consent on the recording

### **Electronic Data Communication**

- ensure all relevant information can be both viewed and downloaded.

## **Further information**

Copies of the Code may be accessed from ACIF's website [www.acif.org.au](http://www.acif.org.au)

The Code will be reviewed after five years of operation or sooner if there are significant developments that impact on the Code.

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<sup>2</sup> The rules in the door to door sales channel have been moved into the General Rules