

## ACCAN media release

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**Without Consent: Major flaws in consent found in communications sector**

**'40,000 *consent* complaints received each year regarding communications companies'**

New research released today highlights flaws in obtaining consent in the Australian communications industry, according to new industry watchdog the Australian Communications Consumer Action Network (ACCAN).

According to Allan Asher, the CEO of ACCAN "Our research has found that inconsistent and unsatisfactory consent requirements are scattered throughout a mix of telecommunication laws and industry codes of conduct. In many key cases consent requirements are absent entirely. The collection of informed consent from consumers is a key requirement in the communications sector," he said. "Consent is essential for contract formation, subscription services and the use of customer information.

"Our research found that regulators, complaints schemes and community organisations are receiving over 40,000 *consent* complaints each year regarding communications companies" said Mr Asher. "This is unsustainable and urgent action is required to improve industry practice and protect consumers."

"When we looked at examples of industry practice, we were shocked to see that information provided to consumers regarding communications products – such as mobile phone and Internet subscriptions – ranged from zero information right through to 57 pages of detailed legal jargon," said Mr Asher.

As a result of this research, ACCAN is calling for legislation and codes of conduct to set out consistent requirements for consent across the entire industry.

The research project was conducted by Galexia – an independent consultancy. The lead author of the research report, Chris Connolly, said: "This research should contribute to an improved approach to informed consent in the communications sector. We found that the few consent requirements that exist in laws and codes are inconsistent and do not include coverage of key issues such as the capacity of the individual to provide consent (such as young people or people with an intellectual disability)."

"Another concern is that there is no requirement to record consent in the communications sector, and this has led to a lot of problems for consumers involved in disputes," said Mr Connolly. "Caseworkers interviewed in this project reported numerous cases where the consumer denies all knowledge of a service that appears on their bill."

The research project also examined the issue of obtaining informed consent from specific consumer categories, including people with disabilities, indigenous consumers, young people, and culturally and linguistically diverse consumers. The research found that young people and indigenous consumers faced significant issues when dealing with the communications industry, and these groups were over-represented in consent complaints statistics.

"ACCAN will now press for the development of specialist guidance on obtaining consent from these vulnerable groups", said Mr Asher.

The full research report (including detailed case studies and resources) is available free of charge at: <http://www.accan.org.au>

*ACCAN received funding support from the Department of Broadband, Communications and the Digital Economy for this research project.*

#### Background

- **Australian Communications Consumer Action Network (ACCAN)**  
The project was commissioned by ACCAN – the new peak body for consumers and consumer organisations on issues including telecommunications and the Internet.  
<http://www.accan.org.au>
- **Galexia**  
The project research and writing tasks were undertaken by Galexia. Galexia is an independent consultancy specialising in law and technology.  
<http://www.galexia.com>

#### Contacts

- **Allan Asher, CEO**  
Australian Communications Consumer Action Network (ACCAN)  
Phone: 02 92884000 or 0419264412 (mobile)
- Chris Connolly, Lead Author**  
Galexia  
Phone 0414938942