

Draft Position Paper Comment Log

Scope and Application					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Comment 1: small business definition (Please refer to the agreed position paper for the three options proposed)</p>	<p>Comment 1: ACCAN supports bringing the TCP code's definition of consumer in line with the updated definition of consumer in the ACL (\$100,000). ACCAN considers that as the draft financial hardship standard proposes alignment with the ACL, any subsequent code provisions that would be placed in the revised code should follow this precedent.</p> <p>ACCAN considers that consumers and small businesses should not be subject to fewer protections from codes in the telecommunications sector compared to the wider application of the ACL. ACCAN is concerned that the proposed approach may unduly exclude small businesses from the protections of the TCP Code that they would otherwise receive under the ACL.</p> <p>ACCAN notes industry concerns about incurring</p>		<p>ACCAN's comments do not consider the intent of the protections. Aligning to an instrument that has its threshold set for different purposes does not make sense, per the details provided in the paper.</p> <p>Information on numbers is commercially sensitive but individual CSPs have offered to discuss details with the ACMA, confidentially, individually.</p> <p>We note that ACCAN has not provided any evidence to explain its concerns, and which carve outs might be a problem, for how many, and why. As stated in the paper, the DC does not believe that the proposed definitions would risk excluding genuinely small business from the Code's protections.</p>	<p>The Agreed Position Paper has been updated to reflect more recent conversations and our submission to the ACMA on the draft FH Standard.</p> <p>We further note that individual CSPs are very happy to talk to the ACMA directly with more information on costs per comment left, and per CA discussions with the ACMA staff.</p>

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		<p>compliance costs without an attributable benefit and would appreciate further detail on the number and proportion of small businesses that would be excluded from the scope of the TCP Code by alternative definitions.</p>			
	<p>Comment 2: Large businesses currently in scope It is also important to note that keeping the TCP Code threshold at \$40,000 would not affect a CSP's obligations under the ACL, for example, in relation to misleading and deceptive conduct, and the consumer guarantees and warranties. Businesses would still have those essential ACL protections related to the acquisition of telecommunications goods and services.</p>	<p>Comment 2: ACCAN would appreciate further clarification and quantification about the costs to providers that a change in the threshold of TCP code application from \$40,000 to \$100,000 would result in.</p>			
TIO	<p>Small business definition <i>Overarching</i></p>	<p>1. We agree it is not the purpose of the TCP Code to cover genuinely large or enterprise businesses. However, the scope of the Code should be careful not to exclude small businesses. 2. To ensure that the TIO provides an effective</p>		<p>As stated in the paper, the DC does not believe that the proposed definitions would risk excluding genuinely small business from the Code's protections.</p>	

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		service we will need to re-examine our definition for small business consumers in light of changes in other regulatory instruments. As such, there is limited merit in attempting to align the TCP Code's definition with ours.			

Accessibility					
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TIO	All accessibility issues as outlined in paper	We are supportive of these proposals in principle, but we cannot make full comment until we are able to review the draft Code.		Noted. Key new or substantially changed clauses have been our focus for this part of the process, but the iterative drafting process for further drafting will provide stakeholders with further opportunities to review provisions in context.	N/A (Cannot be addressed until full drafting.)
ACCAN	<p>Proposal – increase prominence and understanding of accessibility requirements in the Code through new headings and linked guidance.</p> <p>Sample drafting <u>Chapter 4: Supporting the Customer - effective communication.</u></p> <p>1.CSPs must communicate with consumers in a manner appropriate to the consumer's communication needs, including those with a disability. (current 3.2.2)</p> <p>2.CSPs must ensure that frontline customer service staff are able to communicate effectively in plain language (updated 3.2.2).</p>	Proposed amended wording for 1.	ACCAN considers that this drafting be replaced with: - 'CSPs must provide methods of communication that are accessible for people with disability.'	We agree the wording is somewhat clunky and have amended it in both places.	Wording amended: 1.CSPs must communicate with consumers in a manner appropriate to their needs and circumstances (including for consumers with a disability). 3(a). Appropriately trained and resourced to assist customers (including those with a disability).
	3.CSPs must ensure that frontline staff are: a. provided the appropriate resources and training to assist customers with identified needs, including the disclosed	3.a. Is insufficient to provide appropriate guidance to support consumers.	ACCAN considers that the drafting of 3(a) should be revised to: - 'Appropriately trained and resourced to assist customers with disability'.		

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	needs of those with a disability (updated 4.5.2);				
	<p>3.CSPs must ensure that frontline staff are:</p> <p>b. trained to recognise and interact appropriately and effectively with disadvantaged and vulnerable consumers (updated 3.4.2);</p> <p>c. trained to assist consumers find out where to access information about telecommunications products that may suit their specific disclosed needs. (updated 4.5.2 (d)).</p>	3.b. ACCAN considers that this proposed drafting should include half yearly training refresher requirements for appropriate staff.			
ACCAN	<p>Guidance(to accompany above drafting)</p> <p>Guidance – effective communication Plain language. Unless the CSP is targeting another language group (possible cross reference to the clause relating to targeted advertising to a language other than English), this means that the CSP must use plain English in its communications. As a guide, this means clear, straightforward expression that an average 12-14 year old Australian could understand.</p>	ACCAN considers that if a CSP is targeting another language group other than English, that the CSP should be required to provide support materials in that language (Including but not limited to: CIS, Essential Information and Advertising).		<p>To confirm, our intent re requirements for targeting another language group is consistent with this, as reflected in the drafting of the 'Languages' paper.</p> <p>It will be easier to ensure this is clear once more drafting is complete, but we have updated the Agreed Position Paper to make this clearer.</p>	<p>Guidance box updated as follows:</p> <p>Guidance – effective communication Plain language. Unless the CSP is targeting another language group (cross reference to the clause relating to targeted advertising to a language other than English to be inserted – see Agreed Position Paper – Language and translation services), this means that the CSP must use plain English in its communications. As</p>

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					a guide, this means clear, straightforward expression that an average 12–14-year-old Australian could understand.
ACCAN	<p>Guidance(to accompany above drafting)</p> <p>Guidance – resources and training</p> <p>The following guides and resources may be useful:</p> <ul style="list-style-type: none"> • <u>Reading Writing Hotline - Reader friendly communication</u> – A guide to using plain language • <u>Accessible Telecoms</u> - a free service to find independent and up-to-date information on telecommunication products and services that are suitable for seniors and people with disabilities. • <u>Accesshub</u> – a government website with information and resources for the deaf community. • <u>Global Accessibility Reporting Initiative (GARI)</u> – designed to help consumers to find a device (e.g. phone, tablet, app, connected wearable) that has the accessibility features that work for them. • <u>ACCC Guide</u> – selling to Consumers with disabilities – A guide to competition and consumer law: for businesses 	<p>ACCAN considers that this guidance should be updated with contact details for these resources. ACCAN considers that additional resources should be added to this list, for example:</p> <ul style="list-style-type: none"> • Disability Awareness: disabilityawareness.com.au • Design for Dignity Guidelines https://and.org.au/DFD/ 		<p>We are happy to have suggestions for additional resources and have updated the Guidance box with the two additional resources suggested.</p> <p>To address the proposal to include contact details , we will hyperlink each resource within the Code for easy reference.</p>	<p>The Guidance box has been updated as suggested with the two new resources. A note has been added to confirm that each resource will be hyperlinked.</p>

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	<p>selling to and supplying consumers with disability.</p> <ul style="list-style-type: none"> • <u>ACCC Guide – selling to vulnerable Consumers</u> consumer-vulnerability.pdf (accg.gov.au) <p>(see also: Vulnerable consumer paper; sales paper)</p>				
ACCAN	<p>Proposal – update the TCP Code to appropriately reference the latest version of WCAG.</p> <p>Note: A key part of the DDA, which is the primary instrument in this space, relates to web accessibility. Rules for web accessibility are set out in Web Content Accessibility Guidelines (WCAG).</p> <p>The requirements for CSPs in relation to accessibility are no different from those for any other public-facing entity (i.e., they are not in any way telco-specific). In line with ACMA guidance on Code development, which states that Codes should not repeat or paraphrase legislation, this would generally suggest that specific clauses about accessibility in the TCP Code may not be appropriate, as reference should be to the DDA, and related guidance produced by the Australian Human Rights Commission on compliance.</p>	<p>ACCAN considers that the DC should provide more detail on the experts/bodies that they have consulted with. Additionally, the DC should consult with reputable accessibility/disability focused organisations to understand how to appropriately achieve this aim.</p>		<p>In addition to ACCAN, we have been engaging with Intopia and they are being very helpful and are happy assist us on drafting to ensure it's consistent with the requirements and new guidance being developed.</p> <p>It has just been formally announced that Intopia will be working in partnership with the Australian Human Rights Commission to update the Disability Discrimination Act's Web Advisory Notes. From their media release of 3 December:</p> <p>"The current version of the advisory notes (version 4.1), guides people and organisations to make their websites and other web resources accessible to as many people as possible, including people with #disability.</p>	N/A (not a drafting issue)

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	<p>However, as guidance is currently not as clear as it could be (though CA understands that it is shortly to be updated), the Drafting Committee (DC) believes that it is useful to have clear information about expected requirements under the DDA included in the Code to increase its visibility and understanding.</p> <p>The DC has had some preliminary discussions with experts in the field to try to understand the best way to appropriately achieve this aim and proposes to consult further to ensure that any wording is accurate and as useful as possible.</p>			<p>"We'll update the document next year to reflect the latest #accessibility standards and insights from our Human Rights and Technology Report.</p> <p>"We'll be inviting feedback as we update the web advisory notes."</p>	
ACCAN	<p>Proposal – update the TCP Code to require accessibility policies/governance</p> <p>Sample Drafting <u>Chapter 4 - Supporting the Customer: Web accessibility</u> [refreshed 3.2.5]</p> <p>1. When developing new web content, CSPs must meet the minimum standard as set out in the current Web Content Accessibility Guideline (WCAG).</p> <p>Guidance To meet the expectations of the DDA, organisations are</p>	<p>When developing new web content, CSPs must meet AA or higher compliance as set out in the current Web Content Accessibility Guideline (WCAG).</p> <p>ACCAN would suggest expanding this guidance to include considering accessibility at the start of any new customer software or hardware development or procurement process and ensure that ICT products and services</p>	<p>(change drafting to specifically reference AA)</p> <p>Guidance should be updated to:</p> <p>"To meet the expectations of the DDA, organisations are strongly encouraged to make sure their websites and applications are at least AA compliant with the latest version of WCAG. When developing or procuring software or hardware, organisations are strongly encouraged to ensure the product is compliant with AS EN 301 549: Accessibility requirements for ICT products and services."</p>	<p>This is a drafting issue - we agree with intent re WCAG. We have amended the wording.</p> <p>In relation to the AS EN standard, we are happy to look into this further, but it appears to relate to products and services purchased for internal use rather than to issues relating directly to the Code. It would therefore appear to be out of scope for this Code.</p>	<p>Wording has been amended as follows:</p> <p>1. When developing new digital content (websites, applications and content), CSPs must conform to Level AA (or higher) of the current Web Content Accessibility Guideline (WCAG).</p> <p>Guidance - WCAG WCAG standards are developed by the World Wide Web Consortium (W3C), and</p>

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	<p>strongly encouraged to make sure their main systems are current to new WCAG requirements within 12 months of any updates.'</p> <p>Note: Advice on appropriate wording and guidance is being sought from experts in this field. Drafting may be amended accordingly.</p>	<p>are either developed in-house or purchased are complaint with AS EN 301 549 "Accessibility requirements for ICT products and services".</p>			<p>cover digital accessibility, including web, mobile and applications.</p> <p>CSPs are strongly encouraged to monitor the Web Accessibility Initiative (W3C) website for updates to the WCAG, to allow them to comply with new updates as soon as possible after they are released.</p> <p>To meet the expectations of the Disability Discrimination Act (DDA), CSPs are strongly encouraged to make sure websites and applications are updated to be compliant with the latest version of WCAG within 12 months of any updates.</p>
Industry	<p>Proposal – update the TCP Code to require accessibility policies/governance (on drafting as above)</p>	<p>Need an implementation time when WCAG changes. Advice is that under the DDA, there would be a reasonable approach to enforcement, but we are concerned that requirements in the Code effectively make it immediate, and that the ACMA will enforce</p>		<p>The DC notes that the government appears to allow itself reasonable implementation time (the current standard is WCAG 2.2 (recently released), but the Digital Transformation Agency requirements still reference WCAG 2.1.</p> <p>We would welcome the ACMA's reassurance that</p>	

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		accordingly		any enforcement action would allow reasonable implementation periods in line with the approach that we understand is taken under the DDA (and across government).	
ACCAN	<p>Proposal – update the TCP Code to require accessibility policies/governance</p> <p><u>Chapter 4 - Supporting the Customer: Accessibility policy and governance requirements.</u></p> <p>1.CSPs must have policies and supporting materials on the following, managed and overseen by a senior executive:</p> <p>1.Accessibility, including digital accessibility;</p>	ACCAN supports the drafting in principle, however in absence of further drafting, cannot comment substantively on this drafting		Noted. Key new or substantially changed clauses have been our focus for this part of the process, but the iterative drafting process for further stakeholders with further opportunities to review provisions in context. As per the Position Paper, further detail was proposed in a guideline which would focus on assisting CSPs understand what is required under the DDA - which is the higher order regulatory instrument, compulsory and economy-wide (and the DDA guidance is currently not fit-for-purpose). Given it has now been announced that the DDA is finally updating its own guidance in this space, it might be more appropriate to reference that guidance (given any actions are not telco-specific) - but see comments on the proposal - CV to draft a guideline on accessibility.	<p>Note included in guidance as a place holder:</p> <p>CSPs should also have regard to guidance on meeting the DDA published on the Human Rights Commission's website. [drafting TBC pending these updates, which CA understands are expected in 2024.]</p>

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				Either way, we are proposing adding appropriate referencing to the Code to point CSPs to material to help them understand their obligations under the DDA and develop the appropriate policies and processes to ensure they are meeting their obligations. A draft guidance box has been included to show how this might be appropriately referenced - pending further advice (see column right).	
Industry	Chapter 4 drafting above. Need clearer guidance about what accessibility means in this context.			Will be clearer as drafting evolves - work in progress.	
ACCAN	Chapter 3 - Organisational culture, policies, training, and governance Proposal – CA to draft a guideline on accessibility. This would provide more detail on expectations, including in relation to inclusive design, and links to relevant references. This would likely be something that we would need to tackle after Code registration, which would allow it to appropriately reference expected new guidance on the DDA. Guidance – best practice: inclusive design	ACCAN considers that CSPs, when developing new customer applications / billing platforms / portals / etc., ensure that the products conform with AS EN 301 549 and WCAG. This ensures a more accessible experience by design for consumers. ACCAN considers that for CSPs with physical locations consider the Design for Dignity guidelines which cover off on access to built		Re the physical location issue, we think this would be appropriate material for the proposed Guideline. Re inclusive design, this is a best practice concept, which is why it is included as guidance.	Review this feedback again when developing Guideline

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	<p>Inclusive design does not suggest that it is always possible (or appropriate) to design one product to address the needs of the entire population. Instead, inclusive design guides an appropriate design response to diversity in the population through:</p> <ul style="list-style-type: none"> • developing a family of products and derivatives to provide the best possible coverage of the population. • ensuring that each individual product has clear and distinct target users. • reducing the level of ability required to use each product, in order to improve the user experience for a broad range of customers, in a variety of situations. <p>Specialist solutions may still be required to satisfy the needs of those with particular vulnerabilities or needs.</p> <p><i>Reference and for more information: University of Cambridge Inclusive Design Toolkit.</i></p>	<p>premises, meeting rooms, toilets etc. https://and.org.au/wp-content/uploads/2021/10/Design_for_Dignity_Guidelines_Aug_2016.pdf</p> <p>ACCAN considers that this concept not only be introduced into the guidance and also be introduced as a mandatory requirement in the code.</p>			
ACCAN	<p>Proposal – CA to draft a guideline on accessibility. This would provide more detail on expectations, including in relation to inclusive design, and links to relevant references. This would likely be something that we would need to tackle</p>		<p>ACCAN would welcome further drafting on this and cannot comment on this section in its absence.</p>	<p>Comments were provided in the circulated draft position paper on timing and content.</p> <p>We would consult separately on that Guidance doc when</p>	

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	after Code registration, which would allow it to appropriately reference expected new guidance on the DDA.			drafting.	

Code structure, measurements of success and reporting					
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TIO	<p>1.Introduce a Code structure where each chapter sets out:</p> <ul style="list-style-type: none"> • required outcomes for consumers • High level expectations about what RSPs are required to do to ensure the consumer outcomes are realised • The code rules for the chapter • Measures of success that need to be recorded and reported to measure whether the high-level outcomes and rules are being complied with. (The Drafting Committee has not provided further detail or drafting for the Measures of Success) <p>1a. Under the proposal, the Measures of Success would need to be reported through:</p> <ul style="list-style-type: none"> • Public reporting • Risk management processes, and • the CommCom attestation process <p>1b. The intention is for the public reporting to be in a simple, easy-to-read format, to provide transparent and comparable measurements for industry, regulators and consumers. The format would</p>	<p>Extra reporting obligations are good for transparency and to help consumers make an informed choice about their telco. However, we cannot comment without more detail about how the proposed obligations will work.</p>	<p>We will need to see fuller drafting in context before commenting further.</p>	<p>Noted.</p>	<p>No changes.</p>

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	<p>remain constant throughout the life of the TCP Code.</p> <p>1c. The proposed risk management process reporting would require each telco to record and monitor compliance with key clauses of the code, to be available for the ACMA to request where there is evidence that the desired consumer outcomes are not being met.</p>				
ACCAN	<p>Issue</p> <p>Identified consumer (and regulator) problem. Finally, submissions suggested insufficient knowledge or understanding of the independence and value of the independent attestation process to drive compliance by industry.</p>	<p>This point is noted, but the key issue raised is lack of transparency/detail around the operation of the attestation process.</p> <p>Re: review of CIC reporting, is there any detail as to when capacity may be sufficient to allow review. ACCAN raises this as there is a fairly significant amount of policy work slated for next year and progressing the review is critical to strengthening the operation of the code.</p>		<p>Noted, a review of transparency will form part of the substantive drafting of new MoS under the new code in 2024. Note the shift to greater public reporting requirements.</p>	<p>No changes.</p>
ACCAN	<p>Proposal - Measures of Success (MoS) in the TCP Code</p> <p>To demonstrate Code outcomes and expectations are being</p>	<p>ACCAN considers that more information should be provided about the nature of process metrics</p>		<p>Noted, further detail will form part of the substantive drafting of new MoS under the draft Code in 2024. Note the shift to</p>	<p>No changes.</p>

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	<p>achieved, CSPs must be able to produce:</p> <ul style="list-style-type: none"> • process metrics - policies and/or supporting materials; and • effectiveness metrics - reporting and/or data. <ul style="list-style-type: none"> ◦ For example, the current CiC report is an effectiveness metric. 	<p>and measures of success. ACCAN supports in principle more transparency in reporting on code compliance. In ACCAN's view, the details of the MoS should be subject to further consultation with the TIO, ACMA and ACCAN to ensure that the measures reflect the TCP Code provisions and provide a fit for purpose framework for consumer comparison.</p>		<p>greater public reporting requirements.</p>	
ACCAN	<p><u>Public Reporting, customer service metrics relevant to the Code</u></p> <p>A requirement would be included for public reporting of a set of customer service performance indicators relevant to the TCP Code. The PR metrics would seek to demonstrate performance by CSPs against Code outcomes and expectations in a simple, easy-to-read format, to provide transparent and comparable measurements for industry, regulators, and consumers. It expands requirements in the current Code under clause 4.7 to issues beyond complaints.</p> <p>The intention is to have an agreed format report – tied to the TCP Code – that remains</p>	<p>ACCAN queries what actions will be taken through the Code review process to review and strengthen enforcement outcomes. ACCAN would seek clarification from the DC on the incentives and sanctions in place or developed as part of this code review to drive compliance outcomes. ACCAN does not consider mechanisms which solely rely on reputational costs to drive their effectiveness as a fit-for-purpose compliance mechanism.</p>		<p>Please note CA position paper on regulatory reform.</p> <p>The updated MoS do not only go to reputational risk through public reporting - the shift to a clear hybrid structure is intended to create clearer expectations on CSPs and direct avenues for compliance activity.</p>	<p>No changes.</p>

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	constant throughout the life of the TCP Code. It would be changed only if there's a problem, or when the Code is reviewed. This makes data collection more efficient and allows comparison year-by-year.				
ACCAN	<p><u>Public Reporting, customer service metrics relevant to the Code</u></p> <p>Identifying meaningful and comparable data is no simple task and specific metrics to be included cannot be meaningfully identified until drafting has further progressed on each chapter.</p>	The lack of detail around customer service performance indicators limits ACCAN's ability to comment on this section of the proposed approach. ACCAN considers that any developed customer service performance indicators should be subject to consultation and be material to the consumer telecommunications experience.		Noted, further detail will form part of the substantive drafting of new MoS under the draft Code in 2024.	No changes.
ACCAN	<p><u>Risk Management Process (RMP) reporting</u></p> <p>Each CSP would be required to record and monitor compliance with key clauses of the Code through an RMP, to be requested by the ACMA where there is evidence that the desired consumer outcomes are not being met.</p> <p>See Schedule 4 – Internet Carriage Services Online Safety Code (Class 1A and Class 1B Material), MCM 10 for a current example of this reporting</p>	ACCAN considers that there is scope to use RMP reporting as a more stringent form of enforcement when concerning key consumer protections. ACCAN would encourage CA to review the TCP code submissions of the TIO, ACCC and ACMA to identify key areas of non-compliance and inform their assessment of RMP reporting clauses. ACCAN supports RMP		Noted, further detail will form part of the substantive drafting of new MoS under the draft Code in 2024, including which MoS are publicly reported.	No changes.

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	method	reporting being made public in order to ensure that consumers are fully informed regarding compliance and can take action to drive competition on service outcomes.			

Credit/Debt management (including restriction, suspension, and disconnection)					
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ACCAN	<p>Issue: <i>Identified consumer concerns.</i></p> <p><u>Confusion</u> Customers do not understand the difference between</p> <ul style="list-style-type: none"> debt management processes for restriction/suspension/disconnection which apply to post-paid services (where there is a debt), and processes relating to non-payment (for example, where an automatic payment is missed) for upfront payment plans 	<p>ACCAN notes that confusion around these processes is an issue faced by consumers. Feedback from consumers indicates that provider's communications to consumers often makes distinguishing between these processes difficult and is an area of potential further improvement by industry.</p>		<p>We agree. Industry is working to address any customer confusion across the customer journey. We are including relevant plan information as outlined in Essential Information Position Paper, Selling Practices, to ensure clear communication of the difference between plan types and consequence of non-payment.</p>	<p>No change at this point.</p>
ACCAN	<p>Proposed Approach Summary:</p> <p>New Obligation to:</p> <p>3. Provide additional information for suspension notices to include notice to the customer that consequences for ultimately failing to pay the debt could result in the debt being referred to a debt collection agency (if relevant), and to highlight seriousness of situation.</p>	<p>Notwithstanding the FH standard is still subject to consultation, ACCAN supports suspension and disconnection notices providing the details of TIO and the national debt helpline.</p>		<p>We consider there are practical issues with, and the potential for creating confusion by, including TIO details and the national debt helpline (alongside the already included link to the Financial hardship policy) on suspension and disconnection notices. We have explained these in our Credit and Debt Management Agreed Position Paper. On a practical level, some notice mediums (e.g. SMS) are practically constrained by space. With all mediums we are seeking to strike a balance between providing a concise and clear indication of intended credit management action and consequences to prompt a conversation, and inform customers of options, including</p>	<p>No change at this point. We understand that this is a contentious issue. If the ACMA is concerned about our approach, we would appreciate the opportunity to work with the ACMA to agree an acceptable approach.</p>

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				financial hardship help, to avoid the action. We are concerned that adding to the already extensive information requirements in notices by including the TIO and national help line details, will cause customer confusion without also providing sufficient context that a customer should raise a complaint with the CSP first. This will drive more calls to the TIO which will be redirected to the CSP to raise a complaint.	
ACCAN	<p>Proposal – New obligations to keep customers connected/not disconnect customers that the CSP has identified as being affected by Domestic or Family Violence or impacted by a natural disaster (adopting approach in the future FH Standard)</p> <p>Guidance Disconnection Disconnection protection may include mirroring protections or safeguards for financial hardship customers. Responses to DFV must be consumer-led; the DFV-affected person knows best how to keep themselves safe. While most DFV-affected consumers are likely to prioritise maintaining connection, there may be occasions where they choose to disconnect a service. CSPs should refer to their DFV policy and Communication Alliance's Industry Guideline G660 for further detail</p>	<p>ACCAN supports in principle, the DC's intent to be consistent with the future financial hardship standard. ACCAN considers that consumers who have indicated that they are experiencing or are likely to experience DFV should not be subject to credit management action due to the nature of consumer vulnerability. Additionally, consumers who have indicated they are experiencing or are likely to experience DFV should not be disconnected from their telecommunications service by their provider.</p>		<p>We understand the perspective and protecting customers experiencing DFV is important. However, extending protections to include customers who are 'likely to be experiencing DFV' is broad and would be difficult to implement.</p> <p>Proposals include introducing a new obligation not to disconnect customers/keep customers connected who are identified as experiencing DFV specifically, which should address your concerns. We note that there will also be relevant protections afforded under the Financial Hardship Standard generally for those in vulnerable circumstances, which is likely to apply in practice to most customers experiencing DFV.</p>	No change at this point.

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	and guidance.] See also position paper: Domestic and Family Violence				
ACCAN	<p>Proposal – New obligation to reconnect customers disconnected in error or without required notice</p> <p>Sample drafting Chapter 9: Credit management, debt management and disconnection (TBD)</p> <ol style="list-style-type: none"> 1. Where a customer's telecommunication service has been disconnected in error, the CSP must reconnect the service. 2. Where a telecommunications service has been disconnected without the required notification [refer to the notices required], the CSP must reconnect the service, unless the customer advises that they do not wish the CSP to do so. 3. CSPs must keep accurate records of the customer's indication. 	<p>ACCAN considers that the CSP should make the customer aware of the nature of the accidental disconnection when their service has been reconnected through an accessible communication method. This would ensure that consumers are aware that the reason for their disconnection was accidental and that their provider has acknowledged it as such. Additionally, CSPs should be mandated to provide guidance to customers on how customers may achieve compensation due to suffering losses as a result of an accidental, incorrect disconnection.</p> <p>ACCAN considers that records should be kept of accidental disconnections and reconnections, with reporting of these cases as part of the MoS framework.</p>		Noted. We will consider this further in discussions on Metrics.	No change at this point.

Credit/Debt management (including restriction, suspension, and disconnection)					
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ACCAN	<p>Proposal – New obligation to require suspension notice to include, if relevant, reference to potential referral of debt and for suspension notice and disconnection notice, highlight seriousness of situation.</p> <ul style="list-style-type: none"> The DC will include an additional information requirement that, if relevant, suspension notices must include notice to the customer that failing to pay the debt could result in the debt being referred to a debt collection agency. <p>Note:</p> <ul style="list-style-type: none"> 'If relevant' ensures that customers are not sent information about action that the CSP will not take (for more details, see submission table). This requirement currently exists for disconnection notices only. This sits alongside the existing requirement to outline/refer to the CSP's financial hardship policy. 	<p>ACCAN considers that there should be a requirement on providers to ensure that suspension notices are reflective of the requirements of providers as part of the FH standard. Providers should be required to include links to the TIO, National debt helpline and Financial Counselling Services on any proposed suspension notices.</p> <p>Customers should be provided with assistance located in the suspension and disconnection notice related to how to dispute debts that may be as a result of economic abuse.</p> <p>ACCAN considers that suspension notices must require that the telecommunications providers provide the consumer with accessible links to the providers' domestic and family violence policy, the TIO, the national debt helpline and to relevant financial counselling services.</p>	<p>require that the telecommunications providers provide the consumer with accessible links to the providers' domestic and family violence policy, the TIO, the national debt helpline and to relevant financial counselling services.</p>	<p>Noted. See above comments regarding including TIO and debt helpline details. Further, we note that links are recognised as an increasingly poor way to direct customers within communications in light of increased scam activity.</p> <p>Economic abuse is specifically recognised in DFV guidelines, and we consider there is limited utility in including specific information about debt disputes that may be as a result of economic abuse in the notices.</p>	<p>No change at this point. We understand that this is a contentious issue. If the ACMA is concerned about our approach, we would appreciate the opportunity to work with the ACMA to agree an acceptable approach.</p>

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – New obligation to require suspension notice to include, if relevant, reference to potential referral of debt and for suspension notice and disconnection notice, highlight seriousness of situation.</p> <ul style="list-style-type: none"> The DC notes concerns that communications can be threatening and the debt collection process intimidating. However, on balance, it considers there is benefit of a notice at suspension stage, before progressing to disconnection notice, to highlight potential consequences of customer inaction. This would provide an opportunity to encourage the customer to have a conversation with their CSP about their circumstances and needs, which may lead to the customer accessing the CSP's financial hardship policy. 	<p>ACCAN considers that suspension and disconnection notices should be drafted with significant regard to consumer vulnerabilities. Consumers being disconnected or suspended from their service is likely a result of the consumer experiencing financial hardship. The DC should ensure that any suspension notice, and disconnection notice makes the consumer aware of the providers' financial hardship arrangements and aligns with the financial hardship standard.</p>		<p>See above comments which should address your concerns.</p>	<p>No change at this point.</p>
ACCAN	<p>Proposal – New obligation to require suspension notice to include, if relevant, reference to potential referral of debt and for suspension notice and disconnection notice, highlight seriousness of situation.</p> <p>Sample Drafting [Drafting note: We propose to draft separate clauses for each of the restriction, suspension or disconnection notices</p>	<p>ACCAN considers that disconnection notices should include accessible links to a provider's domestic and family violence policy, the TIO, the national debt helpline and financial counselling services. (In addition to the link to the financial hardship policy required by 6.7.5 of the TCP code</p>	<p>require that the telecommunications providers provide the consumer with accessible links to the providers' domestic and family violence policy, the TIO, the national debt helpline and to relevant financial counselling services.</p>	<p>As noted above, providing links within communications can be problematic.</p> <p>Disconnection notices already require a significant amount of information. However, if the ACMA considers that inclusion of a reference to (rather than a link, as that has security risks) DFV policy would be a helpful addition and lead to better consumer outcomes, we</p>	<p>No change at this point.</p>

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>to make it clear what is required for each type of notice.]</p> <p><u>Clauses:</u> A Disconnection notice [where required] must include: 1. (a)...[retain current content requirements in 6.7.5 a, b, and d]</p> <p><i>Amendments in red</i> (c) about the consequences of non-payment, including that the Customer's default leading to the Disconnection may be disclosed to a Credit Reporting Body and/or collection agency and/or debt buyer and may be added to the Customer's credit file with a Credit Reporting Body;</p>	mentioned above).		would be open to discussing this.	
ACCAN	<p><i>Other DC Considerations</i></p> <ul style="list-style-type: none"> • Spend management tools - whether it is possible for CSPs to send usage notifications more promptly than the 'no later than 48 hours' currently required. However, it is not technically feasible to ensure that usage notifications are sent within the hour, as proposed in some submissions. It also is not feasible to decrease this time in all cases to less than 48 hours. This is because, while many usage notifications will be sent within a day or less, some usage notifications are not able to be sent until later due to time lags in CSPs receiving some data (such as potential delays 	ACCAN considers that through the CIS or essential information communications, that these technical limitations should be clearly communicated to consumers		The DC will review requirements to ensure such limitations are appropriately communicated to consumers. We believe that this is already happening, in practice in relevant contractual terms.	No change at this point.

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	receiving data from other network operators when a customer is roaming).				
ACCAN	<p>Proposal - other updates to take into account comments made in industry submissions:</p> <ul style="list-style-type: none"> Restrict, suspend and disconnect services without notice - Clause 6.7.1 (a) allows CSPs to restrict, suspend and disconnect services without notice in certain circumstances. These circumstances are clearly defined and are intended to protect the consumer and other telecommunications users – (e.g. where the CSP reasonably suspects fraud, or where the service is suddenly being used in a way that is running up excessively high charges and immediate action is required to prevent the customer incurring a large debt). The DC considers that the exceptions are necessary and appropriate, as the benefits provided by protecting telecommunications users outweigh concerns the clause could be used as a ‘loophole’ to restrict, suspend or disconnect customers without notice. The DC also notes that it is not in the interests of CSPs to restrict, suspend or disconnect customers without notice without good reason, as this would be a poor consumer experience. 	<p>ACCAN would appreciate further clarification related to the protection that consumers receive from this provision.</p> <p>ACCAN considers that a requirement for notice to be provided in the case of restriction, suspension and disconnection is reasonable and supports an improved customer experience.</p>		<p>This is explained in the Agreed Position Paper. We are unsure what further information would be useful to ACCAN. If ACCAN (or others) would like further information, we would be happy to arrange a briefing.</p>	<p>No change at this point.</p>

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – See above</p> <ul style="list-style-type: none"> • Restrict, suspend and disconnect services without notice - The DC has considered whether there is benefit to requiring that there be some form of communication to the customer that their service will be restricted, suspended or disconnected in the limited circumstances set out in clause 6.7.1(a). However, the DC considers that this is likely not feasible nor beneficial given the aims of the section to prevent consumer harm. 	<p>ACCAN considers that in the event that providers wish to use this provision, that appropriate records are kept so that disconnections that form the subject of a dispute can be investigated by the TIO and ACMA.</p>		<p>We consider there are already sufficient requirements to keep appropriate records of disconnections that may form the subject of a dispute. The ACMA or TIO are already able to investigate disputes, should they have concerns about how this clause is being used.</p>	<p>No change at this point.</p>
ACCAN	<p>Not including TIO's details on credit management notices - Suggested amendments to restriction, suspension and disconnection notices - The DC reviewed notice requirements to consider how to best convey the importance of the consumer contacting their CSP to discuss their needs and circumstances, and the relevant consequences if they do nothing. To achieve this, notices need to be focused on key information only. The DC remains of the view that, on</p>	<p>ACCAN: ACCAN considers that including the TIO's details in restriction, suspension and disconnection notices does not risk confusing consumers if properly articulated. For example, notices could list the TIO as a point of dispute resolution if internal dispute resolution has not progressed an adequate outcome for consumers.</p>		<p>Refer to previous comments regarding including TIO information on notices.</p>	<p>No change at this point.</p>

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
TIO	balance, it is better to focus only on the key messages and not specifically include the TIO's details in the body of the restriction, suspension, or disconnection notices.	TIO: Our recommendation that the TIO's contact details be included on credit management notices has not been adopted. This is a missed opportunity to ensure consumers are aware they can contact us for help and that disconnection is genuinely a last resort. This approach is already in place in other essential services.	TIO: The Code should require telcos to include information about the TIO, including our telephone number and web address on all reminder, barring, suspension and disconnection notices (recommendation 21 from our submission).	Refer to previous comments regarding including TIO information on notices.	No change at this point.
TIO	Proposal - new obligation to reconnect consumers' services where the services were disconnected in error or in contravention of notice requirements.	Welcome the obligation to reconnect consumers' services where the services were disconnected in error or in contravention of notice requirements. This aligns with recommendation 18 from our submission to the Code Review. However, we would like further detail about which notice requirements the obligation will refer to, and we are concerned there are no mandatory timeframes for reconnection.		Noted. We will be addressing this through more detailed drafting.	Will be addressed once we get into the more detailed drafting.

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
TIO	Proposal – New obligation to reconnect customers disconnected in error or without required notice	The proposed obligation to reconnect should apply to all disconnections in contravention of disconnection notice requirements and all other erroneous disconnections. It should also specify a mandatory timeframe for reconnection.		We agree in principle that there should be reconnection (where the customer wants it) in a timely period, where there was an error by the CSP or where a disconnection notice was missed. We need to work through the detail to work out how to best reflect this intent. We will consider further whether specifying a mandatory timeframe is practicable and useful.	No change at this point. Will be considered further once we get into the more detailed drafting.
TIO	Proposal - new obligation to keep consumers affected by DFV or natural disasters connected	New obligation to keep consumers affected by DFV or natural disasters connected is good in principle, but further detail could be provided in the drafting. We would like to see the final drafting showing how the DFV/natural disaster obligations will work and when they will apply.		Noted. We will be addressing this through more detailed drafting.	Will be addressed once we get into the more detailed drafting.
TIO	Proposal – New obligation to require suspension notice to include, if relevant, reference to potential referral of debt and for suspension notice and disconnection notice , highlight seriousness of situation.	In general, the proposed credit management notice requirements could be further strengthened. The notice period remains unchanged for traditional post-paid services (at 5 working days) and is around 3-4 days for the proposed automatic payment reminder notices.	The Drafting Committee should strengthen the notice requirements so that at a minimum, telcos are required to send a disconnection warning notice, followed by a separate disconnection notice before disconnecting (recommendation 20 from our submission).	We understand the TIO's perspective regarding strengthening credit management notice requirements by extending the notice periods. It would seem reasonable to move to a longer minimum notice period before disconnection. We will consider this in more detail in the drafting stage whether and how best to reflect this intent. We consider there is limited utility in adding a further warning notice of	No change at this point. Will be considered further once we get into the more detailed drafting.

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
				disconnection to the credit management process and to do so would risk overloading and confusing consumers.	
TIO	Proposal – See above.	We remain concerned the rules proposed in the Payment Methods and Credit/Debt Management position papers are unlikely to fully meet the Outcomes and Expectations of the chapter. In our view, the proposed notice periods telcos would be required to observe before taking credit management action (which remain largely unchanged from provisions in the current Code) are not sufficient to ensure disconnection occurs only as a last resort.		See above comments which should address your concerns.	Will be considered further once we get into the more detailed drafting.
TIO	<p>Outcomes</p> <p>I. Customers are notified of potential credit and debt management activity.</p> <p>II. Customers are informed of the consequences of non-payment for telecommunications products, including the restriction, suspension and disconnection of telecommunications services.</p> <p>Expectations</p> <p>I. CSPs will have processes for restriction, suspension and</p>	The Outcomes and Expectations listed in Chapter 9 of the draft Outline appear to largely align with our feedback about the need for more robust credit management processes that give consumers sufficient notice about credit management action against them. We especially welcome the inclusion of the expectation that telcos	In our view, the Chapter should also list the desired outcome that consumers are only disconnected as a last resort. This would ensure the focus remains on telcos' conduct in completing credit management processes, rather than on their broader policies.	We note the suggested emphasis. We explicitly and deliberately capture that telcos will treat disconnection as a last resort in our Expectations rather than in outcomes. The outcomes are intended to be broad, and we are not sure adding it to the outcomes is necessary nor adds value through repetition.	No change at this point.

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>disconnection for non-paying customers not in financial hardship.</p> <p>II. CSPs will provide sufficient notice to customers about credit and debt management activity, including suspensions, restrictions, disconnections, and referrals to debt collection agencies.</p> <p>III. CSPs will treat disconnection as an option of last resort.</p>	<p>will treat disconnection as a last resort, as this recognises the essential nature of telecommunications services.</p>			
TIO	<p>Proposal - New obligations to provide clear information for all plan types about the consequences of missed automatic payments</p> <p>The issues raised in submissions would appear to relate to confusion about the difference in payments and processes related to all plan types, but particularly where an upfront payment service may be supplied in conjunction with a device on a payment plan that would be considered a debt. New information-provision requirements would address this. See payments paper and essential information paper.</p> <p>Notes:</p> <ul style="list-style-type: none"> All types of prepaid plans have significant financial management benefits for the consumer, as there is no capability for a customer to incur debt and end up in debt management processes relating 	<p>It appears the intention of the sample drafting is for the standard restriction, suspension, and disconnection notice requirements not to apply to 'upfront' or 'subscription-based' services. Instead, the sample drafting has proposed requirements for telcos to send 'reminder notices' for upcoming direct debit payments, and for missed automatic payments.</p> <p>These requirements alone are unlikely to:</p> <ul style="list-style-type: none"> stop failed direct debits leading to suspension, restriction or disconnection of services to avoid where a failed DD leads to a consumer being 	<p>The requirements do not place clear, positive obligations on telcos to issue warning notices or investigate the cause of failed direct debits, before acting to restrict, suspend or cancel a service.</p> <p>We reiterate our recommendation that telcos should be required to send a disconnection warning notice, followed by a separate disconnection notice, before disconnecting a service for credit management reasons</p>	<p>Our focus was to draw particular attention to the disconnection notice (see details in the Agreed Position Paper). The suggestion to extend the timeframe for the disconnection notice may sufficiently address this concern and very strongly encourage consumers to take action.</p> <p>As noted above, when we review the content of the new proposed reminder notices, we will consider these comments further. We believe these will address these concerns.</p>	No change at this point.

Credit/Debt management (including restriction, suspension, and disconnection)					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>to the plan's telecommunication services.</p> <ul style="list-style-type: none"> • Reminder notices for missed automatic payments have been discussed in the paper on 'Payments' and will be included in the Payments chapter of the TCP Code. This includes the proposal that there be a formal requirement for reminder notices for missed automatic payments. • See also the 'Essential information' paper on the provision of information about the nature of service and bundled products during a sale. 	<p>required to pay out their device contract in full immediately.</p>			

Credit Assessment					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – credit management, debt risk</p> <p>A new obligation would consider the risk of financial harm to residential consumers - a risk of a debt or default listing where the potential debt may be \$150 or more, in line with the Privacy (Credit Reporting) Code 2014.</p>	ACCAN supports in principle the establishment of a new obligation for providers to consider the risk of financial harm to consumers where the potential debt may be equal to or exceeding \$150.		Support noted	No changes
ACCAN	<p>Proposal – credit management, debt risk</p> <p>Sample drafting <u>Chapter 6 – Responsible selling: Sales, contracts and credit assessments: Assess capacity to pay and manage debt, existing postpaid customers [update cl 6.1]</u> 1. Before entering a contract with a new residential consumer or an existing residential prepaid customer, a CSP must complete a credit assessment if the contract may result in a debt owed by the consumer equal to or greater than \$150.</p>	ACCAN supports this provision in principle and would recommend its extension to existing customers who have previously held debt with the provider. This provision should extend to existing prepaid customers and existing customers who have held debt with the provider (such as a contract with the provider in the past).		Protections for existing postpaid customers are captured in the 'existing customers' clauses, it would be confusing and duplicative to include them in the new postpaid customer protections.	No changes
ACCAN	<p>Proposal – credit management, debt risk</p> <p>Sample Drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Assess capacity to pay and manage debt, existing postpaid customers [update cl 6.1]</u> 2. A credit assessment must</p>	ACCAN considers that a credit assessment must additionally include more detailed requirements in relation to the examples provided for the existing criteria under 2(a)(iii). ACCAN considers that under this clause, providers should be required to take into		Different risks occur based on different product types. CSPs must have the ability to modify their credit assessment to match that risk - i.e. there is a difference between a 12 month service contract and a 36 month mobile payment plan for a \$1800 device. The detail of the credit assessment needs to be proportionate to the risk	No changes

Credit Assessment					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>include:</p> <p>a. consideration of the consumer's financial circumstances. This may include:</p> <p>iii. Affordability indicators (e.g. income, age, time at current address, residential status, data held within credit file, financial hardship indicators, general expenses, telecommunication expenses);</p>	<p>account all of the factors listed including income, age, time at current address, residential status, data held within current file, financial hardship indicators, general expenses and telecommunications expenses. The code should explicitly require the consideration of these provisions rather than use them as an example.</p>		<p>to customer and CSP, while having some baseline consistency.</p>	
ACCAN	<p>Proposal – credit management, debt risk</p> <p>Sample Drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Assess capacity to pay and manage debt, existing postpaid customers [update cl 6.1]</u></p> <p>2.A credit assessment must include:</p> <p>a) Where the customer is seeking to increase their current credit limit with their CSP, a new external credit check from a credit reporting body. A CSP must gain the consumers consent to request a new check.</p> <p>Guidance - Calculating Potential Debt</p>	<p>ACCAN considers that where the customer is seeking to increase their current credit limit with their CSP, a new internal and external credit check should be required explicitly by the code provisions.</p>		<p>This is required in the current drafting - a credit assessment including an external credit check is required where the consumer seeks to increase their current credit limit</p>	<p>No changes</p>

Credit Assessment					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Guidance: evidence of financial circumstances</p> <p>CSPs should not require evidence from the consumer about their financial circumstances unless the CSP can demonstrate a risk proportionate to the risk of collecting personal information.</p> <p>Evidence may be required where the consumer has a poor credit history, previously declined credit assessments or where a consumer is seeking to overturn a declined credit assessment.</p>	ACCAN considers that this should be amended.	<p><u>Amendment:</u> CSPs must not require evidence from the consumer about their financial circumstances unless the CSP can demonstrate to the consumer a risk proportionate to the risk of collecting the personal information.</p>	The purpose of this guidance is for CSPs to consider the risk of collection of PII, not guidance on consumer disputes about collection.	No changes
ACCAN	<p>Proposal - Outcome of failed credit assessment</p> <p>Sample Drafting</p> <p>1. Following a credit assessment, if a CSP concludes that a consumer does not qualify for the requested telecommunications product, the CSP must:</p> <ol style="list-style-type: none"> advise the consumer that their credit assessment was declined; and provide the consumer with information about alternate telecommunications products that may meet their requirements. <p>Guidance - Add guidance on</p>	ACCAN considers that this requirement should be amended.	<p><u>Amendment:</u> provide the consumer with information about alternative telecommunications products and services that the provider has determined will meet their requirements in accordance with the outcome of the credit assessment.</p> <p><u>The guidance note should be updated to show:</u> Upon the result of a failed credit assessment, consumers must not be directed to a product or service unless the provider is certain that the consumer will pass the affordability assessment for the product or service.</p>	<p>Agreed in concept to the recommendations.</p> <p>The Guidance has not been drafted, so we can incorporate this language once drafted.</p>	<p>New (b)</p> <p>provide the consumer with information about alternate telecommunications products that the CSP has determined may meet their requirements in accordance with the outcome of the credit assessment.</p>

Credit Assessment					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	'alternative telecommunications products', including prepaid services or low-cost options				
TIO	(overarching)	<p>Credit assessments</p> <p>We have previously highlighted the importance of credit assessments considering a consumer's living expenses and existing debts. While the proposal lists 'general expenses' and 'telecommunications expenses', we support explicit language that requires consideration of a consumer's living expenses and existing debts (with limited collection of data) to ensure telcos assess the full picture of a consumer's capacity to pay.</p> <p>On our review, the draft package also does not appear to ensure that credit assessment rules apply equally to consumers. It appears that there is a list of what must be considered in a credit assessment for a new customer or existing prepaid customer, but several of the criteria to consider are optional for credit assessments for an existing customer.</p>		<p>As noted in the paper, credit assessment is part of the responsible selling framework.</p> <p>As noted in the paper, CSPs only have access to negative external credit checks and are unable to see positive credit information that may be on a customer's file.</p> <p>To address this issue, we have introduced the concept of 'affordability indicators'. As noted above, these must be flexible, to enable CSPs to adjust based on the risk of the product the consumer is seeking to purchase.</p> <p>We need to balance a customer's privacy and reasonable information gathering, with an assessment of capacity to pay.</p>	No changes

Credit Assessment					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
TIO	<p>Proposal - Outcome of failed credit assessment</p> <p>Where a residential consumer fails a credit assessment, the current cl 6.1.2 would result in the residential consumer being directed to a more appropriate telecommunications product that better suits their financial circumstances. No updates to the function of this clause are recommended, however the clause will be updated in line with the simple English updates.</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Declined credit assessment, [update cl 6.1.2]</u></p> <p>1. Following a credit assessment, if a CSP concludes that a consumer does not qualify for the requested telecommunications product, the CSP must:</p> <ol style="list-style-type: none"> a. advise the consumer that their credit assessment was declined; and b. provide the consumer with information about alternate telecommunications products that may meet their requirements. <p>Guidance - Add guidance on 'alternative telecommunications</p>	<p>The current position and sample drafting does not appear to address other key concerns noted by the ACMA that we share. For example, the ACMA noted under the current TCP Code there is only an obligation to advise consumers they are unlikely to afford a service if a credit check determines this, but there is no obligation on the telco to only sell a cheaper alternative. The sample drafting does not appear to address this, as the updated clause 6.1.2 also does not include an obligation to only sell a cheaper alternative.</p>		<p>We will update the language for the draft 'declined credit assessment' clause.</p>	<p>Updated language in line with ACCAN's more specific recommendations</p>

Credit Assessment					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	products', including prepaid services or low-cost options				
Industry	Requirement for staff to collect additional information from consumers for the purpose of credit assessments.	Increasing the requirement to collect information will be a physical risk for frontline staff in retail (as was the case with the introduction of MFA, where there was an increase in physical altercations in retail stores).		Noted	No changes
Industry	<p>Proposal – credit management, debt risk</p> <p>A new obligation will consider the risk of financial harm to residential consumers - a risk of a debt or default listing where the potential debt may be \$150 or more, in line with the Privacy (Credit Reporting) Code 2014.</p> <p>Sample Drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Assess capacity to pay and manage debt, existing postpaid customers [update cl 6.1]</u></p> <p>1. Before entering a new contract with an existing residential customer, a CSP must complete a credit assessment if the new contract may result in a debt owed by the customer equal to or greater than \$150</p>	Member is keen to ensure in circumstances where up front services are purchased but trigger the \$150 debt there is an opportunity to choose not to perform the credit assessment when you know you will not pursue the debt. We have been playing with the concept but note it probably doesn't quite work yet. We don't want it to seem like a 'get out of jail free card' as this is not the intention. We are keen to discuss with the DC.	"Where a CSP does not perform a credit assessment in accordance with clause X it must not pursue debt recovery, or a default listing. A CSP is still required to send restriction, suspension and disconnection notices as per clause/s X."	<p>Agreed to consider concept of no credit assessment being required where no debt will be owed and/or pursued.</p> <p>Other protection around responsible selling remain to ensure offers are appropriate to the needs and circumstances of the customer.</p>	<p>Updated language to refer to when a debt is owed and pursued:</p> <p>1. Before entering a contract with a new residential consumer or an existing residential prepaid customer, a CSP must complete a credit assessment where a contract:</p> <p>a) may result in a debt owed by the consumer equal to or greater than \$150; and</p> <p>b) the debt will be pursued by the CSP.</p>

Customer Service					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
TIO	Overall comment on all proposals in this position paper.	We support these changes in principle, but would like to see more detailed drafting of the relevant provisions in context.		Noted. Key new or substantially changed clauses have been our focus for this part of the process, but the iterative drafting process for further drafting will provide stakeholders with further opportunities to review provisions in context.	N/A
ACCC	Overall proposals (without drafting) as tabled at RC3. ACCC did not provide written comment on the Position papers, as noted. But support for the general proposal was provided at RC#3 by ACCC staff: From RC#3 minutes: Ms. Morice – <ul style="list-style-type: none"> • supportive of overarching proposals as tabled • questioned whether, with the possible inclusion of a new chapter, is it proposed that the Code will be structured around the customer lifecycle? Ms. Wilson advised that yes, the new code structure would essentially be structured around the customer journey, with overarching obligations/information at the start.			N/A	N/A

Customer Service					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – available customer service channels and related information is clearly communicated</p> <p>The Code will include provisions to require that:</p> <ul style="list-style-type: none"> • CSPs make available clear information about the available contact channels for consumer enquiries, assistance, and support to enable customers to make an informed decision about a service to purchase, including in relation to the support channels available to them. • Contact channels reasonably reflect the needs of the target market. For example, if a product is targeted at the youth market, it would be reasonable to have a particular focus on digital communication channels. <p>Sample drafting <u>Chapter 7 – Customer Service:</u> <u>Contact channels [new clause]</u></p> <p>1. CSPs must make available:</p> <ol style="list-style-type: none"> a. clear information on their website about the customer contact channels available; and b. the hours of operation for that contact method. <p>Guidance – contact channels. Contact channels should</p>	<p>ACCAN considers that contact channels should be representative of all demographics in addition to reasonably reflecting user demographics. This code requirement should not limit the contact channels that providers offer to consumers. ACCAN would appreciate more clarification from the DC on the nature of the 'other contact mechanisms' mentioned in the 'guidance - contact channels' section.</p>		<p>This provision in no way limits the contact channels.</p> <p>The DC believes that, in a competitive market, it is reasonable for a business to be able to define its business model or target market and cater accordingly, as long as it is upfront and clear about options available, and there are appropriate protections for vulnerable customers. New and strengthened provisions to cover both these issues have been proposed. New provisions have also been proposed to require 'real time' communication with customers.</p> <p>Our drafting was not as clear as it might have been, however, and we have adjusted it accordingly.</p>	<p>Second bullet point in the proposal has been deleted.</p> <p>The proposed guidance box has also been deleted.</p>

Customer Service					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	reasonably reflect the user demographics. For example, if a product is targeted at the youth market, it would be reasonable to have a particular focus on digital communication channels. If the customers are mainly older consumers, other contact mechanisms would be reasonably expected				
TIO	<p>Proposal as above</p> <p>Guidance – contact channels. Contact channels should reasonably reflect the user demographics. For example, if a product is targeted at the youth market, it would be reasonable to have a particular focus on digital communication channels. If the customers are mainly older consumers, other contact mechanisms would be reasonably expected</p>	We support the requirement for a customer service option where consumers can communicate with a real person in real or near-real time. We note this would be supplemented by requirements in the Complaints Handling Standard for telcos to allow consumers to make complaints via specified contact channels.		<p>We acknowledge the current requirements of the Complaints Handling Standard (CHS) re specified contact channels. This would obviously continue until whenever that instrument is reviewed. We note discussions in RC#3 (when this paper was discussed): Ms. Gebert –</p> <ul style="list-style-type: none"> • very supportive of the proposal that there be a requirement in relation to escalation to a ‘real person’, noting that support is (again) conditional on seeing full drafting. • noted that there needs to be consistency with Complaints Handling Standard (CHS) re complaints. <p>In response to questions from Ms. Wilson and Mr. Sexton about whether this constancy might be appropriately achieved through an update to the CHS, which is currently quite dated and very prescriptive, requiring CSPs to</p>	n/a

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				have a postal address and phone number, Ms. Gebert emphasised that she is focused on the outcome.	
ACCAN	<p>Proposal – available customer service channels and related information is clearly communicated</p> <p><u>Chapter 7 – Customer Service: Effective service [update current 4.7.1]</u></p> <p>1. CSPs must ensure that they deal with enquiries in a timely and effective manner.</p> <p>2. CSPs must keep records of interactions between the CSP and customers and:</p> <p>a. make these records accessible to staff tasked with responding to customer enquiries, to aid in resolving those enquiries;</p> <p>b. where requested by a customer, provide to the customer or former customer the records kept for as long as the CSP retains those records; and</p> <p>c. if the CSP charges a fee for providing the records kept, limit that fee to no more than the reasonable cost of finding, accessing, arranging, and providing the information.</p> <p>Note: drafting would include appropriate exceptions to the requirements outlined at (a) and</p>	ACCAN considers that the code should contain detailed requirements for providers to deal with enquiries within certain periods of time as identified by the submissions to the 2018 TCP code review and mentioned earlier in this position paper.	<p>ACCAN's 2018 TCP Code Recommendation 9: Adding the following wording to CI 4.9.1 (b):</p> <p>'Telephone contact: Customer wait times to be connected to the right customer service area to handle an enquiry must be kept to a maximum of five minutes.</p> <ul style="list-style-type: none"> • Live chat: an acknowledgement to an enquiry must be provided within two minutes. • Other contact methods: email, online and social media inquiries must be acknowledged by the Supplier within one working day.' 	<p>When trying to agree on retail service standards, it's hard to define a 'reasonable' timeframe for all enquiries.</p> <p>However, the DC is looking at this issue further in relation to monitoring.</p>	To be further reviewed and considered in the next stages of drafting.

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	(b) e.g., to make it clear that these requirements would not apply where such action might jeopardise the safety of a victim of domestic and family violence.				
ACCAN	<p>Proposal – clear customer service escalation pathways</p> <p>Sample drafting <u>Chapter 7 – Customer Service: Contact channels [new clause]</u> 1. CSPs must provide at least one contact channel that enables customers to communicate with a representative in real time, or near real time.</p> <p>Guidance – to be drafted – per the proposal commentary</p>	ACCAN supports this provision in principle (noting comments above)		N/A	N/A
ACCAN	<p>Proposal – new requirement in relation to case management</p> <p>The Drafting Committee (DC) proposes to include a clause requiring that CSPs be able to demonstrate case management processes and procedures: have been designed to prioritise customer safety and security, and progress towards a workable and satisfactory outcome for the consumer, while also appropriately balancing the desire to:</p> <ul style="list-style-type: none"> • avoid or minimise the need for a customer to constantly repeat details of their situation or problem, and • consider the compromise 	ACCAN supports this proposal in principle however in the absence of drafting, cannot comment extensively on this section. ACCAN supports mandated review periods and training for these processes and procedures.		Drafting is necessarily limited by time constraints, but intention is agreed, as noted. Refer to the DFV Guideline for some example of drafting to reflect case management issues (it is DFV specific, but same principles apply).	Note made in Agreed Position Paper of our clear intent on this. Actual drafting will be tackled in the next stages of drafting.

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	<p>between repetition of the issue and wait time (noting that warm transfers may cause delays).</p> <p>Best practice in case management will depend on the issues being addressed. For example, case management for customers affected by domestic and family violence may be different to that for a customer with an enquiry about coverage.</p> <p>No sample drafting included.</p>				
ACCAN	<p>Proposal – clearer requirement about the management of the ongoing relationship with a customer. The DC will include information and/or provisions around:</p> <ul style="list-style-type: none"> • understanding that consumer needs can change; • making all reasonable efforts to be able to meet those needs; and • providing access to timely advice and support, including, where relevant, in relation to external referrals, should the CSP be unable to offer services to assist the customer’s specific needs. <p>Sample drafting <u>Chapter 6 – Responsible selling: Sales, credit assessments and contracts: Meeting consumer needs [update current 4.5.2]</u></p>	<p>ACCAN considers this drafting vague and would support more provisions being included in this section in relation to what consumer needs can be met. ACCAN supports that in some circumstances that CSPs may need to record information in order to limit customers having to reiterate their needs.</p> <p>ACCAN considers that a guidance note with examples should be provided alongside this to clarify to providers and consumers an acceptable use case of this provision. ACCAN would welcome further drafting on this provision.</p>		<p>It is not clear whether ACCAN is suggesting changes to the clause drafting, or just the guidance box. We would be happy to explore this further when time allows. However, to confirm, as per the proposal, the DC proposes to require that CSPs make reasonable effort to ask consumers what their needs are, and to make reasonable efforts to meet those needs. But there has to be recognition that a consumer has to want that assistance and disclose needs as part of the process, if it is to be useful. And that the CSP may not have the 'perfect' product for the consumer.</p> <p>It is unclear how recording information is a useful or proportional response, particularly given the emphasis</p>	<p>Minor changes have been made to the drafting, for clarity. A Guidance box has also been included.</p> <p>2.A CSPs must:</p> <ol style="list-style-type: none"> ensure representatives are appropriately trained to assist the consumer identify their needs, and to advise consumers on offers that the CSP has available that best match those needs; provide information that can help consumers predict their typical telecommunications usage; and identify which of their available offers

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	<p>1. If a consumer identifies a particular need to a CSP, the CSP must indicate if it has an offer that may suit the consumer's identified need.</p> <p>2. A CSPs must:</p> <p>a. ensure representatives are appropriately trained to assist the consumer identify their needs, and to advise consumers on offers that the CSP has available that best match those needs;</p> <p>b. provide information that can help consumers predict their typical level of telecommunications usage and what offers may be suitable for that level of usage.</p>	<p>ACCAN considers that the TCP code should establish a provision to mandate that providers allow consumers to easily access an accessible plot graph of their data usage which is plotted over intervals such as 3 months, 6 months, 12 months and 24 months in order for them to easily quantify their usage for their own comparison. Providers must allow consumers to easily access accessible plot data of their usage to better understand what offers may be suitable for their usage.</p>		<p>on the fact that consumer needs can change.</p> <p>We think ACCAN's suggestion of a guidance box would help ensure the intent is realised and have made note of this intent in the 'Agreed Position Paper'.</p> <p>Re the suggestions on plot graphs, we question its use and the suggested level of prescription. We have proposed that sales staff be trained to assist consumers work out their likely needs. Additionally, a quick google reveals that there are numerous resources to help a consumer understand their needs, provided both by CSPs and by numerous other organisations - including based on historical data stored on the user's own device, and information about typical hourly use data of different activities (google maps, YouTube, etc.).</p>	<p>would likely be most suitable for a consumer with the identified usage pattern.</p> <p>Guidance – Identified needs Guidance to be drafted, but will be along the lines of:</p> <p>A consumer's identified needs could include anything from needing large amounts of data, or data sharing amongst family members, wanting a plan that offers the best deal for calling a designated country regularly, or meeting certain budgetary needs.</p> <p>It also includes the needs of those with disabilities or in other potentially vulnerable situations. See also xxxxx (cross reference to be included to relevant chapters).</p>

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ACCAN	Overarching comment	ACCAN welcomes the DC's revision of the guideline however would stress that it does not address ACCAN's core concerns around protections for consumers experiencing DFV. ACCAN believes that telecommunications consumer protections related to consumers experiencing domestic and family violence should be directly enforceable.	(none)	Out-of-scope. But note CA position paper on regulatory reform.	N/A
TIO	Overarching comment	The proposed protections could be strengthened, as it has minimal requirements for telcos around domestic and family violence responses. Instead, detailed FV information is in the optional Industry Guideline G660:2023 Assisting Consumers Affected by Domestic and Family Violence.	(none)	<p>Because the guideline is not enforceable, the DFV drafting committee committed to key provisions going in the TCP Code - a commitment that the DC fully supports.</p> <p>As discussed at RC#2, the DC acknowledges that the electricity sector includes DFV requirements and guidance all in one place, but the presentation of abuse is much more complicated in the telecommunication sector than in the electricity sector and managing the issues is therefore also much more complicated.</p> <p>The CA Guideline document is a very lengthy, comprehensive, best</p>	However, we have made some requirements more detailed and explicitly stated that CSPs must have regard to the G660.

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				<p>practice document and is the correct place for this detail. It would be impractical and confusing to include such detail in the TCP Code. To explain further:</p> <p>The guideline provides operational best practice guidance about how to manage DFV as a whole - at a company level and at every stage of the customer journey. It includes detailed explanations of the issues, with case studies and guidance to illustrate the issues as they are likely to present to CSPs. It explains how different approaches might work best for different company sizes and structures.</p> <p>As the Agreed Position Paper explains, there are numerous current obligations in relation to DFV, which are necessarily split across a number of different technical Codes; capturing all the different scenarios into a single instrument would be very complex. The updated CA DFV Guideline makes these connections clear – including making clear where other, related</p>	

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				<p>mandatory obligations (in other instruments) lie. (See detail about cross references in Agreed Position Paper.)</p> <p>The new DFV provisions proposed for the TCP Code mandate action in new areas (as presented) and clearly highlight the CSPs' obligations in the space. However, we agree that CSPs should be referring to the Guideline when developing their policies. We have therefore added a specific statement in the drafting that CSPs must have regard to G660.</p>	
ACCAN	<p>Proposal - DFV-support policy and governance requirements Introduce a requirement for policies and systems to manage and respond to DFV.</p> <p>Introduce a requirement to have governance arrangements to monitor compliance, including oversight by a senior executive.</p> <p>Sample drafting <u>Chapter 4 - Supporting the Customer: DFV-support policy and governance requirements</u> 1.CSPs must have policies and supporting materials on the following, managed, and overseen by a senior executive:</p>	ACCAN considers that this drafting should reflect the severity of DFV.	<p>ACCAN considers that this sample drafting should be amended to:</p> <ul style="list-style-type: none"> Domestic and Family Violence, including processes that mandate the establishment of identification, support and safety requirements for consumers affected or likely to be affected by DFV. Economic abuse, including processes that mandate the establishment of identification, 	<p>We do not dispute the severity of DFV and it is our intent to ensure appropriate protections through the TCP Code.</p> <p>In relation to the point at b, this is covered - we refer ACCAN to the definition of DFV that we have proposed be included. This covers all types of abuse, including economic.</p> <p>But we've amended some drafting to better demonstrate our agreed commitment to this position - see below against TIO</p>	New drafting, see below.

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	a. Domestic and Family Violence, including processes that consider the identification, support, and safety considerations for consumers affected by DFV.		support and safety requirements for consumers affected or likely to be affected by economic abuse. ACCAN supports the governance arrangements that clearly provide for senior executive staff to have accountability and responsibility for ensuring the delivery of DFV protections. ACCAN considers that further detail is required on the substantive requirements associated with this provision. At present drafting does not clearly indicate what protections will be afforded to consumers affected by DFV.	comments.	
TIO	(comments relating to the drafting above)	We support the requirement for policies and systems to respond to DFV in principle. However, the proposals does not discuss arrangements about monitoring compliance and what this would involve, or any review	Recommendation 28 from our submission supports the following measures: The mandatory protections for consumers experiencing	As above, we agree with the intent of all and have amended drafting to better reflect our intent. NOTE: (1) The policy will be binding if included in the Code. (2) the point made in	Chapter 4 - Supporting the Customer: DFV-support policy and governance requirements 1. CSPs must have policies and supporting materials

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		processes/requirements.	<p>DFV should include, at a minimum:</p> <p>A) requirements for a telco to have a binding DFV policy that clearly sets out how it will identify and assist consumers experiencing DFV</p> <p>B) requirements for all telco staff who deal with consumers (and their managers) to receive ongoing training in how to assist consumers experiencing DFV</p> <p>C) requirements for telcos to have a secure process to assess and identify whether a consumer is affected by DFV, that avoids the need for the consumer repeatedly disclose or refer to their experience</p> <p>D) requirements for telcos to recognise DFV as a likely cause of payment difficulties, and consider the impact of any service</p>	(f) is already dealt with in proposed drafting provided - see the proposal and accompanying drafting in the paper 'Domestic and Family Violence' - contract requirements.	<p>on the following, managed and overseen by a senior executive:</p> <p>a. Domestic and Family Violence. CSPs must have regard to the Industry Guideline G660: Assisting Consumers Affected by Domestic and Family Violence, when developing their policies, which must:</p> <ul style="list-style-type: none"> • clearly set out how the CSP will identify, support, manage, review and monitor DFV issues; • emphasise safety (of the affected consumer and CSP staff). • be trauma-informed; • ensure that a CSP's responsibilities, communication channels, case management, support and escalation requirements (external and internal) are clear; • align with and appropriately reference mandatory consumer obligations under other instruments (e.g. the FH Standard).

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			<p>suspension or disconnection for the consumer before starting credit management or debt collection activity</p> <p>E) rules prohibiting a telco from requiring a consumer to communicate with or disclose information about a perpetrator of DFV against them as part of dealing with an enquiry</p> <p>F) rules specifying that if a telco cannot comply with a contractual obligation because of its obligations to a consumer under the DFV protections, it is not in breach of its contract.</p>		<p>Guidance: Developing a DFV Policy</p> <p>It is essential that CSPs have their own, company-specific DFV policies and supporting material to ensure a safe and comprehensive DFV response that fits their size, structure and way of operating. This must be supported by appropriate training. A flexible response is necessary; there is not a 'one-size-fits-all' solution; the safe and appropriate response can vary depending on the consumer's circumstances.</p> <p>Note that it is never appropriate for a CSP to require that a consumer be required to involve their alleged perpetrator in any discussion. Such actions could put lives at risk.</p>

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ACCAN	<p>Proposal – protection from disconnection Introduce a requirement to protect consumers affected by DFV from being disconnected.</p> <p>Sample drafting <u>Chapter 9: Credit management, debt management and disconnection (TBC)</u></p> <p>1.Once a CSP becomes aware a consumer is affected by DFV, it must protect the affected person's service(s) from disconnection.</p>	ACCAN supports this drafting in principle, however, considers that it should be amended to further protect consumers.	<p>ACCAN considers this drafting should be amended to:</p> <p>1.Once a CSP becomes aware that a consumer is experiencing or may experience DFV, it must ensure that the affected person(s) service is not disconnected. Additionally, consumers affected by DFV should not be subject to credit management action, debt collection or have their debt sold to a debt collection agency. ACCAN would support further detail on requirements to have processes in place to prevent the inadvertent disconnection of consumers affected by DFV.</p>	<p>The absence of a prohibition from disconnection is deliberate; there are times where a consumer would WANT disconnection and we do not want to create harm by prohibiting it. 'Protecting from disconnection' is intended to ensure that the victim is not disconnected unless there is a very good reason (e.g. they want it, for safety reasons).</p> <p>However, we acknowledge the intent of ACCAN's comment and have added further guidance to ensure CSPs are clear on the intent.</p> <p>Re debt issues - we expect to reflect FH Standard requirements where appropriate and will review this according.</p>	<p>Further details are in the guidance note.</p> <p>Guidance – protecting an affected person's service from disconnection.</p> <p>The loss of service is a major disruption for anyone, but for a DFV-affected person the consequences can be particularly significant and far-reaching.</p> <p>'Protecting' from disconnection does not mean that a person's service cannot be disconnected, or that it will be maintained in perpetuity, regardless of circumstance. Rather, it means that there are additional protections in place to shield a DFV-affected customer from unwanted disconnection while their matter is being actively managed.</p> <p>Responses to DFV must be consumer-led; the DFV-affected person knows best how to keep themselves safe. While most DFV-affected consumers are likely to prioritise maintaining connection, there may</p>

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					<p>be occasions where they choose to disconnect a service. There may also be times when it is otherwise necessary to disconnect their service to prevent or reduce possible harm, where there is evidence of fraud or other legitimate reason for disconnection.</p> <p>In addition to general protections from disconnection under financial hardship obligations, the ability to manage a number - including initiating transfers, ports or disconnections - rests with a customer as the rights of use holder. This means a DFV-affected end user cannot manage a number, even if they have used it for years and it is their known contact number with friends, family and support services. CSPs should have processes in place to ensure the service of a DFV-affected end user is not disconnected, interrupted, or ported while the CSP is managing a rights of use dispute under the C566 Number Management –</p>

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					Use of Numbers by Customers Industry Code. For further guidance see G660 Assisting Consumers Affected by Domestic and Family Violence Industry Guideline.
TIO	Proposal above re disconnection	We support in principle protection for consumers from disconnection, however we would like additional clarity on this protection. There is no prohibition on disconnection, and it is unclear what 'protect consumers affected by DFV from being disconnected' may mean in practice. The guidance suggests disconnection protection may include mirroring protections or safeguards for financial hardship customers.		See above. Correct that there is no prohibition on disconnection. Intent is more in line with the FH standard intent. Amended wording has been included, as above.	Amended drafting, as above.
ACCAN	Proposal - staff training Introduce a requirement for staff training on identification, support, and safety considerations for consumers affected by DFV. Staff training must: <ul style="list-style-type: none"> at an appropriate level for the staff member role, with requirements for refresher 	This drafting should reflect the severity of DFV as a pervasive social issue. ACCAN's further recommendations are detailed in our DFV policy position. Link: https://accan.org.au/accans-work/policy-positions/2253-	ACCAN considers that 1.a. and 2 should be amended to: Domestic and Family Violence, including training that includes the identification, support and safety requirements for consumers affected or	To ensure a comprehensive, telco and individual company-appropriate response that delivers the desired outcomes, CSP's need to bring together internal and external expertise. We recognise that for a lot of	Guidance now included: Guidance - staff training It is strongly recommended that RSPs work with a reputable training provider with DFV expertise to develop and review DFV staff training. This will allow material to reflect both current best

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	<p>training; and</p> <ul style="list-style-type: none"> included as part of high-level training to staff at induction; with more detailed training for frontline customer service staff, specialist training staff and staff working in areas likely to deal with DFV-related issues (e.g. sales, credit collections, financial hardship, fraud, privacy and escalated complaints management). <p>Sample drafting <u>Chapter 4 - Supporting the Customer: Staff training – company-wide</u></p> <p>1.CSPs must provide staff training to support compliance with Code obligations, including (where relevant):</p> <p>a. Domestic and Family Violence, including training that considers the identification, support, and safety considerations for consumers affected by DFV.</p> <p>2.Company-wide staff training must occur:</p> <p>a. at induction; and as an annual refresher.</p>	<p>domestic-and-family-violence.</p> <p>ACCAN considers that training requirements for staff dealing directly with consumers affected by or likely to be affected by DFV should be more stringent. ACCAN considers that the sample drafting in Chapter 4 should be amended to:</p>	<p>likely to be affected by DFV.</p> <p>2.Company wide staff training must occur;</p> <p>a. at induction; and</p> <p>b. as an annual refresher; and</p> <p>c. for staff dealing directly with consumers affected by DFV, on a half yearly basis.</p> <p>d. and be facilitated by a reputable training provider with DFV expertise.</p>	<p>CSPs, external input will be a valuable part of this. However, recognising the above, it is appropriate to focus on outcomes, rather than prescribing how it might be achieved.</p> <p>However, to make this clear, we have included some guidance from the DFV Guideline in the TCP Code drafting.</p> <p>in relation to the comments on stringency, we have added detail to the drafting to include key elements that must be included in the training.</p>	<p>practice on DFV-specific issues and the RSP's company-specific needs (e.g. to support the RSP's policy and supporting materials).</p> <p>A list of DFV training providers is found in Appendix 3: Training resources for RSPs.</p> <p>Detail added: <u>Chapter 3 – Organisational Culture and Governance: Staff training – company-wide [new]</u></p> <p>1.CSPs must provide company-wide staff training* to support compliance with Code obligations, including:</p> <p>a. Domestic and Family Violence. When developing this training, CSPs must have regard to, the Industry Guideline G660: Assisting Consumers Affected by Domestic and Family Violence. It must include:</p> <p>i. information to help staff understand (at a high level) the nature and</p>

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					<p>impact of DFV, and how to recognise common forms of DFV associated with a telecommunications service;</p> <p>ii. Instruction on how to manage and respond to DFV-associated issues at a basic level (including how to safely escalate matters and how and where to seek support).</p> <p>2. Company-wide staff training must occur:</p> <p>a. at induction; and</p> <p>b. as an annual refresher.</p> <p>Guidance – company-wide training</p> <p>Company-wide training is intended to provide staff in any role that can reasonably influence customer outcomes with a broad understanding of DFV and common presentations in the telecommunications space, thereby reducing the chance that a product or service may unintentionally be designed or presented in</p>

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					<p>a way that could lead to harm to those in DFV situations. For example, understanding that certain features may be used by a DFV perpetrator to monitor their victim may lead to IT staff designing a service differently or marketing and selling it differently.</p> <p>For clarity, it is not expected that those in roles with no association or influence over customer outcomes receive DFV training (office cleaners, building maintenance staff, or administrative or other roles with no influence on customer outcomes).</p>
TIO	The sample drafting differentiates between company-wide training and specialist staff training, and both propose training at the time of induction and as an annual refresher. However, the sample drafting appears to allow a level of discretion for telcos not to provide DFV training, as it contains the qualifying language '(where relevant)'. It is unclear how this would apply in practice.			<p>The 'where relevant' here is to ensure that there isn't an obligation to train staff such as cleaners, or building contractors, about DFV.</p> <p>We have added a note to provide clarity on this point.</p>	Note added for clarification.
ACCAN	Chapter 4 - Supporting the Customer: Staff training – specialist staff	As above, ACCAN supports more frequent staff training refreshers.	ACCAN considers that 2.b. should be amended to: 2b. as a	(Repeat point, covered above)	(Repeat point, covered above)

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	<p>1. Company-wide training must be supplemented by appropriately tailored training for specialist staff to suit their specific roles and responsibilities (where relevant). This includes:</p> <ul style="list-style-type: none"> a. training on DFV for: <ul style="list-style-type: none"> i. frontline customer service staff; ii. specialist DFV staff; iii. staff working in areas likely to deal with DFV-related issues. This includes staff in sales, credit collections, financial hardship, fraud, privacy, and escalated complaints management roles. <p>2. Specialist staff training must occur:</p> <ul style="list-style-type: none"> a. at induction to a role; and b. as an annual refresher. 		half-yearly refresher.		
ACCAN	<p>Proposal - contract requirements CSP's customer contracts (SFOA/T&Cs) for a service must include a provision to ensure sufficient arrangements to enable termination and disassociation of mobile number(s) from an account where the end-user has been affected by DFV from the customer.</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: SFOA/T&Cs requirements</u></p>	ACCAN supports the sample drafting in principle. ACCAN considers that the ability of CSPs to do this should be made clear to customers through the provision of the customer contract.			no action necessary - proposal supported

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	<p>1. CSPs must provide customers with a customer contract that includes:</p> <p>a. terms and conditions that outline the ability of the CSP to disconnect a number and remove the rights of use from a customer and issue that number to an authenticated former end user of the account where the end-user has been affected by DFV;</p> <p>Add Guidance Box - referencing G660 DFV Guideline and C566 Use of Numbers Code on rights of use of numbers.</p>				
TIO	(proposal above) We are supportive of the requirement for telcos to include contractual provisions to enable the termination/disassociation of mobile numbers from an account where the end-user has been affected by DFV perpetrated by the customer.				no action necessary - proposal supported
ACCAN	<p>Proposal - access to support and evidence</p> <p>CSPs must not require evidence as a pre-requisite for assistance and support; the only exception is where legal or regulatory obligations need supporting evidence to undertake a specific transaction (i.e., a right of use change, which may</p>	<p>ACCAN supports this drafting in principle and would welcome further drafting. ACCAN considers that CSPs should take into account the re-traumatising impact of any request for supporting materials.</p> <p>ACCAN considers that the</p>	<p>ACCAN considers that Chapter 7. 2. be amended to:</p> <p>Where supporting materials are required to meet regulatory or legal obligations, CSPs must only request and retain the minimum amount of</p>	See below	See below

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	<p>require a demonstration of ongoing connection to the service in question).</p> <p>If supporting materials (such as a statutory declaration or letter from a support service) are required (e.g., during a fraud investigation or when undertaking an ROU change for a service), CSPs should request only the minimum amount of information to enable them to meet their legal or regulatory obligations.</p> <p>Consideration must be given to the re-traumatising impact of any request for supporting materials. There must be no requirement to provide evidence of the abuse, only the information relevant to the consumer's request.</p> <p>Sample drafting <u>Chapter 7 - Customer service and support: Access to support and evidence – DFV-affected consumers</u></p> <ol style="list-style-type: none"> 1.CSPs must not require evidence as a pre-requisite for assistance under the CSPs' DFV policy. 2.Where supporting materials are required to meet regulatory or legal obligations, CSPs must only request and 	<p>sample drafting be amended to reflect the re-traumatising impact of providing supporting materials.</p>	<p>information to meet their legal or regulatory obligations. In their communications with consumers, CSPs must take into account the re-traumatising impact of any request for supporting materials against the requirement for the consumer to provide the materials. CSPs should ensure that after this data has been utilised to fulfill this obligation, that it is securely deleted.</p>		

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Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	retain the minimum amount of information to meet their legal or regulatory obligations. 3.A CSP must publish on its website a list of one or more external DFV support services.				
TIO	As above	We support providers not needing evidence as a pre-requisite to giving assistance and support to a consumer (except for legal/regulatory obligations).	We support the sample drafting 'A CSP must publish on its website a list of one or more external DFV support services'. This could go further by requiring proactive staff responses. e.g., staff could provide this information to consumers in tailored ways.	Proposal is supported. In terms of how the information is provided, this requirement is already proposed - it is covered by requirements to take a consumer-led, safety-first, and trauma-informed approach (see earlier comments and guidance).	covered in earlier drafting
ACCAN	Proposal - update references Inclusion of cross-references and updated guidance on relevant related instruments, such as the refreshed G660 Guideline and Use of Numbers Code. Sample drafting <u>Chapter 1 – Terminology, definitions, and acronyms:</u> <u>Definition of 'domestic and family violence'</u> 1. Domestic and family violence refers to a wide range of behaviours by a person(s) designed to create a dependency or to isolate,	ACCAN cannot adequately comment on this proposal without further drafting.		This comment is unclear. Chapter 1 is a chapter on definitions. This is the proposed definition to be included for DFV. Recognising that terminology used to identify and describe violence and abuse between intimate partners, immediate and extended family, communal and kinship relationships, and carer and guardianship arrangements is diverse, with no consistency nationwide on its scope and use, CA proposes to include both a concise definition of	This point has been made clearer in the Agreed Position Paper.

Domestic and Family Violence					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>monitor, dominate, or control another person.</p> <p>Guidance The term 'domestic and family' does not seek to limit the definition to the immediate family or the domestic home. Abuse and violence occur within many personal relationships – intimate partners, immediate and extended family, communal and extended kinship relationships, and carer and guardianship arrangements.</p> <p>'Violence' in this context consists of physical violence and other types of abuse that cause harm. Examples of abuse include life threatening communications, unwelcome communications, economic and financial abuse and technology-facilitated abuse.</p> <p>For further guidance see G660 Assisting Consumers Affected by Domestic and Family Violence Industry Guideline</p>			<p>the term, plus a guidance box for further information, with even more very detailed information in the referred G660.</p> <p>Additionally, for absolute clarity, we propose linking 'short' definitions with the full definition in chapter one, each time they are used.</p>	
TIO	We are supportive of updated guidance on relevant instruments.			Support.	Noted.

Essential Information					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Desired outcome from TCP Code revision</p> <p>Consumers get clear and consistent information about the telecommunication product offering (telecommunication goods and/or services) at each point of the customer journey:</p> <ul style="list-style-type: none"> • in publicly available, pre-sale material and communications; • at point of sale; • in a post-sale 'confirmation of offer'; and • customer contracts. 	<p>At present variations in the presentation of information increase information costs for consumers, with no attributable benefit but to increase market frictions and reduce search. Noting the TCP Code revisions will require standardisation of information presentation within CSPs, we consider that industry standardisation should also be pursued due to the low incremental cost and material consumer benefits.</p>	<p>ACCAN considers that standardisation of the form in which information is presented to consumers across industry should be a desired outcome from the TCP Code revision.</p>	<p>Noted.</p> <p>The purpose of this concept is to create a similar set of information that carries through the sales journey - in advertising, in the CIS, in discussion with CSP staff and in an order summary. It would not be practical to define how to present the defined set of information at each stage.</p> <p>We would also refer ACCAN to requirements for providing information to consumers under the Accessibility and Customer Service papers and the need to be able to customise this information to the consumers' needs.</p>	No changes
ACCAN	<p>Proposal - essential information definition</p> <p>Define the term 'essential information' in relation to a telecommunication product during the sales process.</p> <p>Sample drafting</p> <p><u>Chapter 1 - Terminology, definitions, and acronyms:</u></p> <p><u>Definition of 'essential information'</u></p> <p>1. Essential information means a standard set of information about a telecommunication product being offered (advertised or sold). It includes:</p>	<p>ACCAN considers that alongside the existing list of essential information about a telecommunication product being offered, other details should be included in the drafting of this provision.</p>	<p>ACCAN considers that the following details should be included as part of a standard set of information about a telecommunication product being offered:</p> <ul style="list-style-type: none"> - A description of the payment method which the consumer may utilize to purchase the product or service (or the payment methods offered) and any fees associated with this payment method. - The contact details (phone and email) of the 	<p>Essential information is intended to be a standard set of information about the product under consideration by/offered to the customer, not the CSP. We do not want to have too much information included in the mandated information. As we work through drafting, we will work through whether it makes sense to include 'payment' information' instead of or as well as the other issues in 'essential information', or whether this information is better conveyed through other touchpoints (which is our current working view).</p>	No changes

Essential Information					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	a) the name of the CSP; b) a description of the telecommunications service; c) the minimum periodic cost (where calculable); d) the minimum term of the offer; e) the minimum quantifiable price of the offer; f) the minimum term of any discounts or benefits (where relevant); and g) information on mandatory bundled products included with the base telecommunication product (where relevant).		telecommunications industry ombudsman. - The contact details of financial counselling services. - The contact details of the national debt helpline.	The additional information requested is captured in the CIS, with the exception of the financial counselling and national debt helpline. The inclusion of debt support information is not relevant to the CIS, as the CIS is a requirement for prepaid services as well as postpaid. See also comments under 'selling policies' and 'payments'.	
ACCAN	<p>Proposal - inclusion of term in critical stages of the sales process - 'essential information' is required to be provided</p> <p>Sample Drafting <u>Chapter 5 - Responsible selling: Advertising and pre-sales information: The CIS, [update current cl 4.2.2(a)]</u> 1. At the beginning of the document, in a separate, clearly identified section, each CIS must outline essential information about the telecommunication product offered.</p>		ACCAN considers that the drafting of this provision should be accompanied by: <ul style="list-style-type: none"> • requirements for CSPs to account for the needs of consumers with accessibility requirements when outlining or providing essential information to consumer cohorts. • requirements for CSPs to account for the needs of consumers from culturally or linguistically diverse backgrounds when outlining or providing essential information to consumer 	Agreed, however this is captured in the Accessibility and Customer Service papers.	Noted, refer to Accessibility and Customer Service papers.

Essential Information					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
			cohorts.		
TIO	<p>1. Requirements for telcos to supply 'Essential information' to consumers at various points in their relationship with their telco.</p> <p>1a. The 'Essential information' would include:</p> <ul style="list-style-type: none"> - the name of the telco - a description of the telecommunications service - the minimum periodic cost (where calculable) - the minimum term of the offer - the minimum quantifiable price of the offer - the minimum term of any discounts of benefits (where relevant), and - information on mandatory bundled products included with the base telecommunications product (where relevant) <p>2. Telcos would be required to include the Essential information in CISs, and in the body of advertising for telecommunications products.</p> <p>3. An obligation for telcos to clearly explain Essential Information about a telecommunications product to consumers during the sales process.</p> <p>4. A separate obligation for</p>	<p>1. In general, these proposals could be strengthened.</p> <p>2. Key pieces of important information have been omitted from the proposed definition of 'Essential Information', such as the payment methods offered for a service and a telco's required process for cancelling a service.</p> <p>3. The proposed 'Essential Information' and order summary requirements will provide some important information for consumers, but will not ensure they have a comprehensive record of what they agreed with their telco.</p>		<p>Essential information is intended to be a standard set of information about the product under consideration by/offered to the customer, not the CSP.</p> <p>Essential information is separate from the final, customised offer and contract. It is intended that the contract is made up of three parts:</p> <ol style="list-style-type: none"> 1) Order summary; 2) CIS 3) Standard Form of Agreement/Terms and Conditions. <p>Additional context on sales issues is captured in the Responsible Selling paper.</p>	No changes

Essential Information					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>telcos to outline the difference between special promotional offers and the base offer during the sales process.</p> <p>5. An obligation for telcos to give consumers an 'order summary' after entering into a consumer contract.</p> <p>The order summary must contain:</p> <ul style="list-style-type: none"> - the name of the telco - the contact details of the telco - the expiry date of the fixed term contract (if applicable) - information about any special promotions, including discounts or bonus entitlements and the expiry date of the special promotion, and - A link to the CIS 				

Languages and Translation Services					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – requirement to publish information about interpreter/ translation services</p> <p>A new obligation will be included in the Code to require that all CSPs provide information to consumers about translation services and support.</p> <p>Sample Drafting <u>Chapter 4 - Supporting the Customer [new chapter; new clauses]</u></p> <p>1. CSPs must provide:</p> <ol style="list-style-type: none"> a. the contact details of a translating and interpreting service in at least 5 'community languages'; and b. contact details for the National Relay Service. 		<p>ACCAN considers that CSPs must provide the contact details of a reputable, accessible, and free translating and interpreting service in at least 10 community languages in addition to the contact details for the national relay service.</p> <p>In addition, ACCAN considers that there be a requirement to provide translating an interpreting services for community languages where a CSP engages in active marketing or advertising to a community in language to align with other proposed provisions in this paper.</p>	<p>We think ACCAN has misunderstood the proposal - this is just what's next to the phone number'. The actual number of languages available is not restricted in the same way.</p> <p>In relation to the suggestion that the service be provided free (to the consumer), we have accepted this recommendation and amended drafting accordingly.</p> <p>The DC has mirrored these requirements on the energy sector, and indeed strengthened them to require at least 5 community language (number is not specified for energy). We do not think a requirement over and above a declared essential service is reasonable. It is an arbitrary number and will take up a lot of space.</p> <p>Re the second comment, this is already covered in the proposal/drafting for chapter 4, 1b.</p>	<p>Drafting change to require that consumers can access translation services at no cost (to the consumer):</p> <p>1. CSPs must provide at no cost to the Consumer:</p> <ol style="list-style-type: none"> a. the contact details of a translating and interpreting services in at least 5 'community languages'; and b. contact details for the National Relay Service.

Languages and Translation Services					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – See above.</p> <p>Sample Drafting <u>Chapter 4 - Supporting the Customer [new chapter; new clauses]</u> 2.Contact details that meet this requirement: a. are to be displayed as part of the contact information on the CSP's website; b. with any Bill; and c. on the CIS</p>		ACCAN considers that the drafting should require CSPs to clearly place these contact details, or hyperlink to these contact details on their websites home page to ensure consumers have easy access to translation services. These details should be replicated in an essential information documentation.	<p>We are not entirely clearly on the comment and note that hyperlinks are not encouraged as consumers rightly consider them a security risk.</p> <p>The proposal is to include details on documentation relating to key touchpoints where a consumer might need translation assistance - or might look for it. i.e., the website, with a bill, and on a CIS. This covers all bases.</p>	No change required
ACCAN	<p>Proposal – see above.</p> <p>Sample Drafting <u>Chapter 5 - Responsible selling: Advertising and pre-sales information: The CIS [new clause]</u> 1.In the body of the document, each CIS must contain the following elements: a. information on translation services, displayed in at least 5 community languages; b. [...];</p>		ACCAN considers that CSPs must provide the contact details of a reputable, accessible and free translating and interpreting service in at least 10 community languages in addition to the contact details for the national relay service. ACCAN would welcome further drafting on this provision.	See above. This drafting needs to be read in the context of the whole - we're showing how the requirements are included in various areas of the Code, as it makes sense with the code structure and customer journey.	No change required
ACCAN	<p>Proposal – expand existing obligations for targeted advertising Where a CSP has targeted advertising in a language other than English: <ul style="list-style-type: none"> essential information* must </p>	<p><u>Re clause 1(b):</u> ACCAN would welcome clarification on the nature of reasonable assistance in this clause. ACCAN queries how reasonable assistance</p>		<p>The guidance box will provide guidance on reasonable assistance.</p> <p>We have not yet drafted it, but the guidance will be along the lines:</p>	(Make note of the kind of thing that the guidance box will cover?)

Languages and Translation Services					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>be provided in that language, and</p> <ul style="list-style-type: none"> at no cost to the consumer, reasonable assistance must be provided in that language (e.g. support for sales, billing enquiries, credit management). *defined term. Refer to other position paper essential information. <p>Sample Drafting <u>Chapter 4 - Supporting the Consumer [new chapter; new clauses]</u> 1. Where a CSP has targeted advertising in a language other than English: <ol style="list-style-type: none"> essential information and reasonable assistance must be provided in that language (e.g. support for sales, billing enquiries, credit management), at no cost to the consumer. </p> <p>Guidance – Targeted Advertising</p>	<p>would differ between in-store communication and online communication.</p>		<p>'reasonable assistance' means assisting the customer with their translation needs to help them understand the key features and obligations of the sale, billing etc. in practice, this might mean a customer service representative speaking the language, or referral to the free translation service'.</p>	
TIO	<p>1. A requirement for telcos to publish information about interpreter/translation services. Under this requirement all providers would be obliged to provide contact details for a translating and interpreting service in at least five 'community languages', as well as the contact details of</p>	<p>1. We are generally supportive of these proposals but want to see the drafting in context before we provide final comment.</p> <p>1a. The Code could benefit from providing more</p>	<p>We will need to see fuller drafting in context before commenting further.</p>	<p>Reasonable assistance - see comments above.</p> <p>Re prescriptive guidance: if the TIO is able to provide definitive advice on which 5 languages to include, we would be happy to include this detail.</p> <p>The intention was to mirror</p>	<p>Happy to discuss further.</p>

Languages and Translation Services					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>the National Relay Service.</p> <p>2.This information would need to be displayed as part of the telco's contact info on its website, on bills, and on CISs.</p> <p>3.A further requirement that where a telco has targeted advertising in a language other than English, both the defined 'Essential Information' and 'reasonable assistance' must be provided in that language.</p>	<p>prescriptive guidance about what the 'community languages' are, as the current proposal only provides guidance about what information telcos may consider when deciding what languages to include.</p> <p>2.It is unclear what is meant by the 'reasonable assistance' that would need to be provided in the same language as targeted advertising a telco uses.</p>		energy and to note that the 5 languages may be different in different areas of Australia.	
ACCAN	<p>Proposal – include reference to a First Nation's central resource</p> <p>We would like to be able to point to a central resource for First Nation's people – for information about various First Nation languages and potentially other information that could be used for cultural awareness training, etc.</p> <p>Our understanding is that such a resource is not currently available. We have, therefore, written to the First Nations' Advisory Group (4-10-23) to ask whether they are developing (or</p>	<p>ACCAN supports this proposal in principle and welcomes drafting to reflect it.</p> <p>However, ACCAN does not consider that this proposal is sufficient to ensure that FN consumers have access to relevant information.</p> <p>ACCAN notes that the scope of the FNDIAG extends to providing advice to government on FN policy regarding digital inclusion. The</p>	<p>Noting that the thresholds for customer support in language are unlikely to be met with FN consumers, we consider specific requirements are needed to ensure FN consumers receive information in language, or at a minimum in easy-English to support those FN consumers for who English is a second language.</p>	<p>(PW) We already have plain-English requirements in the Code. This recognises not only that the literacy rate of consumers isn't always high, even where English is their first language, but also that plain-English is good for everyone, including those with EASL.</p> <p>We would welcome DITRDCA's assistance to get a response to our October letter to FNDIAG, as we would welcome their advice on our proposal and have not received a response. We note that we have not requested</p>	<p>We are open to doing more but need govt assistance to do that...</p> <p>we could look in to working with gov to add a section to the moneysmart website section targeting indigenous users - https://moneysmart.gov.au/indigenous - by developing a tip sheet with basic information. Looking at what's there for banks though, it's totally generic. not sure it adds much value.</p>

Languages and Translation Services

Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	might consider developing) such a resource. At the time of writing, no response has yet been received.	FNDIAG is not resourced to ACCAN's knowledge to develop materials for industry, and we consider requirements to develop material should be set out in the Code to provide for fit-for-purpose materials for FN consumers, with appropriate engagement with FN consumer representatives.		<p>that they develop materials for industry per se. We further note that government itself is struggling with how to best manage interpretation issues for First Nations people, with the demand for them outstripping supply across Australia. (ref: https://www.niaa.gov.au/sites/default/files/publications/protocol-indigenous-language-interpreting.pdf)</p> <p>The plain-English approach, combined with the customer's right to use an Advocate or Authorised Rep would, therefore, appear to be a reasonable first step, pending specific, constructive advice on what else can be realistically done in this space.</p>	https://moneysmart.gov.au/indigenous/bank-accounts

Mobile Network Coverage					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposed Approach Provide guidance on coverage and update 4.3.1</p> <p>Sample Drafting <u>Chapter 5 - Responsible selling; Advertising and pre-sales information: Advertising [update cl 4.1.2]</u></p> <p>1. When advertising telecommunications products, CSPs must ensure:</p> <ol style="list-style-type: none"> a. If claiming a network coverage area in Australia, that the network coverage is generally available for consumers in the claimed coverage area; b. claims regarding broadband speeds, network coverage and other performance characteristics of a telecommunications product are fair and accurate; c. for mobile network coverage, display the underlying wholesale provider 	<p>ACCAN considers that what constitutes 'generally available' should be clearly defined, as current practice appears to vary across industry in communicating the availability of coverage. ACCAN notes that while engineering models may differ - in practice, consumers want information on what can be reasonably be expected to be available with a high degree of confidence 90-95%. While supportive of efforts on the part of AMTA to provide increased clarity as to what coverage is available CSPs should be required to provide meaningful, plain English descriptions of the relevant coverage that is available to consumers.</p>	<p>ACCAN considers that this sample drafting include requirements on CSPs to include links to coverage maps. These links may be present on the provider's website and should be clearly able to be accessed by the consumer through relevant hyperlinks.</p> <p>'Generally Available' should be clearly defined.</p>	<p>The AMTA agreed definitions and descriptions for coverage levels achieve this outcome ie. They are plain English descriptions of coverage, and are consistently used by the 3 mobile network providers. The 3 levels being outdoor, indoor, and with antenna. We can consider requiring CSPs to link to coverage maps?</p>	
ACCAN	<p>Proposal Sales process should include information about expected mobile coverage</p> <p>As part of the updates to the responsible selling clauses, clarity on an obligation during the sale of a mobile service to:</p>	<p>ACCAN supports this drafting in principle. We consider that providers should be proactive in communicating to consumers the expectations they should have regarding the coverage of their</p>		Noted	n/a

Mobile Network Coverage					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<ul style="list-style-type: none"> check the critical locations for usage of the service (such as home and work); or direct consumers to the CSP's coverage map to review the likely performance of the service at this location. 	telecommunications services. CSPs should proactively ensure that their consumers aware of the potential coverage of their telecommunications products and services through providing accessible links or directions to these resources in person or online as part of the sale process.			
ACCAN	<p>Remedies in relation to mobile network coverage</p> <p>Where a consumer is signed to an ongoing contract for a mobile service, and mobile network coverage does not allow for adequate service usage as agreed at point of sale, CSPs will be required to have processes in place to enable the consumer to exit their contract with no early exit fees.</p>	ACCAN supports this in principle and would welcome sample drafting being made available.		Noted and the DC will look at drafting in next phase, noting this was not a key area of focus identified by the ACMA; and the ACCC in RC meetings also noted that they did not see it as a current problem area, but DC happy to revisit in next phase of drafting.	n/a
ACCAN	<p>Remedies in relation to mobile network coverage</p> <p>The CSP will also be required to have processes for the management of any associated bundled telecommunications products where a service is cancelled due to coverage issues. This obligation must be flexible with recommended remedies, to</p>	ACCAN considers that any remedies should be consumer focused, noting that the consumer is likely to suffer greater losses due to the inconvenience experienced by a purchased service not allowing for adequate service in a particular location and return the		Noted.	

Mobile Network Coverage					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>prevent an unnecessary regulatory burden for smaller CSPs. Recommended remedies may include options to return an associated bundled telecommunication good, pay any outstanding cost in full, support financial hardship issues for any balance owed, or ways to maintain discounts for bundled telecommunication service if the base service is disconnected.</p> <p>A new clause will be developed and included in the new Sales chapter.</p>	<p>consumer to the same situation they were prior to the sale. Consumers should not be required to pay any outstanding costs in full.</p>			
TIO	<p>1. Updates to the Code to require telcos (when advertising their mobile networks) to be specific about which mobile network (Telstra, Optus or Vodafone) their mobile service products are associated with and provide consumers with coverage map information relevant to their offer.</p> <p>2. Pending AMTA's agreement, a guidance note on coverage that explains a current agreement between Telstra, Optus, and Vodafone to align their use of terminology associated with three levels of mobile coverage (indoor coverage, outdoor coverage, and external antenna), and</p>	<p>1. We support the requirements relating to advertising of mobile services in principle.</p> <p>2. The proposed sales process requirements should be strengthened. As drafted, it appears a telco could discharge its obligation by directing a consumer to check their coverage map. The reality of sales environments is that most consumers would not have the opportunity to do this while engaging in the sales process.</p>	<p>1. Change the obligation to provide coverage information during sales conversations, so telco staff are required to check the coverage maps themselves and pass this information to the consumer.</p>	<p>The proposed obligation is for telcos to check critical locations. DC considers it should also be an option for a consumer to check coverage maps themselves as they may not be comfortable providing location information to the salesperson or would simply prefer to view and confirm the information themselves.</p>	

Mobile Network Coverage					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>directs CSPs to the AMTA coverage map resource.</p> <p>3.A sales process requirement for telcos to check the critical locations where a consumer will be using their mobile service (home, work etc.), or direct the consumer to the telco's coverage map to review the likely performance of the service at the relevant location.</p> <p>4.An explicit requirement for telcos to have processes in place for consumers to exit contracts without paying termination fees if network coverage does not allow for adequate service usage as agreed at point of sale. This would include a requirement to have processes for management of any bundled telecommunications products (like handsets).</p>	<p>3.We cannot comment on the requirement to allow consumers exit contracts where coverage is poor without seeing the drafting of the provision in context.</p>			

Payment Methods					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Desired Outcome</p> <p>Residential consumers can make informed decisions about the telecommunications products that best balances their needs and wants in relation to price, inclusions, convenience, available customer support options and payment options available.</p> <p>There is a range of competitive offerings in the market, including a choice of payment options.</p> <p>Costs for CSPs and consumers do not rise because of inflexible rules that are inappropriate for the target market.</p> <p>CSP and consumer exposure and risk of debt is minimised.</p>	<p>Re the bolded paragraph: ACCAN considers that this outcome does not reflect consumer preferences to have access to a variety of flexible payment options consistent with a competitive market. The removal of payment options by major market participants has resulted in markedly less consumer choice on payment options. ACCAN considers that minimum requirements for payments are an appropriate protection noting the issues identified with respect to direct debit.</p>		<p>Noted and the DC acknowledges ACCAN's view. The DC has taken the view that the focus should be on supporting competition in the market (supporting choice) and setting minimum standards in terms of ensuring that there is appropriate flexibility for consumers for payment.</p>	n/a
ACCAN	<p>Proposal – new requirements designed to require that payment method options are clearly disclosed</p> <p>New requirements would be introduced to make it easy for consumers to quickly identify whether a telecommunications service includes a payment option to suit their preference.</p> <p>Note: there will also be provisions in the Code to ensure consumers are informed, before sale, of the terms and conditions of the offering, including</p>	<p>ACCAN considers that alongside the details of the payment options provided in this section, the drafting of this code provision should include the details related to the relevant fees that a consumer may experience when utilising a payment method.</p>		<p>The inclusion of payment options in the CIS is a new proposed CIS requirement. We can include a requirement for that to link to further information, including about any fees that might apply to a payment method.</p>	<p>include requirement for any payment fee information to be included via a link from CIS</p>

Payment Methods					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>payment terms and conditions and relevant information about associated bundled products.</p> <p>Sample drafting <u>Chapter 5- Responsible selling: Advertising and pre-sales information: The CIS [new clause]</u> 1. In the body of the document, each CIS must contain the following elements: a. details of payment options; b. [...];</p>				
ACCAN	<p>Proposal – see above</p> <p>Sample drafting <u>Chapter 8 - Billing and payments: Flexible payments (new clause)</u> 1. A CSP must offer reasonable payment flexibility at no cost to customers. This means that: 1. where direct debit is the only payment option offered, it must be free and provide a minimum level of flexibility and control to the customer, by allowing a customer to: i. nominate a direct debit date, or ii. choose a payment frequency option (e.g. fortnightly or monthly), or iii. reasonably defer a payment, without</p>	<p>ACCAN considers these provisions are insufficient to provide appropriate protections for vulnerable consumers and that at a minimum an alternative payment option must be provided to allow consumers to make payment and ensure continuity of service in the event of a failure of direct debit. ACCAN notes that alternative payment options such as credit cards would materially reduce the risk of disconnection due to non-payment.</p> <p>ACCAN considers that at minimum, consumers should be offered another fee free</p>		<p>We note that the proposed new rules include a requirement that customers be enabled to make a manual payment if the event of a failed direct debit. This would allow a customer to make a payment by a methods such as credit card, BPay or similar.</p> <p>We note that the proposed new rules include a requirement that customers be enabled to make a manual payment if the event of a failed direct debit. This would allow a customer to make a payment by a methods such as credit card, BPay or similar. We note the concern around the three options and propose to redraft so that nominated a direct debit date is mandatory, with the other two options remaining as options.</p>	<p>re-draft to make the first option mandatory.</p>

Payment Methods					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>penalty.</p> <p>2. where direct debit flexibility cannot be offered, that at least two free payment options must be offered, where at least one of those payment options is not direct debit or equivalent</p>	<p>payment option in addition to direct debit. Should this not be adopted, ACCAN considers that the drafting of 1(a) to be altered to reflect a genuine desire to assist vulnerable consumers.</p> <p>1(a)(i) should be amended to:</p> <p>nominate a direct debit date, and</p> <p>1(a)(ii) should be amended to:</p> <p>choose a payment frequency option (e.g. fortnightly or monthly), and</p> <p>ACCAN considers that a minimum requirement of only one out of the 3 subsections of 1(a) is not sufficient in providing flexibility to consumers.</p>			
ACCAN	<p>Guidance: reasonably defer a payment.</p> <p>Reasonably defer a payment means that the customer is able to defer their payment for a time that reasonably allows them to move funds or make similar arrangements; at least 3-4 days would generally be</p>	<p>ACCAN considers that 10 business days is a reasonable time period for a payment deferral. ACCAN considers that this is reasonable as some vulnerable consumers may receive irregular incomes and this would</p>		<p>DC notes that the Financial Hardship Standard includes a requirement for payment deferral and proposes that the Code aligns with the Standard for consistency.</p>	<p>align with Standard</p>

Payment Methods					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>considered reasonable.</p> <p>It would be reasonable for a CSP to accommodate deferred payments or other change to the billing arrangement more than once, but it is not expected that a customer be able to defer payments regularly</p>	<p>not meaningfully disrupt the existing monthly billing cycle of many telecommunications providers. ACCAN considers that the DC should provide additional clarity on the amount of deferred payments accepted by providers in the TCP Code.</p>			
	<p>Guidance: reminder notifications</p> <p>Sufficient time will vary depending on the direct debit arrangement; debits to a credit card can generally be adjusted more quickly than those direct from a bank account. The latter may require as much as 5 working days' notice.</p> <p>Notification mechanism is not prescribed; CSPs have the flexibility to decide how to appropriately reach their customers. Additionally, CSPs may choose to allow customers to opt-out of notifications if they choose</p>	<p>ACCAN considers that CSPs must allow customers to opt out of notifications. Additionally, ACCAN supports provisions being placed in the Code which requires that providers engage with consumers on their preferred method of direct debit notification (preferably at the outset of the contract or the service provision).</p>		<p>support proposal - no change required.</p>	<p>n/a</p>
ACCAN	<p>Proposal – new requirement relating to failed Direct Debits</p> <p>A new requirement would be included in the Code around failed Direct Debits.</p> <p>Sample drafting</p> <p>1. CSPs must:</p> <p>a. promptly notify a</p>	<p>ACCAN considers that this provision of the sample drafting should be amended to require that providers communicate with the consumer in their chosen method of communication.</p>		<p>The requirement to communicate with a customer via their chosen method is covered in another clause in the Code. We note that there are times where their preference is over-ridden (e.g. if the CSP is not sure that the message has been successfully</p>	<p>n/a</p>

Payment Methods					
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	customer if a direct debit fails, and			delivered)	
ACCAN	<p>Proposal - see above</p> <p>Sample drafting</p> <p>1.CSPs must:</p> <p>b. provide reasonable opportunity (3-4 working days) for the Customer to make funds to be available, change debit arrangements or make a payment by another method (without charge);</p>	<p>ACCAN considers that the DC should extend this reasonable opportunity to 10 business days. [where DD has failed, the proposal is to allow 3-4 days before retrying, ACCAN wants 10 days]</p>		<p>The DC considers that 3-4 days is reasonable, given that the customer will be able to request a payment extension as noted above and that the customer can also indicate Financial Hardship which under the new Standard will also mean they can request a payment extension or seek another form of financial assistance. DC believes 3-4 days is a reasonable timeframe for a CSP to retry the DD when there are no financial hardship circumstances, noting that at this point, the customer's payment is already overdue.</p>	n/a
ACCAN	<p>If the amount of a Direct Debit is incorrect, the CSP must either ensure that the Customer, receives a full and timely refund of any excess amount paid or undertake other appropriate action agreed with the Customer.</p> <p>Guidance: other appropriate action as agreed with the customer.</p> <p>This might include, for example, credit applied to the account; extra data; gift card.</p>	<p>ACCAN considers that the code should require that when offering other appropriate action agreed with the customer that the provider should always offer a full an timely refund and never present the options listed under the below guidance as the only remedies for an incorrect direct debit amount</p>		<p>Agree with ACCAN. This was not the intention. We have changed drafting/wording of the guidance so that the customer is always advised of their options for a refund. While a customer may prefer to receive a refund another way, this is never in place of their right to a refund.</p>	re-draft guidance note (and rule if needed) for clarity
TIO	1.Requirement to include information about any applicable mandatory	1.We acknowledge the Drafting Committee's effort to draft		DC acknowledges that RC would prefer to have certain payment methods mandated	n/a

Payment Methods					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>payment method in a product's CIS.</p> <p>2.A new requirement for telcos to provide flexibility for customers where they only offer direct debit as a payment option. The flexibility must be at no cost to customers and must include allowing the customer to nominate a direct debit date, or choose a payment frequency option, or reasonably defer a payment without penalty.</p> <p>3.Where a telco cannot offer direct debit flexibility, it must offer at least two free payment options, where at least one of the options is not direct debit or equivalent.</p> <p>4.New requirements to be inserted into clause 5.7.1, obliging telcos to 'provide a reminder notice [about an upcoming direct debit payment] in sufficient time for the consumer to make alternative arrangements for payment action if required'.</p> <p>5.Updated requirement for telcos to ensure a customer can access 'charging information' before a direct debit occurs. This replaces an existing requirement for telcos (subject to some exceptions) to give a customer at least 10 working days' notice to</p>	<p>obligations that give consumers flexibility when paying by direct debit.</p> <p>2.We have previously noted that direct debit payments are unsuitable for some consumers.</p> <p>3.For this reason, and to reflect the essential nature of telco services, consumers should always have the choice of paying via a free, non-automatic method.</p> <p>4.We would like to see clearer drafting around what the obligation to allow consumers to access charging information requires. It appears there are no proposed timeframes for when telcos must make this available and in some circumstances, this may result in consumers having less notice about upcoming charges than under current rules.</p>		<p>in the Code or at least the number of payment methods, however, as noted above, the DC takes the view that consumer outcomes are better met by focusing on flexibility of payment methods and ensuring customers are informed and have choice of offerings in the market. We also acknowledge that because we focused on the key area of payments (as directed by the ACMA) we have not yet fully considered the remainder of the billing chapter of the existing code. However, our initial analysis of the current billing requirements is that there would not be significant changes and that we would refresh and update the rules as per the outcomes and expectations for this chapter.</p>	

Payment Methods					
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	check a bill or applicable charges before a direct debit occurs.				
TIO	<p>1.The proposals appear to be similar to the current clause 5.7.1 (g) of the TCP Code for telcos to provide 'full and timely' refunds of incorrect direct debits or undertake 'other appropriate action agreed with the customer'.</p> <p>2.The insertion of guidance to the effect that 'other appropriate action' might include credit applied to a customer's account, a gift card, or extra data.</p>	We are concerned the lack of mandatory timeframes for refunds of erroneous or unauthorised direct debits makes clause 5.7.1 (g) difficult to enforce and will not give consumers confidence they will receive timely refunds.		DC will align with the timeframe for complaints resolution (within 10 days?) for processing a refund, noting that in most cases a CSP will be able to process in a shorter timeframe but that the CSP will also be dependent on banking processing timeframes which may vary and be longer.	check timeframe and include
TIO	<p>Proposal - new requirements to require flexibility around payment methods</p> <p>Code drafting <u>Comment 1 The Outcome:</u> Chapter 8(i) "Customers have flexibility and control over their payment options."</p> <p>Sample Drafting <u>Comment 2 Sample Drafting:</u> <u>Chapter 8 - Billing and payments: Flexible payments (new clause)</u></p> <p>1.A CSP must offer reasonable payment flexibility at no cost to customers.</p> <p>This means that: a. where direct debit is the</p>	<p>Comment 1: The Outcomes listed in the draft outline appear to address the concerns raised by TIO for example 8(i) largely aligns with our position on what would protect vulnerable consumers i.e., from elderly or less technologically-literate consumers who struggle to review their charges when their telco does not issue traditional bills and instead uses online payment summaries.</p> <p>Comment 2: However, the sample drafting in Payment Method Paper does not address the</p>	For clarity, we again recommend that the Code should require providers to offer at least one fee-free method of payment that is not automatic nor based on direct debit.	As noted above the DC acknowledges the TIO view on payment methods and we note that the DC takes the view that consumer outcomes are better served by ensuring there is flexibility and informed choice for consumers. It would be a fundamental change, particularly for smaller, digital only CSPs to make to their business model if the code imposed such commercial terms and conditions on CSPs. The cost of such a change would be significant. We also note that the proposed approach will also impose costs on CSPs in terms of offering flexibility around direct debit payments.	n/a

Payment Methods					
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	<p>only payment option offered, it must be free and provide a minimum level of flexibility and control to the customer, by allowing a customer to:</p> <ul style="list-style-type: none"> i. nominate a direct debit date, or ii. choose a payment frequency option (e.g. fortnightly or monthly), or iii. reasonably defer a payment, without penalty. <p>b. where direct debit flexibility cannot be offered, that at least two free payment options must be offered, where at least one of those payment options is not direct debit or equivalent.</p>	<p>outcomes intended.</p> <p>The sample drafting appears to allow providers to offer only a single direct-debit payment option, so long as that option allows a minimum level of flexibility, such as nominating the debit date, choosing a payment frequency, or reasonably deferring payments. It only requires providers to offer alternative payment options if direct debit flexibility cannot be offered.</p> <p>This proposal does not appear to meet the stated outcome of ensuring consumers have "flexibility and control over their payment options." It does not provide flexibility to consumers who cannot access the technology to review DD payments, who do not trust DD payment methods, or who otherwise require alternative payment methods.</p>			
TIO	Billing - lack of a paper on Billing generally			For this December deadline, we have focused on key areas	n/a

Payment Methods					
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				as directed by the ACMA. We have therefore focused on payments not billing at this point. See above (row 10) for fuller explanation.	
TIO	<p>Proposal - new/extended requirements around notifications to remind consumers of impending direct debits.</p> <p>Sample Drafting</p> <p><u>Chapter 8 – Billing and payments: Direct debit payments (updated and extended cl. 5.7.1)</u></p> <p>1.A CSP offering direct debit as a payment facility for a Telecommunications Service must not charge a fee for the option of direct debit and:</p> <ol style="list-style-type: none"> must ensure they have the Customer's authorisation; must ensure that the Customer can access charging information before the Direct Debit occurs (updated; new guidance); must ensure that the Customer can readily verify that its Direct Debit arrangements are in accordance with their authorisation; [new] must provide a reminder notice in sufficient time for the Customer to make 	<p>Similarly, the proposed clause around verifying charges requires only minimum accessibility to charging information, such as ensuring that consumers can access their charging information through an app. This requirement may further marginalise those vulnerable consumers who may not have the technical literacy to verify their charges.</p>	<p>For clarity, we again recommend that the Code should require providers to offer at least one fee-free method of payment that is not automatic nor based on direct debit.</p>	<p>DC acknowledges the TIO's views and notes the DC view outlined above. While we take the point that charging information via an app is less familiar to some customers, we also note that it is not too different to being emailed an invoice, however it is much more secure than email (and even traditional mail) and enables customers who are concerned about scams to trust the information. We note that customers who have low technical literacy are also a cohort particularly vulnerable to scams. We also note that with upfront plans the amount the customer pays each month/fortnight is the same as charges are not variable, avoiding 'bill shock', limiting risk and building trust for the customer around their charging information.</p>	n/a

Payment Methods					
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	<p>alternative arrangements for payment action if required;</p> <p>e. must ensure that a Customer, can readily cancel a direct debit authorisation through a simple mechanism; and</p> <p>f. must cancel the customer's Direct Debit within 3 Working Days of receipt of the Customer's cancellation request.</p> <p>Guidance Accessing charging information: E.g. make this available through an app, online, or automated balance phone service.</p>				

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Issue: Identified consumer problem Consumer safeguards at point of sale can be enhanced to protect consumers and prevent inappropriate sales of telecommunications products.</p> <p>Information provided to consumers at point of sale does not always include all the key information relating to the product being sold, including the terms and conditions or lower-cost options.</p> <p>Further, unsolicited over-the-phone sales can contribute to financial hardship, particularly for vulnerable consumers.</p>	<p>ACCAN considers that this framing of the problem does not appropriately capture all aspects of the problem faced by consumers. While information problems are an issue faced by consumer, mis-selling of products and services to consumers is a function of predatory sales practices due to conflicted incentives.</p>		<p>consider removing point 3 of the identified consumer problem re: over-the-phone sales. Believe this was raised by CALC, who is not engaging in the TCP code revision process. Key focus is on responsible incentives for sales representatives that do not promote inappropriate sales.</p>	<p>added to position paper: "Further consumer safeguards can be put in place to disincentivise instances of mis-selling, by promoting responsible selling practices, responsible incentive structures, and remedies for consumers."</p>
ACCAN	<p>Issue: Desired outcome from TCP Code revision Consumers receive all essential information at point of sale and the sale of inappropriate telecommunications products is reduced.</p> <p>Telco staff are able to discuss appropriate products for consumers' needs and can support consumers to understand the product they are purchasing.</p>	<p>ACCAN considers that this outcome needs to be revised to reflect that consumers should be supported to purchase products and services that reflect their preferences. ACCAN considers that the outcome does not reflect the need to protect consumers from mis-selling and predatory sales practices, which these code provisions should seek to achieve.</p>		<p>Can update to include this objective</p>	<p><u>Reworded Desired Outcome to:</u> "Consumers receive all essential information at point of sale and telco staff can identify and discuss appropriate products for consumers' needs. The sale of inappropriate telecommunications products is reduced by strengthening responsible selling obligations, training for representatives and responsible incentive structures. "</p>
ACCAN	<p>Proposal – updated/clearer information-provision requirements</p>	<p>ACCAN considers that due to the lack of drafting in this provision,</p>		<p>The DC acknowledges ACCAN's concerns in relation to communicating with</p>	<p>Communication with vulnerable consumers is addressed in a separate</p>

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>New and updated clauses (and guidance) will make expectations and rules clearer.</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Point of Sale, [update current cl 4.5.1(b)]</u> 1. During the sales process, a CSP must ensure: a. [...] b. it clearly explains the essential information of the telecommunications product the consumer is purchasing;</p>	<p>we are unable to fully comment on the nature of critical consumer protections in this section of the position paper.</p> <p>ACCAN would seek more clarification from the DC on the nature of clear communication of essential information. What requirements exist in this section for providers to communicate with consumers with a disability which impacts their communication or a consumer from a culturally or linguistically diverse background?</p>		<p>vulnerable customers. Requirements for communication with vulnerable customers exist in a separate chapter of the Code, with the intention that they apply to the code in its entirety, to limit repetition. This will be more apparent in the complete paper. Requirements include training, organisational culture, accessibility, etc.</p>	<p>paper and Code chapter.</p>
ACCAN	<p>Proposal - see above</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Point of Sale, [update current cl 4.5.1(b)]</u> 1. CSPs must provide a customer with an order summary after entering into a customer contract with the consumer.</p>	<p>"CSPs must provide a customer with an order summary after entering into a customer contract with the consumer."</p> <p>ACCAN considers that customers must be provided with an order summary prior to their entering into a customer contract with the provider. This would facilitate the consumer obtaining a chance to review, in totality, the nature of their purchase before committing to the</p>		<p>The intent of the Order Summary is to provide a post-sale summary after the order is completed, with final details confirmed. Requirements for the provision of information prior to sale already exist and have been strengthened further with the introduction of the 'essential information' concept.</p>	

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		contract. ACCAN considers that more requirements should be inserted into this section related to communicating order summaries to consumers in multiple accessible formats.			
ACCAN	<p>Proposal - see above Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Point of Sale, [update current cl 4.5.1 (b)]</u> 2.The order summary must contain:</p> <ul style="list-style-type: none"> a. the name of the CSP; b. the contact details of the CSP; c. the expiry date of the fixed term contract (if applicable); d. information about any special promotions, including: <ul style="list-style-type: none"> i. discounts or bonus entitlements; and ii. the expiry date of the special promotion; and e. a link to the CIS. 	ACCAN considers that the order summary should contain the contact details of the telecommunications industry ombudsman, the national debt helpline and relevant financial counselling services.		The Order Summary is intended to be an easily readable summary of the purchase. Adding additional details may distract from the key info. The DC considers that the TIO/debt helpline contact details are better provided at different touchpoints. Further, this obligation applies to all types of service, even those that don't risk a debt - so telling customers about a debt helpline would be confusing.	
ACCAN	<p>Proposal – Remedies for mis-selling The responsible approach to selling requirements will be updated to include more detailed examples of actions a CSP may take to address mis-selling.</p>	ACCAN considers that the draft code should include a cooling-off period of one billing cycle covering contracts valued at over \$1,000 dollars. ACCAN considers this period reasonable		Cooling off periods are appropriate for unsolicited sales and there are economy-wide rules associated with this. Such a proposal would only appear to be relevant to a device purchase. Where there is a problem with the device	

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Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p><u>Recommended remedies may include:</u></p> <ul style="list-style-type: none"> • returning the customer to the position they were in prior to the mis-selling of the telecommunications product • terminating a customer's contract without charge • providing a credit amount to the customer • waiving a debt on the customer's account • enacting a change of contract without penalty to the customer 	<p>and proportional as it allows consumers to identify where they may have been mis-sold products or services or may have entered into a payment arrangement where, in order to meet their payment obligations, they may enter financial hardship.</p>		<p>(e.g., not fit for purpose), there are protections elsewhere; or where a service is supplied without network coverage, this is covered elsewhere. The DC considers it more effective to look at remedies for mis-selling, responsible sales incentives, and other relevant protections.</p>	
ACCAN	Please see above	<p>ACCAN considers the proposed remedies insufficient when taking into account the nature of mis-selling in telecommunications. ACCAN considers that improving the protections experienced by consumers prior to being mis-sold a telecommunications product or service of greater importance than establishing extended remedies for mis-selling.</p> <p>In response to the proposed remedies for mis-selling listed in this section, ACCAN considers that should instances of mis-selling be</p>		<p>Drafting has been updated to reflect feedback.</p>	<p>updated drafting and position paper proposal wording.</p> <p>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Selling Policies, [new clause]</p> <p>1. A CSP must take reasonable steps to correct instances of mis-selling by providing a remedy that is tailored to and is appropriate in the circumstances for the customer, including by offering at least one of the following remedies to the affected customer:</p> <p>a. returning the customer to the position they were in prior to the sale; or</p>

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		<p>identified, CSPs must be mandated to take into account the harm caused by the instance of mis-selling to the consumer and it's negative impact on the consumer (For example, financial hardship, distress, inability to meet other payment obligations).</p> <p>ACCAN recommends the DC take into account that many instances of mis-selling are not uncovered or identified until sometime after their occurrence, leading to the opportunity for extended periods of consumer harm and stress. Additionally, providers may be distinctivised to identify instances of mis-selling due to the potential of having to provide financial remedy to consumers.</p>			<p>b. terminating a customer's contract without charge; or c. enacting a change of contract without penalty to the customer; or d. any other action or remedy agreed with the customer.</p>
ACCAN	<p>Proposal – Monitoring complaints about sales conduct The responsible approach to selling requirements relating to complaints monitoring will be refreshed to strengthen requirements to proactively identify and act when mis-selling</p>	<p>Comment 1: ACCAN considers that the drafting of this provision should be amended to reflect that the remedy MUST be tailored to and appropriate to the circumstances of the</p>	as above	<p>Comment 1: There is a large number of remedies available and what is most appropriate will vary on the circumstances. Drafting changed to 'is tailored'. The DC also notes that additional improvements have been made to this clause</p>	<p>Drafting has been updated in response to feedback, as above. Guidance added to explain tailored remedies. "Guidance: tailored remedies</p>

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Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>occurs.</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Selling Policies, [new clause]</u> 1.A CSP must:</p> <ul style="list-style-type: none"> a. monitor complaints to identify possible mis-selling; and b. have policies and supporting materials to address mis-selling and sales conduct issues. 	<p>customer and must take into account the harm experienced by the customer as a result of mis-selling and possible credit management action taken against them.</p> <p>Comment 2: ACCAN considers that any termination of the customers contract should require that the provider ensure that the customer stays connected to a telecommunications service as to not impose a danger on the customer which may arise as a result of the customer experiencing the lack of a communications service.</p>		<p>since the position paper was provided to ACCAN, and these changes further strengthen consumer protections.</p> <p>Comment 2: Termination of the customer's account as a remedy would only occur with the customer's agreement. Customers WANT to be disconnected sometimes and should be permitted to do so.</p> <p>Telcos should not be obligated to ensure that the customer still has other telco services (even under another provider) if the customer has agreed to that action as a remedy.</p>	<p>A tailored remedy should consider, where appropriate, the customer's individual circumstances, the harm experienced by the customer as a result of the mis-selling, and the customer's preferred remedy, where reasonable. "</p>
ACCAN	<p>Proposal - please see above</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Selling Policies, [new clause]</u> 2.A CSP must:</p> <ul style="list-style-type: none"> a. take reasonable steps to correct instances of mis-selling by providing a remedy that can be tailored to and is appropriate in the 	<p>Comment 1: ACCAN considers that there should be more detailed requirements regarding the frequency of the monitoring of complaints on behalf of CSPs. CSPs should be directed in regards to how often they should monitor complaints.</p> <p>Comment 2: Additionally, ACCAN considers that</p>		<p>Comment 1: The DC confirms that ongoing, regular, monitoring of complaints is intended, alongside the requirements in S18 and 19 of the Complaints Handling Standard which already require this and determines a minimum timeframe.</p> <p>Comment 2: This obligation is addressed in the Vulnerable Customers paper.</p>	

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>circumstances for the customer, including by:</p> <ul style="list-style-type: none"> i. returning the customer to the position they were in prior to the sale; ii. terminating a customer's contract without charge; or iii. enacting a change of contract without penalty to the customer; and 	<p>CSPs must ensure that sales representatives are adequately trained to responsibly interact with vulnerable consumers.</p> <p>Comment 3: ACCAN considers that many consumers are unlikely to complain specifically with regard to mis-selling and will likely utilise terminology consistent with financial hardship (As mis-selling is associated with consumers experiencing debt as a result of financial hardship). Due to this, ACCAN considers that the DC should include provisions which require providers to monitor consumers experiencing financial hardship and actively investigate whether these consumers may have been mis-sold products and services.</p>		<p>Comment 3: Further to the DC's position on Comment 1 above; when monitoring complaints, CSPs look for patterns to try to work out a reason for a complaint rising - and then work to address the problem. All categories of complaints are monitored on an ongoing basis.</p>	
ACCAN	<p>Proposal - Selling policies for sales staff</p> <p>Requirements on CSPs will be introduced for commission or incentive structures to promote responsible selling, including a recommendation to claw back staff commissions from</p>	<p>ACCAN considers that claw backs on staff commissions from inappropriate sales are an inappropriate solution to address instances of mis-selling. Additionally, ACCAN considers staff claw backs a poor</p>		<p>The DC notes that our intent was in line with ACCAN comments, and drafting has been updated to strengthen responsible selling obligations in relation to incentives. Important to note that claw backs of commission was merely one suggested action, and was to</p>	<p>Updated drafting:</p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Responsible incentive structures [new]</u></p> <p>1.A CSP's incentive structures for its</p>

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Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	inappropriate sales. For example, responsible selling incentives may be based on customer satisfaction surveys rather than number of sales/items sold.	disincentive to mis-selling. Staff may engage in mis-selling for a period of time and due to the difficulty in genuinely identifying an instance of mis-selling, may leave the employ of the provider which inhibits their ability to claw back the commissions provided to the staff member. This may result in providers and consumers being given a false sense of security with regard to sales commission claw backs. ACCAN considers that this provision may provide for sales staff participating in mis-selling to commit instances of mis-selling in a short period of time and leaving the organization before reports of instances of mis-selling reach the provider, leading to consumer harm.		be included in guidance, not an enforceable clause.	<p>representatives must promote responsible selling practices.</p> <p>2.A CSP's incentive structures must not reward representatives who do not comply with responsible selling practices in Section 6.1 of this Code.</p> <p>Guidance also added to Position Paper: Guidance: incentive structures CSPs should consider how commission and incentive structures provided for its representatives can promote responsible, ethical selling and disincentivise mis-selling.</p> <p><u>Recommendations include:</u></p> <ul style="list-style-type: none"> • 'Claw back' of a representative's commission where sales have been identified as inappropriate or irresponsible • Incentives may be based on customer satisfaction rather than volume of sales • A CSP should have consideration of incentives in relation to volume, and how

Responsible Selling Practices					
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					pressure to sell enough to meet the next 'tier' or 'quota' of commission payment can incentivise irresponsible selling above what a customer needs.
ACCAN	<p>Proposal - see above</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Sales conduct of CSPs, [update current cl 4.5.1]</u></p> <p>1.A CSP must ensure: a. [...] b. commission and incentive structures for representatives promote responsible selling.</p> <p>Guidance - To provide examples of how this might be achieved</p>	ACCAN considers that providers must design sales incentive programs to avoid rewarding sales representatives for up-selling additional unneeded products or services to vulnerable consumers.		as above	addressed above
ACCAN	<p>Proposal – Sales to vulnerable customers We will introduce a new clause clarifying that customers can cancel services sold to them, where there is reasonable proof</p>	ACCAN would welcome further drafting in this section. ACCAN considers that through the process of cancelling a telecommunications		ACCAN's proposal that a customer "should be able to provide reasonable proof of vulnerability impacting them at the time of sale in order to cancel the service" is the	<p>Redrafted for clarity.</p> <p>1.Where a customer has purchased a telecommunications product while affected by a vulnerability that</p>

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>of vulnerability that impacted their decision-making at the time of sale.</p> <p>Sample drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Selling Policies, [new clause]</u> 1. Where the customer has provided reasonable proof of vulnerability at the time of sale, the CSP must allow cancellation of the purchased telecommunications product without charge.</p>	<p>product or service where the consumer has identified vulnerability to the CSP post an instance of mis-selling, CSPs must ensure that the customer is still connected to a basic telephone and mobile data service. ACCAN considers that customers should not have to provide evidence solely at the point of sale in order to be able to cancel their telecommunications service and should be able to provide reasonable proof of vulnerability impacting them at the time of sale in order to cancel the telecommunications product or service without charge.</p> <p>Additionally, ACCAN would query how providers will determine what indicators of vulnerability are reasonable with regard to a customer's ability to cancel a telecommunications product or service without charge.</p>		<p>intended outcome of the clause. We will be redrafting for clarity to reach the intended outcome.</p> <p>Intention is that where a customer has purchased a product, and they were impacted by a vulnerability that affected their decision-making at the point of sale, they may provide evidence of this after the fact and the CSP cancels their product without charge.</p>	<p>impacted their decision-making at the point of sale, a CSP must allow cancellation of the purchased telecommunications product without charge, where reasonable proof of vulnerability has been provided.</p> <p>Guidance has been added to the Position Paper for further clarity.</p>
TIO	Outcomes and Expectations	Would like to see the Outcomes and		We can update the outcomes and expectations to provide	These will be updated in the draft code.

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		Expectations strengthened so that there is a greater focus on conduct of providers at point of sale.		clarity on the intent (which is what the outcomes and expectations do). However, it is important to note that outcomes and expectations are not enforceable provisions in any case.	
TIO	Essential information	Key pieces of information are still missing from the "essential information" concept. Consumers would benefit from knowing the payment methods available for the service, and the provider's processes for cancelling a service.		The Essential information concept is specifically about the sale. Information about cancelling and service information such as payment methods is not appropriate here; these are in the CIS. There are obligations about information provided to customers about payment methods elsewhere.	
TIO	Mis-selling	no clear definition of 'mis-selling'		Noted, and we are aware of this. Guidance will be included in the Code to explain the concept of mis-selling.	Guidance on the meaning of mis-selling will be drafted.
TIO	<p>1. Update the requirements relating to the retention of information about consumer contracts so telcos are required to retain the following information:</p> <ul style="list-style-type: none"> - an order summary - the CIS, and - the Standard form of agreement (or equivalent). <p>1a. The 'order summary' is a new document CA has proposed telcos should be required to give to consumers after entering into a consumer contract</p>	<p>1. These proposals do not provide for the retention of sufficient documentary information for consumers, providers and the TIO to establish what a consumer agreed with their telco at sign-up.</p> <p>2. We are concerned the proposals do not provide any mandatory retention periods for documentation. This could lead to</p>	<p>1. The Code should require telcos to keep contractual information relevant to a sale for the duration of the contract plus 24 months following contract expiry.</p> <p>1 a. These records should include the full set of interactions that occurred between the consumer and the telco as part of the sale.</p> <p>2. The Code should contain explicit</p>	<p>There are already sufficient obligations in the current code to retain customer contract details for a minimum term of the duration of the contract, plus 2 years. Further record-keeping obligations exist under consumer law and other Telecommunications-specific regulations.</p>	

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>with that consumer. The order summary must contain:</p> <ul style="list-style-type: none"> - the name of the telco - the contact details of the telco - the expiry date of the fixed term contract (if applicable) - information about any special promotions, including discounts or bonus entitlements and the expiry date of the special promotion, and - A link to the CIS <p>1b. There are no proposed timeframes for which this information must be retained.</p>	<p>significant inconsistency in approach between telcos and hamper the ability of consumers and telcos to deal with contract disputes effectively and fairly.</p>	<p>obligations for telcos to retain all records relevant to the sale for 24 months for marketing activities or for the duration of the contract (recommendation 5 from our submission).</p>		
TIO	<p>1. Requirements for telcos to supply 'Essential information' to consumers at various points in their relationship with their telco.</p> <p>1a. The 'Essential information' would include:</p> <ul style="list-style-type: none"> - the name of the telco - a description of the telecommunications service - the minimum periodic cost (where calculable) - the minimum term of the offer - the minimum quantifiable 	<p>1. In general, these proposals could be strengthened.</p> <p>2. Key pieces of important information have been omitted from the proposed definition of 'Essential Information', such as the payment methods offered for a service and a telco's required process for cancelling a service.</p> <p>3. The proposed 'Essential</p>	<p>1. The Code should include specific remedies a telco must offer to a consumer if the consumer is induced to buy a telco product by incorrect or misleading information from the telco. The remedies should be modelled on those available under the ACL for breaches of its prohibitions on misleading, deceptive or unconscionable conduct</p>	<p>TIO proposal 1: The code does include remedies for instances where a consumer purchases a product relying on inaccurate information, in addition to general clauses about remedies where a product is mis-sold:</p> <p>6.1.5. Where a customer has relied on inaccurate information provided by the CSP about an offer to make a purchasing decision, the CSP must provide the customer with</p> <ul style="list-style-type: none"> (i) corrected information about the offer; and 	

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>price of the offer</p> <ul style="list-style-type: none"> - the minimum term of any discounts of benefits (where relevant), and - information on mandatory bundled products included with the base telecommunications product (where relevant) <p>2.Telcos would be required to include the Essential information in CISs, and in the body of advertising for telecommunications products.</p> <p>3.An obligation for telcos to clearly explain Essential Information about a telecommunications product to consumers during the sales process.</p> <p>4.A separate obligation for telcos to outline the difference between special promotional offers and the base offer during the sales process.</p> <p>5.An obligation for telcos to give consumers an 'order summary' after entering into a consumer contract.</p> <p>The order summary must contain:</p> <ul style="list-style-type: none"> - the name of the telco - the contact details of the telco - the expiry date of the fixed 	<p>Information' and order summary requirements will provide some important information for consumers but will not ensure they have a comprehensive record of what they agreed with their telco.</p> <p>4.The proposed requirements relating to telcos' sales commission structures are not explicit or prescriptive enough.</p> <p>5.The proposed remedies for mis-selling may not be prescriptive enough to provide effective consumer protections. Nor are the provisions relating to sales induced by incorrect information from a telco.</p> <p>6.We are concerned about the suggestion consumers should need to provide evidence of their vulnerability in order to get a remedy for some inappropriate sales. This provision is likely to</p>	<p>(recommendations 1 and 2 from our submission)</p> <p>2.The Code should contain clear obligations for telcos to give consumers written information showing the entire content of their agreement at the time they sign up for services, and for telcos to retain this information (recommendation 4 from our submission)</p> <p>3.To better align with the ACMA's expectations, the Code should contain clear, positive obligations for telcos (including in individual sales interactions) not to sell products inappropriately.</p>	<p>(ii) a remedy that is tailored to and is appropriate in the circumstances for that customer.</p> <p>TIO proposal 2: The new Order Summary strengthens existing obligations by providing a written summary of the details of the customer's order, in addition to the SFOA and CIS. this makes up the entirety of the consumer contract and will be provided to customers:</p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Customer contract, [update cl 4.6.5]</u></p> <p>1.A CSP must keep the following records regarding the customer contract:</p> <ol style="list-style-type: none"> the order summary; the CIS; and Standard Form of Agreement (or equivalent). <p>TIO proposal 3: Agree, and the DC notes that the draft code does contain many clear positive obligations for responsible selling throughout the "Responsible Selling: Sales, contracts and credit assessment" chapter.</p>	

Responsible Selling Practices					
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	<p>term contract (if applicable)</p> <ul style="list-style-type: none"> - information about any special promotions, including discounts or bonus entitlements and the expiry date of the special promotion, and - A link to the CIS <p>6.The inclusion of some detailed examples of actions telcos may take to address mis-selling. It appears the intent is for this to be non-binding guidance.</p> <p>7.An obligation for telcos to allow cancellation of telco products without charge where a customer provides 'reasonable proof of vulnerability at the time of sale'.</p> <p>8.Requirements for telcos' commission and incentive structures to promote responsible selling, including guidance for how this might be achieved. CA has suggested a 'recommendation to claw back staff commissions from inappropriate sales'.</p> <p>9.Updates to the Code's responsible approach to selling obligations to strengthen requirements to proactively identify and act with mis-selling occurs. This</p>	<p>be more effective if it instead places a positive obligation on telcos not to make inappropriate sales to vulnerable consumers, and to release affected consumers from their contracts where this occurs.</p>			

Responsible Selling Practices					
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	<p>would include an obligation for telcos to monitor complaints for instances of mis-selling and take reasonable steps to correct those instances by giving them 'a remedy that can be tailored to and is appropriate in the circumstances for the customer'.</p> <p>9a. Sample drafting for this obligation provides the following (non-prescribed) examples of appropriate remedies:</p> <ul style="list-style-type: none"> - returning the customer to the position they were in prior to the sale - terminating a customer's contract without charge, or - enacting a change of contract without penalty to the customer <p>10. A new obligation, where a consumer has relied on inaccurate information provided by a telco about an offer to make a purchasing decision, for the telco to give the consumer:</p> <ul style="list-style-type: none"> - corrected information about the offer, and - a remedy that is appropriate in the circumstances. 				

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
Industry	<p>Proposal – Sales to vulnerable customers We will introduce a new clause clarifying that customers can cancel services sold to them, where there is reasonable proof of vulnerability that impacted their decision-making at the time of sale.</p> <p>Sample Drafting <u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Selling Policies, [new clause]</u></p> <p>1. Where the customer has provided reasonable proof of vulnerability at the time of sale, the CSP must allow cancellation of the purchased telecommunications product without charge. Where a customer has purchased a telecommunications product while affected by a vulnerability that impacted their decision-making at the point of sale, a CSP must allow cancellation of the purchased telecommunications product without charge, where reasonable proof of vulnerability has been provided.</p>	<p>Will there be an any guidance as to how this would work in practice?</p> <p>'reasonable proof' can be difficult to provide in many cases - or maybe it should shift the onus to the CSP instead of the customer? Maybe it needs to be 'where there is evidence that'?</p>		Guidance has been added.	<p><u>New guidance:</u></p> <p>Guidance: sales to vulnerable customers This clause does not require that the CSP request proof of vulnerability affecting the customer, rather, this is at the discretion of the CSP. Evidence may be sighted by the CSP, or retained in circumstances where the evidence is needed.</p> <p>Example 1 – a customer affected by a psychological episode purchases a product on a CSP's website. It becomes apparent to the CSP that the customer does not need the product only after a family member of the affected customer contacts the CSP. The CSP may require evidence that the customer was affected by a vulnerability that impacted their decision making at the point of sale, and once provided, can sight the evidence given, and issue a cancellation and refund.</p> <p>Example 2 – a customer becomes known to the CSP for repeatedly</p>

Responsible Selling Practices					
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					<p>purchasing multiple products, then cancelling them. The CSP becomes aware that the customer in question has suffered from a brain injury and does not recall purchasing the products repeatedly. In this scenario, it is advisable for the CSP to keep evidentiary materials on file to ensure the customer can be protected from making future purchases while affected.</p> <p><u>Example documentation:</u></p> <ul style="list-style-type: none"> • Statutory declaration • Medical letter • Letter from a support service used by the customer • Evidence from a state trustee or power of attorney
Industry	<p>Proposal – Sales to vulnerable customers We will introduce a new clause clarifying that customers can cancel services sold to them, where there is reasonable proof of vulnerability that impacted their decision-making at the time of sale.</p> <p>Sample Drafting <u>Chapter 6 - Responsible selling:</u></p>	<p>The way it is written if you have a vulnerability you can cancel. It should be amended to be that 'where a customer has been mis-sold due to a vulnerability that impacted their decision making...'</p> <p>Agree - the vulnerability needs to have been the</p>		Drafting has been changed for clarity.	<p>Changed to: (already addressed above)</p> <p>1. Where a customer has purchased a telecommunications product while affected by a vulnerability that impacted their decision-making at the point of sale, a CSP must allow cancellation of the purchased</p>

Responsible Selling Practices					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p><u>Sales, contracts and credit assessments: Selling Policies, [new clause]</u></p> <p>1. Where the customer has provided reasonable proof of vulnerability at the time of sale, the CSP must allow cancellation of the purchased telecommunications product without charge</p>	<p>cause or contributed to the mis-selling. Because we will still sell services to vulnerable customers and if it is done responsibly, this rule would not apply.</p>			<p>telecommunications product without charge, where reasonable proof of vulnerability has been provided.</p>

Vulnerable Customer					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	<p>Proposal – enhanced prominence and focus on meeting the needs of consumers in vulnerable circumstances, including through a new ‘supporting the consumer’ (or similar title) chapter</p> <p>The needs of those in vulnerable circumstances will be highlighted throughout the Code, as it is relevant to most chapters (e.g. advertising, sales, customers service and support, payments, debt management and disconnection), but would also be a key focus of an early chapter, ‘supporting the consumer’ (or similar title). This would include enhanced specific information and overarching requirements relating to vulnerable consumers, covering:</p> <ul style="list-style-type: none"> - Languages/translation requirements (ref: Languages Issues paper) - DFV (ref: DFV Issues Paper) - A consumer’s right and ability to use an Authorised Representative (a current requirement under 3.5 but with clarifications and updates to update it in line with the Customer ID Determination and for clarity) 	ACCAN supports this section in principle however in the absence of expanded drafting, ACCAN cannot effectively comment on the proposed approach.		Noted - no comment.	No change

Vulnerable Customer					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<ul style="list-style-type: none"> - A consumer's right and ability to use an Advocate (current 3.6, with updates/clarity changes) - Accessibility requirements (see new separate issues paper) 				
ACCAN	<p>Guidance: What do we mean by 'a consumer in vulnerable circumstances'?</p> <p>A person experiencing (or at risk of experiencing) vulnerability is someone who experiences barriers accessing, engaging with, or maintaining telecommunications products.</p> <p>These barriers include event-based circumstances, personal/social circumstances and market-based factors. Examples include sickness, bereavement, unemployment, disability, language or literacy barriers, age, etc.).</p> <p>A person may be in a vulnerable situation temporarily, or long term.</p>		<p>Comment 1: ACCAN considers that the DC should widen the drafting scope of vulnerability to represent that it does not center around the consumers access to telecommunications but impacts the consumer's access, engaging or maintaining telecommunications products and services. ACCAN considers that the sample drafting should be amended to include telecommunications products and services.</p> <p>Comment 2: ACCAN considers that this list should be amended to include domestic and family violence and economic abuse. ACCAN considers that the DC should consider the definition of financial hardship located in the draft financial hardship standard when considering the factors</p>	<p>The definition of Telecommunications Product is Telecommunications Goods or Service.</p> <p>The list was intended to be examples, we can add DFV to the list.</p> <p>Note the interplay of the FH Standard. The Guidance is meant to be indicative only, not exhaustive.</p>	<p>Add Domestic and Family Violence example in the guidance note. Economic abuse is a form of DFV.</p>

Vulnerable Customer					
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			that can contribute to consumer vulnerability.		
ACCAN	<p>Proposal – new/enhanced obligations in relation to CSPs’ organisational culture and policies.</p> <p>CSPs will be required have policies and support material to support an organisation culture that considers fair and reasonable consumer outcomes, including for those that may be in vulnerable circumstances. This will include, for example, being able to demonstrate that their organisational culture and practices appropriately supports compliance with this Code.</p>	ACCAN considers that these measures may be ineffective in addressing concerns around organisational culture.	ACCAN considers that if required, a thorough review of the organisational culture should be conducted by the ACMA and take into account the historical record of how a provider has interacted with vulnerable consumers.	<p>A culture of compliance is an important element of promoting fair outcomes for all customers, including customers in vulnerable circumstances.</p> <p>It is not within the remit of the DC to direct the ACMA to undertake a review of organisational culture. The Code revision is looking at improvement of processes into the future rather than historical behaviour.</p>	No change
ACCAN	<p>Proposal – new/enhanced obligations in relation to CSPs’ organisational culture and policies.</p> <p>This might be demonstrated through, for example:</p> <ul style="list-style-type: none"> - Systems and processes being in place to assist different vulnerable groups – for example, <ul style="list-style-type: none"> • specific contact channels for those experiencing domestic and family violence, financial hardship • information and tools to help create awareness of 		ACCAN considers that providers should be required to provide evidence of having undertaken these actions to the ACMA as part of the process of demonstrating a positive organisational culture.	Noted. The DC considers that evidence and measurement of compliance, as well as the availability of policies/processes forms part of the discussion around measures of success and metrics.	No change

Vulnerable Customer					
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	help available, and to support self-identification of vulnerability, and assistance to self-manage (e.g. through apps/website to manage payments, change plan, etc.,) or seek customer support assistance.				
ACCAN	<p>Proposal – new/enhanced obligations in relation to CSPs’ organisational culture and policies.</p> <p>Sample Drafting <u>Chapter 4 - Supporting the Customer</u> 1. CSPs must have policies and supporting materials on the following, managed and overseen by a senior executive:</p> <ol style="list-style-type: none"> a. Vulnerable consumers; b. Domestic and Family Violence, including processes that consider the identification, support, and safety considerations for consumers affected by DFV; c. Accessibility, including digital accessibility. 		ACCAN considers that this list should be expanded to include Culturally and Linguistically Diverse consumers, including first nations consumers in rural, regional and remote communities.	The DC considers there needs to be flexibility in the way CSPs can develop policies for customers in vulnerable circumstances due to the size, scale, business model or market the CSP operates in. It is not appropriate to require separate policies on all every type of vulnerable customer cohort. Rather, a CSP should have consideration to different types of vulnerability as it develops its policies.	Guidance: A CSP should have policies that address customers in vulnerable circumstances. A policy on ‘vulnerable consumers’ may consist of a suite of policies that relate to specific types of vulnerability (e.g., domestic and family violence, accessibility, financial hardship, and others as the CSP considers appropriate to its size, scale and business model). It may have a generic ‘vulnerable consumer’ policy that addresses different types of vulnerability in the one document.
ACCAN	<p>Proposal - new/enhanced obligations in relation to CSPs’ training arrangements.</p> <p>Sample Drafting <u>Chapter 4 - Supporting the Customer: Staff training –</u></p>	See ACCAN comments on the position paper - Domestic and Family Violence. ACCAN considers that this statement should be revised.		Addressed via DFV Paper	

Vulnerable Customer					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p><u>company-wide</u></p> <p>1. CSPs must provide staff training to support compliance with Code obligations, including (where relevant):</p> <ol style="list-style-type: none"> a. purpose and scope of the Code; b. vulnerable consumers; c. domestic and Family Violence, including training that considers the identification, support, and safety considerations for consumers affected by DFV; 				
ACCAN	<p>Proposal - new/enhanced obligations in relation to CSPs' training arrangements.</p> <p>Sample Drafting <u>Chapter 4 - Supporting the Customer: Staff training – specialist staff</u></p> <p>1. Company-wide training must be supplemented by appropriately tailored training for specialist staff to suit their specific roles and responsibilities (where relevant). This includes:</p> <ol style="list-style-type: none"> 1. training on identifying, supporting and assisting vulnerable consumers; 2. training on DFV for: <ol style="list-style-type: none"> i. frontline customer service staff; ii. specialist DFV staff; 	<p>For more detail on ACCAN's position regarding staff training to assist consumers experiencing DFV, see ACCAN's DFV policy position: https://accan.org.au/accans-work/policy-positions/2253-domestic-and-family-violence</p>	<p>ACCAN considers that this training should be conducted with reputable training providers, especially with regard to the experiences of vulnerable consumers. ACCAN considers that staff who are interacting with consumers experiencing DFV should undergo half yearly refresher training</p>	<p>Addressed via DFV Paper</p>	<p>No comment</p>

Vulnerable Customer					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	<p>iii.staff working in areas likely to deal with DFV-related issues. This includes staff in sales, credit collections, financial hardship, fraud, privacy, and escalated complaints management roles.</p> <p>3.working with Advocates and Authorised Representatives.</p>				
ACCAN	<p>Proposal - new/enhanced obligations in relation to CSPs' governance arrangements.</p> <p>Sample Drafting <u>Chapter 3 – Organisational culture: Governance</u></p> <p>1.CSPs must be able to demonstrate that their organisational culture appropriately supports compliance with this Code.</p> <p>2.CSPs must establish specific governance arrangements to demonstrate compliance with this Code.</p> <p>3.Code compliance governance arrangements must be overseen by a senior executive officer.</p>	ACCAN welcomes more drafting on this chapter and cannot commend effectively on this chapter in its absence.		Noted.	No comment

Vulnerable Customer					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
TIO	<p>1. Highlights the needs of vulnerable customers across several chapters of the Code, including in areas relating to Languages, Domestic or Family Violence, accessibility requirements and requirements relating to authorised representatives/advocates. The needs of vulnerable consumers would also be highlighted in the proposed 'supporting the consumer' chapter.</p> <p>2. New requirements relating to telcos' culture, practices, training and governance to support fair and reasonable outcomes for vulnerable consumers.</p>	<p>1. We are supportive of these proposals in principle, but cannot comment further without seeing further detail of the drafting in context.</p>	<p>1. We will need to see fuller drafting in context before commenting further.</p>	<p>Noted - no comment.</p>	<p>No comment</p>
Industry	<p>Proposal – new/enhanced obligations in relation to CSPs' organisational culture and policies.</p> <p>Sample drafting <u>Chapter 4 - Supporting the Customer</u></p> <p>1. CSPs must have policies and supporting materials on the following, managed and overseen by a senior executive:</p> <p>1. Vulnerable consumers;</p>	<p>A 'vulnerable consumer' policy is impractical and would have duplication across financial hardship, D&FV, accessibility or other policies. It should be clear that it may be a suite of policies that make up 'vulnerable customer' policy. Or a vulnerable consumer policy would be high level referencing the other policies (DF&V, accessibility, financial hardship etc.) and that the provider should have mandatory training to recognise vulnerability; how</p>		<p>Relates to above comment from ACCAN. Include guidance to suggest that a vulnerable consumer policy can be a suite of policies or a single policy that addresses various types of vulnerability?</p>	

Vulnerable Customer					
Org.	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		frequently that training is provided and commitment to support customers in vulnerable circumstances.			
Industry	<p>Proposal - new/enhanced obligations in relation to CSPs' training arrangements.</p> <p>Sample drafting <u>Chapter 4 - Supporting the Customer: Staff training – company-wide</u> 1. CSPs must provide staff training to support compliance with Code obligations, including (where relevant):</p> <ol style="list-style-type: none"> a. purpose and scope of the Code; b. Vulnerable consumers; c. domestic and Family Violence, including training that considers the identification, support, and safety considerations for consumers affected by DFV; 	<p>Aligned with other feedback - may not be appropriate for all staff to receive training on the identification, support and safety considerations for consumers affected by DFV. Company wide training may relate to the awareness of the issue (as per DFV paper). Relevant staff should be trained in ID, support, and safety considerations</p>		Align with feedback in DFV Paper	

Draft Outline New TCP Code						
Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	General Comment - Code Structure and Summary of Chapters	<ul style="list-style-type: none"> • Outcomes - the required outcomes for consumers, • Expectations - the high-level expectations about what RSPs need to do to ensure that these consumer outcomes are realised, • Rules - the minimum requirements / minimum compliance obligations on RSPs to meet the expectations, and • Measurement of Success (MoS) - details about what needs to be recorded and reported on to measure that high-level outcomes are being met (effectiveness metrics) and that rules are complied with (process metrics). 	ACCAN queries if the ACMA will be able to pursue compliance action against providers if their conduct does not meet the outcomes or expectations sections of the various code provisions.		No, Outcomes and Expectations are intended as guidance, only the Rules and MoS would be enforceable. Please note CA position paper on regulatory reform.	No changes.
ACCAN	2. GENERAL 2.1. Introduction and scope (Code Status)	2.1.2. The Code replaces TCP Code C628:2019 Incorporating Variation No.1/2020 upon Code commencement.	The existing TCP code is named C628:2019 Telecommunications Consumer Protections Code Incorporating variation No.1/2022 instead of No.1 / 2020.		Transposition error will be updated.	Updated
ACCAN	2. GENERAL 2.1. Introduction and scope (Compliance with the Code)	2.1.9. Guidance notes are included for additional assistance about how rules should be implemented to ensure outcomes and expectations are met. Compliance with guidance		ACCAN considers the Code should make explicit mention to the voluntary nature of the guidance notes present inside the Code.	Please note CA position paper on regulatory reform.	No changes.

Draft Outline New TCP Code						
Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		in the Code does not guarantee compliance with the relevant clause of the Code or the corresponding provision of legislation or requirement of a regulator.		<p>ACCAN considers that the code should refer to section 106 of the Telecommunications Act 1997 (Cth) which notes that:</p> <p><i>'Compliance with an industry code is voluntary unless the ACMA directs a particular participant in the telecommunications industry, the telemarketing industry or the fax marketing industry to comply with the code.'</i></p>		
ACCAN	2. GENERAL 2.2 Relevant Documents	2.2.1. The Code should be read in conjunction with: [1.2] c) industry guidance, including: xii) Web Content Accessibility Guidelines (WCAG), http://www.w3.org/TR/WCAG/ ;	ACCAN would refer the DC to our comments on the "Position Paper - Accessibility" regarding our recommendations for providers to adhere to the most recent form of WCAG.		Noted, issues covered in response to Accessibility paper.	No changes.
ACCAN	3. ORGANISATIONAL CULTURE, POLICIES, TRAINING AND GOVERNANCE (overarching)		ACCAN supports this section in principle however in the absence of substantive drafting, cannot further comment on this section.		Noted	No changes.
ACCAN	4. SUPPORTING THE CONSUMER	Outcomes II. Consumers who are disadvantaged or vulnerable are appropriately supported throughout the customer journey.		ACCAN considers that Outcome II should be amended to more clearly articulate the treatment of vulnerable or disadvantaged consumers.	Clearer obligations are to be articulated in the Rules	II. Vulnerable consumers are appropriately supported throughout the customer

Draft Outline New TCP Code						
Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
						journey.
ACCAN	4. SUPPORTING THE CONSUMER	<p>Expectations</p> <p>I. CSPs will provide information in a manner that is clear, accurate and accessible to consumers, and CSP representatives will also be trained to do so.</p> <p>II. CSPs will support the appointment of authorised representatives or advocates for consumers and will have in place policies to manage this process.</p> <p>III. If a CSP advertises products in a different language, it will also be able to provide support to consumers in that language.</p>	ACCAN considers that the DC should include expectations regarding how providers should interact with vulnerable consumers.		<p>Clearer obligations are to be articulated in the Rules.</p> <p>The DC notes ACCAN's comments in other papers that staff should be 'appropriately trained and resourced to assist customers with disability' and will incorporate this as an Expectation.</p>	<p>New Expectation added to Chapter 3 and 4:</p> <p>CSPs will provide appropriate training and resources to staff to enable them to assist and support vulnerable consumers.</p>
ACCAN	<p>5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION</p> <p>5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i></p>	<p>5.2.2. A CIS must be available upon request for as long as the offer has active customers (including offers no longer publicly available)</p>	<p>ACCAN considers that the DC should examine the feedback of consumer advocates on the CIS present in the 2018 TCP code review and the 2020 consumer safeguards part c review. ACCAN's 2018 tcp code submission can be found here: https://accan.org.au/our-work/submissions/1528-tcp-code?highlight=WyJ0Y3AiXQ ==</p>		<p>Noted. The purpose of the CIS is to act as a static set of key information about a telecommunications product.</p> <p>The DC has sought to address information asymmetries in a multitude of ways - changes to response selling practices, management of vulnerable consumers, the development of</p>	No changes.

Draft Outline New TCP Code						
Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
					the concept of 'essential information' and clearer drafting to support CSPs' understanding of the requirements under the Code when advertising their products.	
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	<u>Content of the CIS</u>		ACCAN considers that a hyperlink to the organisations' coverage map should be included in the CIS.	Coverage maps are not relevant for all telecommunications products	No changes.
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	<u>Content of the CIS</u> 5.2.7(e) a description of the impact of cancellation of a bundled telecommunications product (if relevant) [new];	ACCAN would seek clarification from the DC on the nature of 'impact' in this clause. Would this clause seek to make consumers aware of the cost of early cancellation or its impact on their services?		Yes, that is the intent. Further guidance will be drafted as part of the substantive drafting in 2024 to clarify this.	Develop guidance on the concept of 'impact of cancellation'
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	5.2.7(f) details of payment options [new];		ACCAN considers that the CIS should include an approximation of the fees associated with each payment option applicable for the CIS.	It would not be effective to include in the CIS, as charges are dynamic, and the CIS is static. To be included in the general billing page where the information can remain up to	No changes.

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
					date.	
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	5.2.7(i) information on translation services, displayed in community languages [new]		ACCAN considers that consumers should be directed to a free translation service which offers at least 10 community languages.	Please note response in Languages & Translation Services paper	No changes.
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	5.2.7(j) the CSPs customer service contact details [4.2.2(b)(xi)];		ACCAN considers that CSPs should be required to specify when these contact details are likely to be attended to by their representatives. For example, listing their available opening hours.	It would not be effective to include in the CIS, as the information may change, and the CIS is static. To be included in the general contact details pagers where can remain up to date.	No changes.
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	5.2.7.(I) contact details for the Telecommunications Industry Ombudsman [4.2.2(b)(xiii)].		ACCAN considers that the CIS should include the contact details for the national debt helpline in addition to the TIO. ACCAN considers that the CIS should explicitly state to consumers that these are free services. This would ensure that consumers are not	Agree to update that the TIO is free. Debt support information is not relevant for all telecommunications products (such as prepaid).	Update TIO reference to include information it is free to seek support.

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
				discouraged from seeking assistance.		
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.3. Rules: Advertising <i>(Content of advertising for general telecommunications information)</i>	5.3.4. When advertising telecommunication products, CSPs must ensure: [4.3.1] (a) the periodic price is prominently displayed; [new]		ACCAN considers that the DC should provide more clarified drafting on the definition of periodic price.	Will be a defined term once the DC commences substantive drafting in 2024. Not all products are monthly - e.g., some are six monthly or annual. The CIS price should reflect that.	Final drafting TBC
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.3. Rules: Advertising <i>(Content of advertising for general telecommunication information)</i>	5.3.4. When advertising telecommunications products, CSPs must ensure: [4.3.1] (j) for mobile network coverage, display the underlying wholesale provider; and [new]	ACCAN supports in principle the inclusion of this requirement in the draft code.		Noted	No changes.
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.3. Rules: Advertising <i>(Inaccurate advertising of</i>	5.3.6. CSPs must monitor complaints to identify possible inaccurate essential information in advertising. [4.4.1(c)]	Consumers should not have to process complaints regarding essential information in order for a provider to become aware that the information is inaccurate.	ACCAN considers that CSPs should conduct a yearly or half yearly review of the essential information provided to consumers.	Noted. The DC will be reviewing the MoS, including the annual attestation.	Final drafting of MoS TBC

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
	essential information)					
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.3. Rules: Advertising <i>(Inaccurate advertising of essential information)</i>	5.3.7. Once a CSP is aware that an advertised offer contains inaccurate essential information, it must take reasonable steps to correct the advertisement in a reasonable timeframe. [4.4.1(b)]		ACCAN considers that the DC provide a fixed time for the correction of inaccurate essential information. Given the differences in medium, ACCAN considers that a maximum time period should be included by the DC.	It is not possible to outline a max time period, due to differences in advertising medium (as noted in Guidance)	No changes.
ACCAN	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.4. Rules: Telecommunication product information <i>(Publishing information about telecommunication products)</i>	5.4.2. Information about telecommunication products currently offered must be made publicly available by CSPs without charge, including: [4.3.1] (d) information on the bill formats, billing options, billing period and payment options offered by the CSP; [4.3.1(d)]		ACCAN considers that information related to payment options should be accompanied by the related fees for the payment options.	Agreed.	5.4.2 Information about telecommunication products currently offered must be made publicly available by CSPs without charge, including: [4.3.1] (d) information on the bill formats, billing options, billing period and payment options offered by the CSP, as well as associated fees for payment options; [4.3.1(d)]

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ACCAN	<p>5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION</p> <p>5.4. Rules: Telecommunications product information <i>(Publishing information about telecommunications products)</i></p>	<p>5.4.2.(g)(ii) information about the cost to send SMS, make and receive standard calls and for data usage as relevant (including information that roaming charges may be higher than charges for international calls from Australia and data usage may be more expensive, and that customers may be charged for both making and receiving calls while overseas); and</p>		<p>ACCAN considers that given the significant expenses that consumers may incur in relation to international roaming charges, that the DC should provide more clarity and information to providers on their responsibilities when providing consumers information on roaming charges.</p>	<p>Tidy up drafting.</p> <p>We also direct ACCAN to the Telecommunications Service Provider (International Mobile Roaming) Determination 2019, which contains clarity for CSPs on the information and alerts required to be provided to customers when roaming.</p>	<p>Updated to:</p> <p>(g) information about roaming (domestic and international), including information about: [4.3.1 (h)]</p> <p>(ii) the maximum charge information for using the telecommunications service while overseas, as outlined in the Telecommunications Service Provider (International Mobile Roaming) Determination 2019; [new, link with Telecommunications Service Provider (International Mobile Roaming) Determination 2019]; and</p>

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ACCAN	6. RESPONSIBLE SELLING: SALES, CONTRACTS, AND CREDIT ASSESSMENTS	(Overarching)		ACCAN would welcome significant redrafting of the outcomes and expectations of this section by the DC with great consideration given to the experiences of vulnerable consumers. ACCAN considers that explicit mention should be made to the experiences of vulnerable consumers in the outcomes and expectations sections.	Noted	Final drafting TBC
ACCAN	6. RESPONSIBLE SELLING: SALES, CONTRACTS, AND CREDIT ASSESSMENTS	Summary Covers the requirements during the sale, to manage the direct interactions that form a sale as the general consumer becomes a customer.	ACCAN considers that this drafting is inappropriate in supporting vulnerable consumers. ACCAN considers that the drafting of Outcome I is unclear to providers and consumers. ACCAN considers that the Code should be more detailed in its framing of 'safeguards'.	<u>ACCAN considers that the drafting of Outcome I should be revised to:</u> <i>'Consumers are protected at the point of sale by policies and systems which ensure that they are prevented from being inappropriately sold telecommunications products and service.'</i>	Noted. Outcomes are focused on consumer outcomes - the language of 'policies and systems' best fits with the expectations on CSPs. The refreshed Code drafting is intended to deliver positive expectations - that is, the intention is to outline what a CSP must do, not what they must not. There is no need to add 'service' to the term telecommunications products, as the	<u>New expectation:</u> III. CSPs sales policies and supporting materials are designed to support responsible selling.

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
					definition includes goods and services.	
ACCAN	6. RESPONSIBLE SELLING: SALES, CONTRACTS, AND CREDIT ASSESSMENTS	<p>Outcomes</p> <p>I. Safeguards at point of sale to protect consumers and prevent inappropriate sales of telecommunication products.</p> <p>II. Consumers receive all essential information at point of sale.</p> <p>III. Consumers are supported to make informed decisions about which telecommunications products best suit their needs and circumstances.</p>		<p><u>ACCAN considers that an additional outcome should be included:</u></p> <p><i>'Consumers are subject to comprehensive credit assessments which are used to inform the consumer's and the telecommunications provider's credit risk tolerance.'</i></p>	This is not relevant for all telecommunications products (prepaid)	No change.
ACCAN	6. RESPONSIBLE SELLING: SALES, CONTRACTS, AND CREDIT ASSESSMENTS	<p>Expectations</p> <p>IV. CSPs support consumers to make informed decisions about which of the telecommunications products they have available best suits their wants, needs, and budget.</p> <p>V. CSPs take a responsible approach to selling telecommunications products</p>		<p><u>ACCAN considers another expectation should be added to this section:</u></p> <p><i>'CSPs must take a responsible approach to selling telecommunications products and services to vulnerable consumers and take into account the individual consumers circumstances. Vulnerable consumers should not be up-sold telecommunication products and services.'</i></p>	<p>Noted: however, this is not an Expectation, but a Rule.</p> <p>The refreshed Code seeks to avoid duplication. There are specific Rules proposed around selling based on identified needs (please see Vulnerable Customers paper) and for offers to align with a customer's needs and circumstances.</p> <p>Additionally, there are expectations set in the</p>	<p><u>Updated Expectation I</u></p> <p>I. Consumers are supported to make informed decisions about which telecommunications products best suit their needs and circumstances.</p>

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
					Supporting the Customer chapter for managing and supporting vulnerable consumers that will apply to all interactions. The definition of responsible selling will also contain concepts around supporting vulnerable customers.	
ACCAN	7.CUSTOMER SERVICE AND SUPPORT	<p>Outcomes</p> <p>I. Customers are treated fairly and reasonably, so they are less likely to experience vulnerability and harm when accessing and maintaining telecommunications services.</p> <p>II. Customers can easily and conveniently contact their CSPs with enquiries or problems.</p> <p>III. Customer enquiries are managed effectively, and efficiently.</p>	ACCAN considers that this drafting should be revised. Consumers can and primarily do experience vulnerability independently of their experiences with telecommunications providers.	ACCAN considers that this section should be redrafted to make appropriate reference to the customer service experience of consumers experiencing vulnerabilities in addition to consumers not experiencing vulnerabilities. ACCAN considers that the drafting should ensure that providers take into account the vulnerabilities of the customer in their engagement with the provider, this should be explicitly mentioned in the outcomes and expectations section.	Noted.	<p>Outcomes</p> <p>I. Customers are treated fairly and reasonably, with their needs and circumstances considered so they are less likely to experience vulnerability and harm when accessing and maintaining telecommunications services.</p> <p>II. Customers can easily and conveniently contact their CSPs with</p>

Draft Outline New TCP Code						
Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
						enquiries or problems. III. Customer enquiries are managed effectively and efficiently.
ACCAN	7.CUSTOMER SERVICE AND SUPPORT	Expectations I. CSPs will manage customers fairly and reasonably, with a proactive focus on limiting the impact of vulnerability experienced by customers to prevent harm when accessing and managing telecommunications products.	ACCAN supports the drafting in principle, however, queries the following drafting: 'with a proactive focus on limiting the impact of vulnerability experienced by consumers to prevent harm'.	ACCAN considers that this drafting should include "telecommunications products and services" ACCAN considers that this expectation should be redrafted and clarified.	There is no need to add 'service' to the term telecommunications products, as the definition includes goods and services.	Updated, see above.
ACCAN	7.CUSTOMER SERVICE AND SUPPORT	Expectations II. CSPs will provide customers with consistent and effective customer service, regardless of the communication method that consumers use to contact their CSP, including i. having a focus on meeting the needs of consumers;		ACCAN considers that this provision should be reworded to: <i>'focusing on meeting the needs of consumers, including the specific needs of vulnerable consumers.'</i>	Agreed.	II. CSPs will provide customers with consistent and effective customer service, regardless of the communication method that consumers use to contact their CSP, with consideration given to a consumers needs and circumstances.

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCAN	7.CUSTOMER SERVICE AND SUPPORT	Expectations I. CSPs will provide customers with consistent and effective customer service, regardless of the communication method that consumers use to contact their CSP, including iii. clearly communicating internal customer service escalation pathways; and iv. having a process for the ongoing management of a customer enquiry, including external referrals as appropriate.		ACCAN considers that drafting should reflect the requirements on providers to ensure that they respond to customer inquiries in a timely manner.	Noted; however, this is not an Expectation, but a Rule. The refreshed Code seeks to avoid duplication. These concepts can be explored further in the substantive drafting of this Chapter.	Final drafting TBC
ACCAN	8. CHARGING, BILLS, AND PAYMENTS	Outcome II. Customers have flexibility and control over their payment options.	ACCAN considers consumers should have flexibility over the fee free payment options provided to them. ACCAN commentary on this topic has been extensive and present in the following resources: ACCAN TCP code submission 2023: https://accan.org.au/accan-s-work/submissions/2147-tcp-code-discussion-paper-2023 ACCAN TCP code submission 2018: https://accan.org.au/our-		See responses to this issue in Payment Methods paper.	No changes.

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			<p>work/submissions/1528-tcp-code?highlight=WyJ0Y3AiXQ==</p> <p>ACCAN Consumer Safeguards Part C: https://accan.org.au/our-work/submissions/1804-csr-partc</p> <p>ACCAN direct debit research 2023: https://accan.org.au/accan-s-work/research/2121-direct-debit-in-telecommunications</p>			
ACCAN	8. CHARGING, BILLS, AND PAYMENTS	<p>Outcome</p> <p>II. Customers have flexibility and control over their payment options.</p>	<p>ACCAN considers that in order for consumers to have flexibility and control over their payment options, they should be provided with a wide range of fee free payment options.</p>		<p>See responses to this issue in Payment Methods paper.</p>	<p>No changes.</p>
ACCAN	8. CHARGING, BILLS, AND PAYMENTS	<p>Expectations</p> <p>CSPs will provide information about bills and charges to customers arising out of the supply of telecommunications products.</p>		<p>ACCAN considers that this drafting should be amended to include:</p> <p>telecommunications products and services.</p>	<p>There is no need to add 'service' to the term telecommunications products, as the definition includes goods and services.</p>	<p>No changes.</p>
ACCAN	9. CREDIT MANAGEMENT, DEBT MANAGEMENT, AND DISCONNECTION	<p>Outcomes</p> <p>I. Customers are notified of potential credit and debt management activity.</p> <p>II. Customers are informed of the consequences of non-payment for telecommunications products, including the</p>	<p>ACCAN would direct the DC to our comments on the credit management, debt management and disconnection position paper as well as our comments on the 2023 proposed telecommunications draft financial hardship standard. ACCAN considers that the</p>		<p>See responses to this issue in Credit Management and Disconnection paper.</p> <p>Additionally, there are expectations set in the Supporting the Customer chapter for managing and</p>	<p>No changes.</p>

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		restriction, suspension and disconnection of telecommunications services	<p>outcomes and expectations subsections of this section of the code should clearly make reference to the experiences of vulnerable consumers. ACCAN considers that this should be reflected as part of the outcomes and expectations section.</p> <p>Link to ACCAN comments on the draft financial hardship standard: https://accan.org.au/accan-s-work/submissions/2257-accan-response-to-the-acma-consultation-on-the-proposed-telecommunications-financial-hardship-industry-standard</p>		<p>supporting vulnerable consumers that will apply to all interactions.</p> <p>The refreshed Code seeks to avoid duplication.</p>	
ACCAN	9. CREDIT MANAGEMENT, DEBT MANAGEMENT, AND DISCONNECTION	<p>Expectations</p> <p>I. CSPs will have processes for restriction, suspension and disconnection for non-paying customers not in financial hardship.</p> <p>II. CSPs will provide sufficient notice to customers about credit and debt management activity, including suspensions, restrictions, disconnections, and referrals to debt collection agencies.</p>		<p>ACCAN considers that CSPs should be required to communicate to the consumer as part of any credit management, debt management or disconnection action that disconnection is an option of last resort. ACCAN considers that this expectation be amended to:</p> <p><i>'CSPs will ensure that disconnection is only used as an option of last resort and consumers at risk of</i></p>	<p>See responses to this issue in Credit Management and Disconnection paper.</p> <p>Proposed drafting are Rules, not Expectations.</p> <p>Additionally, there are expectations set in the Supporting the Customer chapter for managing and supporting vulnerable consumers that will apply to all</p>	No changes.

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		III. CSPs will treat disconnection as an option of last resort.		<i>disconnection are directed to the appropriate financial hardship or DFV support services offered by the telecommunications provider.'</i>	interactions. The refreshed Code seeks to avoid duplication.	
TIO	5. RESPONSIBLE SELLING: ADVERTISING AND PRE-SALE INFORMATION 5.2. Rules: Critical Information Summary <i>(Critical Information Summary)</i>	5.2.1. A CIS must be available for all current offers: 1. Drafting changes for some of the Code's existing obligations, including obligations relating to content requirements of CISs, and requirements relating to advertising. 2. These drafting changes rework the language of existing obligations without significantly changing the substance. There are some new features, such as: 2a. An obligation for CISs to be in a 'durable medium', and to contain a description of the impact of cancelling a bundled telecommunications product (there is some overlap here with what the Drafting Committee discussed in its	We support these changes in principle but would like to see the drafting in full context before commenting further.	We will need to see fuller drafting in context before commenting further.	Noted	No changes.

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Org.	Chapter	Clause	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
		<p>Responsible Selling Policies and Essential Information position papers.</p> <p>2b. An obligation for telco advertising to prominently display the periodic price of a product.</p> <p>2c. An obligation for telcos to publish information about telco products in a manner that minimises the need for disclaimers.</p>				

Other Comments					
Organisation	Issue	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
TIO	BILLING	The Drafting Committee has not provided issues or position papers on this topic and we are concerned stakeholder feedback in this area has not yet been addressed.	<p>1.The Code should contain a universal requirement for telcos to supply bills to their customers before charges for a billing cycle come due or are deducted (recommendation 22 from our submission).</p> <p>1a. The requirement should apply irrespective of the consumer's payment method. Bills should include an itemised list of all charges and service usage information for the relevant billing period (recommendation 22 from our submission).</p> <p>2.The Code should also require telcos to provide bills that are simple and easy to understand (recommendation 23 from our submission).</p>	For this December deadline, we have focused on key areas as directed by the ACMA. We have therefore focused on payments not billing at this point.	n/a