

Organisation	Proposal/Drafting Provision	Comment	Suggested change to drafting (if applicable)	DC Comment	How it has been addressed
ACCC	<p>Scope and Application of the TCP Code</p> <p>General Comment</p>	The draft outline introduces a new section on the scope of the TCP Code. This section recognises the power imbalance between Carriage Service Providers (CSPs) and consumers, and highlights that the obligations contained within the TCP Code should assist to address this imbalance in CSP dealings with consumers. This is a welcome and positive inclusion.	However, the ACCC considers this section would be improved by the addition of a statement regarding the essential nature of telecommunications services.	Unclear what value such a statement would add.	no change
ACCC	<p>Scope and Application of the TCP Code</p> <p><i>Issues set out in the position paper:</i></p> <p>As currently drafted, the TCP Code provides protections for 'consumers'. The definition of 'consumers' is:</p> <p>a) an individual who acquires or may acquire a Telecommunications Product for the primary purpose of personal or domestic use and not for resale; or</p> <p>b) a business or non-profit organisation which acquires or may acquire one or more Telecommunications Products which are not for resale and, at the time it enters into the Customer Contract, it:</p> <p>i) does not have a genuine and reasonable opportunity to negotiate the terms of the Customer Contract; and</p> <p>ii) has or will have an annual spend with the Supplier which is, or is estimated on reasonable grounds by the Supplier to be, no greater than \$40,000.</p>	<p>In our June 2023 submission to the initial TCP Code consultation, the ACCC noted that under the Australian Consumer Law, consumer guarantees apply to all goods and services purchased by consumers. Currently, a 'consumer' can either be a business or a person, provided the goods or service cost up to \$100,000. We accordingly recommended the financial threshold for a small business consumer under the TCP Code be increased to the \$100,000 threshold, for consistency with the ACL.</p> <p>The ACCC acknowledges the lengthy discussion regarding this financial threshold in the Scope and application Issues paper. We appreciate the challenges set out in the Issues paper, and will comment further once a proposed definition has been settled upon.</p>		Subject to extensive discussion documented elsewhere. All parties agree that the intent is to cover small business, not large business.	Threshold at 40k maintained per FH Std. Clear exclusion of large organisations in a manner that is clear, fair and auditable by the regulator.
ACCC	Information for Consumers	The new outline makes it clear that the audience for the TCP Code is CSPs rather than consumers, and provides a link to a consumer-focussed reference document, namely <i>Communications Alliance's Telecommunication Consumer Protections code – information for consumers</i> .	We highlight that this linked document will require updates to align with the revised TCP Code content.		Document will be updated once code is registered.
ACMA (Payment Methods 3 April 2024)	<p>Use of Guidance Notes and Guidelines</p> <p>DC Comment</p> <p>We note that the use of 'guidance' is standard in regulatory instruments, including those drafted by government. Our intention matches the intent of the guidance in those instruments; to aid understanding and compliance with the relevant instrument.</p>	<p>As noted in the ACMA feedback on the 14 March 2024 package, the Authority appreciates that guidance notes and guidelines have a place, but they should not replace enforceable requirements.</p> <p>Some guidance note material for payment methods has been moved into clauses (e.g. time frames for 'sufficient time' for reminder notices). This needs to continue throughout the remaining process of Code drafting.</p> <p>The ACCC has concerns</p>		Addressed.	Reviewed throughout: 1) Moved into clauses where relevant; or 2) Included as a 'note' under specific clauses where aids understanding of enforceable provision (in the same way as notes are used in government instruments); and 3) Breakout boxes used for further information and best practice examples.
ACCC	However, we are reviewing throughout to see where it is possible to include what is now in guidance in clauses, and are looking to use different terms to more clearly articulate the difference different 'types' of guidance – e.g. guidance that provides clarity (but should not be part of a clause) – as shown in the revised drafting herein; guidance that provides examples or best practice to support CSPs on how to meet the requirements; and guidance that refers to guidelines or similar.	Guidance notes do not equate to enforceable consumer protections. Use should be avoided or, where unavoidable, used sparingly.			

ACMA	<p>Outcomes-based regulation</p>	<p>We have previously advised CA that, while open to outcomes-based regulation as a concept, the Authority cannot accept provisions that are so high-level as to be meaningless to stakeholders and unenforceable. We have also previously advised that out-comes based regulations need to be supported by robust and comprehensive record-keeping by providers to allow the ACMA to investigate potential non-compliance.</p> <p>We consider that how providers would demonstrate compliance through measures of success and other means is largely absent from the current package</p>	<p>We expect the final Code to contain clear record-keeping requirements to support internal business processes and oversight, and regulatory assessment of compliance. We further expect that such record keeping requirements will strike an appropriate balance between maintaining a clear evidence base and not unduly risking the privacy of any customer's personal information in the event of unintended disclosure.</p> <p>Opportunity to tighten and improve the rigour of the attestation process -</p>	<p>The chapter outcomes and expectation section was designed to assist CSPs understand the intent/purpose of the enforceable rules that followed, mirroring the ACMA SOE.</p> <p>However, feedback is that this presentation caused confusion. This approach has therefore been abandoned, with intent now captured in chapter summaries.</p> <p>RE attestation process, we have consulted with CommCom extensively in the re-writing of chpt 10.</p>	<p>Chapter presentation amended to remove the 'outcome/expectations' part.</p> <p>Audit and compliance rules and arrangements reviewed and revised - clear processes and escalation paths identified in chapter 10.</p>
ACMA	<p>Clarity and certainty in drafting</p>	<p>The ACMA position paper identified a range of principles relevant to the consumer expectations discussed, including the principle of accountability.</p> <p>Accountability reflects an organisation's responsibilities to its stakeholders. In the ACMA's view, it is also a critical underpinning to consumers having confidence in the co-regulatory system.</p>	<p>We have, over multiple years, raised concerns with industry that some obligations within the TCP Code are vague and, in certain cases, subjective. The use of words such as 'may' (rather than 'must') and 'appropriately' do not provide clarity to industry or certainty to consumers about what they can expect of their providers. They also make compliance assessment difficult for the regulator.</p> <p>We expect the final draft Code to contain clear and definitive rules to assist industry understand its obligations and to be assessable so that appropriate compliance action can be undertaken where necessary.</p>		<p>All clauses drafted with enforceability in mind.</p>
ACMA (Payment Methods 3 April 2024)	<p>ACMA's 1 February Feedback Context The ACMA cannot properly assess the adequacy of consumer protections until all drafting is complete</p> <p>DC's Response This has been a challenge throughout for us to manage, as noted in both the letter to the Review Committee and the cover letter to which this note is attached.1 We look forward to further discussion/ advice from the ACMA on this issue.</p>	<p>This should be addressed in the Drafting Committee's (DC) more complete draft Code due in May 2024, which should also incorporate the DC's response to feedback from the ACMA's comments on the revised Payment Methods drafting.</p> <p>We did anticipate that the revised Payment Methods drafting would be presented in a more complete chapter format to allow a fuller assessment of the the proposals in context.</p>		<p>To provide a complete chapter in isolation would have been of limited benefit, as that chapter, as others, needs reading (and drafting) in the context of the complete Code to understand protections afforded. This was not possible in the timeframe. The limitations and our approach to the "March Package" was discussed with the ACMA at staff level and should not</p>	<p>N/A</p>
ACMA	<p>Responsible Selling Practice</p> <p><i>General comment</i> about the Responsible selling Policies position paper drafting</p>	<p>The TCP Code should include a positive obligation on CSPs to deliver fair and reasonable outcomes for consumers that are suited to each consumer's individual circumstances. This includes providing information on lower cost options.</p>			<p>Concept included throughout Code, including in training and selling rules. Lower cost option obligation is included.</p>

ACCC	Responsible Selling Practices	The Responsible selling position paper incorrectly summarises the ACCCs views on responsible selling practices, by attributing to the ACCC the view that '...vulnerable consumers...are less capable of making sound decisions.' To be clear, the ACCC considers that responsible selling requires that all consumers be provided with transparent, clear, accessible information, provided with suitable options, and sold products and services that best meets their needs. Misleading advertising and commission-based remuneration schemes drive aggressive sales behaviour and encourages agents to adopt tactics that are not compliant with the Code. ⁶ Industry must take responsibility for irresponsible selling.	The Code must ensure commission-based selling is removed, that the information provided to consumers is true, easy to understand and reliable, and consumers are sold products that best meet their needs	Rules are included re transparent, clear, accessible information. And see above re suiting needs. It is not realistic to expect no recognition of sales made, but we agree that this should be considered in context of other considerations.	A positive obligation has been included to ensure any incentive structures in place promote responsible selling, including by ensuring that volume of sales is not the only incentive criteria measured.
ACCC	Responsible Selling Practices Consumer Problem Consumer safeguards at point of sale can be enhanced to protect consumers and prevent inappropriate sales of telecommunications products. 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. Further, unsolicited over-the-phone sales can contribute to financial hardship, particularly for vulnerable consumers.	The framing of the definition of the 'consumer problem' has positive elements but is ultimately insufficient as it continues to frame the issue of mis-selling as one that can be addressed by information and disclosure. It fails to acknowledge key contributors to mis-selling, namely misleading conduct, aggressive selling practices, sales incentives and commission-based remuneration schemes. We consider the problem extends to the tension between achieving sales targets or commissions and servicing consumers' interests, which can lead to adverse outcomes for consumers.		Information provision requirements, and protections for vulnerable consumers, are clear and strengthened. FH is covered by a separate standard. We are unaware of any CSPs cold calling, but if the ACMA wishes to specifically direct that a clause banning unsolicited over-the-phone sales should be included as part of this co-regulatory instrument,	Information provision requirements, and protections for vulnerable consumers, are clear and strengthened.
ACCC	Responsible Selling Practices C. Draft revised proposed code provisions Proposal Provision of information at point of sale The responsible approach to selling requirements will be updated to require a standardised set of 'essential information' to be shared with the customer at the point of sale, removing ambiguity about what should be considered the "key terms, conditions, and costs" to be explained to consumers. It will also match the details contained within the CIS. This change aims to address concerns related to consumers not receiving adequate information at point of sale, or not having key information explained to them prior to purchase. <i>pg. 91 Compendium.</i>	The ACCC welcomes the concept of essential information being defined and included in the TCP Code, shared at the point of sale, and included in the critical information summary (CIS). However, the Drafting Committee has failed to address the ACCC's submission that CIS should contain links to information about the ACCC and consumer rights under the ACL.		The CIS is not the appropriate instrument to educate consumers about general consumer law. It is supposed to be a summary of essential information about key telco product information. There are already mandatory requirements for it to include a lot of 'critical' information; the more it has, the harder it is for key issues to stand out and the higher the likelihood that consumers won't read it at all.	No change from revisions already proposed
ACMA	Responsible Selling Practices Proposal – contract records Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Customer contract, [update cl 4.6.5] <i>pg. 92 Compendium</i>	CA states the purpose of the drafting is to update record keeping requirements in the Code to include the concept 'essential information'. We agree in principle with the proposal. However, the concept 'essential information' should be strengthened in the drafting.		Do not understand comment. Will await ACCC comment once it sees full drafting	N/A

ACMA	<p>Responsible Selling Practices</p> <p><u>Proposal – Remedies for mis-selling</u></p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments; Selling Policies, [new clause]</u></p> <p>2. 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> <p>a. corrected information about the offer; and</p> <p>b. a remedy that is tailored to and appropriate in the circumstances for that customer.</p> <p>pg.92-93 compendium.</p>		<p>Provision 2(b) should be revised to require CSPs to provide the customer with a remedy tailored and appropriate to the harm experienced by the customer and is the customer's preferred remedy, rather than this being in the guidance note.</p> <p>Timeframes for the provision of the remedy should also be included, as should appropriate record keeping requirements.</p>	<p>The Code covers the concept of appropriately tailored remedies and a clause requiring that CSPs keep records of interactions between the CSP and its customers. A timeframe is now also included.</p>	<p>Timeframe included: within 10 working days of the customer accepting that remedy.</p>
ACCC	<p>Responsible Selling Practices</p> <p><u>Proposal - Remedies for mis-selling</u></p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments; Selling Policies, [new clause]</u></p> <p>The responsible approach to selling requirements will be updated to include more detailed examples of actions a CSP may take to address mis-selling. Recommended remedies may include:</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>pg. 92 compendium.</p>	<p>The ACCC welcomes the introduction of remedies for mis-selling and agrees that CSPs must take steps to correct instances of mis-selling.</p>	<p>However, we consider it is important to make clear that it is compulsory for a CSP to take action and thus that the proposal should state that a supplier <i>must</i> take action and <i>may</i> utilise one or more of the proposed remedies.</p>		<p>Clause wording: 'at least one of the following remedies'</p>
ACMA	<p>Responsible Selling Practices</p> <p><u>Proposal – Monitoring complaints about sales conduct</u></p> <p>The responsible approach to selling requirements relating to complaints monitoring will be refreshed to strengthen requirements to proactively identify and act when mis-selling occurs.</p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments; Selling Policies, [new clause]</u></p> <p>1. A CSP must:</p> <p>a. monitor complaints to identify possible mis-selling; and</p> <p>b. have policies and supporting materials to address mis-selling and sales conduct issues.</p>		<p>There needs to be a requirement to implement the policy in addition to having a policy.</p>	<p>Covered explicitly in chapter 3 and implicitly throughout.</p>	<p>Already in drafting (evident once read in context)</p>

ACCC	<p>Responsible Selling Practices</p> <p><u>Proposal – Monitoring complaints about sales conduct</u> The responsible approach to selling requirements relating to complaints monitoring will be refreshed to strengthen requirements to proactively identify and act when mis-selling occurs.</p>	<p>The ACCC welcomes a complaint monitoring mechanism. We emphasise the importance of focusing on prevention to avoid the need for remediation.</p> <p>However, when mis-selling has occurred it is important for CSPs to remediate customers as a priority. As previously mentioned, the tension between achieving sales targets or commissions and servicing the consumers' interests can lead to adverse outcomes, and must be addressed by the Code</p>		already addressed	N/A
ACMA	<p>Responsible Selling Practices</p> <p><u>Proposal - Selling policies for sales staff</u></p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Responsible incentive structures [new]</u> 1. A CSP's incentive structures for its 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><u>Guidance: Incentive Structures</u> CSPs should consider how commission and incentive structures provided for its representatives can promote responsible, ethical selling and disincentivise mis-selling. Recommendations include: (see pg. 93-94 of the compendium)</p>	<p>We agree in general with the proposal but consider drafting needs to be refined to better address the harm. Incentive structures should reward the sale of products that meet the consumer's needs. Mechanisms such as claw backs, while a useful tool, are not considered to be adequate on their own.</p>	<p>One way of achieving the above goal would be to move the customer satisfaction-based incentives approach from the guidance note and into part of the main provision. For example: 'A CSP's incentives structures must be based on customer satisfaction and not volume of sales.'</p>	Refer to comments in the May Package Cover Letter Addendum.	A positive obligation has been included to ensure any incentive structures in place promote responsible selling, including by ensuring that volume of sales is not the only incentive criteria measured.

ACCC	<p>Responsible Selling Practices</p> <p><u>Proposal selling policies for sales staff</u></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 inappropriate sales. For example, responsible selling incentives may be based on customer satisfaction surveys rather than number of sales/items sold.</p>	<p>The ACCC considers that incentive structures should reward the sale of products that are suitable for the consumer. We consequently consider mechanisms such as clawback are inadequate on their own. Incentive structures should be designed to incentivise responsible selling, rather than to respond only to those instances of mis-selling that are identified.</p> <p>We consider the TCP Code must require suppliers to take account of customer circumstances and provide information about lower cost options, and for remuneration structures to encourage this.</p>		see above	see above
ACCC	<p>Chapter 5 - Responsible selling: advertising and pre-sale information</p>	<p>From a principles-based perspective, we consider that commission-based selling should be prohibited, due to its well-understood adverse outcomes for consumers.</p>	<p>If commission-based selling is not prohibited, we consider the outcomes and expectations set out in Chapter 5 would benefit from additional outcomes related to responsible selling and incentives. These should reward the sale of a service or product that is suited to the consumer's needs, rather than rewarding sales volumes. They should incentivise staff to provide consumers with information about low-cost options, if this is suited to the consumer's needs.</p> <p>We further consider that the expectations for this chapter should capture a requirement to provide essential information in accessible formats⁵ for every</p>	see above	see above
ACMA	<p>Responsible Selling Practices</p> <p><u>Proposal – Sales to vulnerable customers</u></p> <p><u>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Selling Policies, [new clause].</u></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 telecommunications product without charge, where reasonable proof of vulnerability has been provided.</p> <p><u>Guidance:</u> Sale to vulnerable customers</p> <p><i>Pg. 94 compedium.</i></p>	<p>We agree with the underlying intent of this protection but are concerned that at-risk consumers will not be able to take advantage of this apparent protection, limiting its effectiveness.</p> <p>Where the nature of a vulnerability is episodic or medical it will not necessarily be possible to acquire retrospective proof. Consumers may also find it humiliating to have to obtain proof of vulnerability at the time of a previous sale.</p> <p>Drafting should address the need for strict record keeping requirements about the collection and retention of any such personal information.</p>		<p>It is not unreasonable to require some proof (and additionally, it is unreasonable to expect a higher bar from business than that set for government itself regarding waivers of debt.)</p> <p>In relation to record retention, CSPs must comply with the Privacy Act (under review). The Code points to that where appropriate and attempts to maintain balance between the demands from some stakeholders to 'keep more' and others to 'keep less'.</p>	n/a

ACCC	<p>Responsible Selling Practices</p> <p><u>Proposal - Sales to vulnerable customers</u></p> <p>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>While we support greater focus on vulnerable customers, we are concerned that the new proposal requiring proof of vulnerability does not reflect best practice/is not practical. In addition to the fact that it can be traumatic for the consumer being required to provide 'proof' of their vulnerability, in many instances it will also be practically impossible. It is common that instances of mis-selling are identified after the fact. Where the nature of a vulnerability is episodic or medical it will not necessarily be possible to acquire retrospective proof.</p> <p>Further, limiting the ability to cancel a contract only in circumstances where vulnerability was occurring at the time of the sale may lead to adverse outcomes for consumers who have begun experiencing vulnerable circumstances since the time of the sale.</p>		See above.	
ACMA	<p>Essential Information during the sales process.</p> <p><u>Proposal - essential information definition</u></p> <p><u>Define the term 'essential information' in relation to a telecommunications product during the sales process.</u></p> <p><u>Sample drafting</u></p> <p>Chapter 1 - Terminology, definitions, and acronyms: Definition of 'essential information' [new]</p> <p>Guidance - Guidance box to be developed with examples.</p> <p>pg. 94 compendium.</p>	<p>The ACMA will need to see drafting of the Guidance, including examples, in order to assess the benefit afforded. While we agree in principle with the proposal, it is not possible to assess the adequacy of the consumer protections until drafting is provided in the revised TCP Code as a whole.</p>		noted	n/a
ACCC	<p>Essential Information during the sales process</p> <p><u>Proposal - inclusion of term in critical stages of the sales process - 'essential information' is required to be provided</u></p> <p>Chapter 5 - Responsible selling: Advertising and pre-sales information: The CIS, [update cl 4.2.2(a)]</p> <p>Chapter 5 - Responsible selling: Advertising and pre-sales information: Advertising offers, [update cl 4.1.3]</p> <p>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Point of Sale, [update cl 4.5.1(b)]</p> <p>pg. 7 compendium.</p>	<p>TCP Code Review: ACCC response to Drafting Committee package 21</p> <p>The ACCC welcomes the inclusion of a requirement in the TCP Code that essential information be provided at critical stages of the sales process, particularly in the CIS, in advertising, and at the point of sale.</p>			

ACCC	<p>Languages and translation services</p> <p><u>Proposal - requirement to publish information about interpreter/translation services</u></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>pg. 72 compendium.</p>	The ACCC welcomes this proposed approach as a first step.	We consider it could be strengthened by a requirement to provide translated materials in commonly spoken languages other than English.	<p>A new obligation re providing details about interpreting services is included.</p> <p>And clear obligations are included to require that should an RSP actively target particular language groups in their marketing, they provide translations past POS.</p> <p>These provisions should result in the desired consumer outcome (especially when used in conjunction with tools such as google translate). This is consistent with what is required of the energy sector. As noted in our 2023 comment log response, for small providers in particular, it isn't a reasonable impost to require CSPs provide translation of documents into other languages.</p>	New obligation included in relation to information about interpreting services. Obligations in relation to active marketing of services in a language other than English retained and made clearer.
ACCC	<p>Languages and translation services</p> <p><u>Proposal - expand existing obligations for targeted advertising</u></p> <p>Where a CSP has targeted advertising in a language other than English:</p> <ul style="list-style-type: none"> essential information must be provided in that language, and at no cost to the consumer, reasonable assistance must be provided in that language (e.g. support for sales, billing enquiries, credit management). 	The ACCC welcomes this proposed approach.		Noted	new obligations included, per proposal
ACCC	<p>Languages and translation services</p> <p><u>Proposal - include reference to a First Nation's central resource</u></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.</p> <p>We have, therefore, written to the First Nations' Advisory Group (4-10-23) to ask whether they are developing (or might consider developing) such a resource. At the time of writing, no response has yet been received.</p>	The ACCC considers that the telecommunications industry should fund its own central resource for First Nations consumers, rather than relying on the First Nations' Advisory Group to do so.		CA/industry is keen to work collaboratively to developing resources and strategies to address the issues. CA is active in FNDIAG discussions and we are engaging directly with the Department. This is a complicated area and we do not think it is efficient or viable for each industry to attempt to work create collateral or strategies in isolation - not least because this is more efficient and necessary for the FN participants.	n/a
ACCC	<p>Mobile Network Coverage</p> <p><u>Issues set out in the position paper:</u></p> <p>Submissions received claimed information available about mobile network coverage and performance is unclear</p>	The ACCC agrees there is scope to improve information currently being provided by CSPs regarding mobile coverage to better inform consumers purchasing mobile services. We note that coverage maps are based on predicted coverage, and therefore do not necessarily reflect an on the ground experience. In the ACCC's view, the industry should work together and adopt a common set of assumptions in predicting mobile coverage.		<p>Common assumptions are agreed in the AMTA 'Understanding coverage maps' resource, which the Code references.</p> <p>We suggest that technical network coverage issues are further explored through AMTA, as those issues are outside of the TCP Code.</p>	Common assumptions are agreed in the AMTA 'Understanding coverage maps' resource, which the Code references.

ACCC	<p>Mobile Network Coverage</p> <p><u>Proposal - Provide guidance on coverage and update 4.3.1</u></p> <p>The Code will include a guidance note on coverage that explains the existing AMTA2 agreement outlined above and directs CSPs to the AMTA coverage map resource so that CSPs are required to:</p> <ul style="list-style-type: none"> • be specific about which mobile network their mobile service products are associated with; and • provide consumers with the coverage map information relevant to their offer, in the form of a map or a diagram. 	<p>The ACCC notes that some CSPs make overall coverage claims in addition to providing coverage maps. These claims do not necessarily contain the same level of details about the nature of coverage as available on a coverage map, so CSPs must ensure that such broad claims are properly qualified so as not to be misleading.</p>	<p>If a CSP makes a claim about the overall size of their mobile coverage, the ACCC considers they should clearly state whether the coverage is outdoor only, as well as the size for outdoor coverage and external antenna coverage (based on predicted coverage maps) separately, as these could be significantly different.</p> <p>Further, carriers use different methods to predict coverage, so the coverage maps are not readily comparable. The Federal Government is undertaking a National Mobile Audit which is likely to shed some lights on actual performance of the mobile networks.</p> <p>In the ACCC's view, the industry should work together and adopt a common set of assumptions in predicting mobile coverage.</p>	<p>CA suggests that the issue be reviewed again once the audit is complete and appropriately reviewed by AMTA. Any relevant updates to the Code can then be considered in light of those discussions.</p>	<p>The relevant parts to ensure appropriate consumer protection are clearly covered in new clauses in sales process and remedies.</p>
ACCC	<p>Credit Assessment</p> <p><u>Proposal: credit management, debt risk</u></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>	<p>The ACCC supports this proposed approach</p>		<p>Noted</p>	<p>Included in line with proposals in compendium</p>
ACMA	<p>Credit Assessment</p> <p><u>Proposal - outcome of failed credit assessment</u></p> <p>Chapter 6 - Responsible selling: Sales, contracts and credit assessments: Declined credit assessment, [update cl 6.1.2]</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> <p>a. advise the consumer that their credit assessment was declined; and</p> <p>b. provide the consumer with information about alternate telecommunications products that the CSP has determined meet their requirements in accordance with the outcome of the credit assessment.</p>	<p>We note the proposed drafting of cl 6.1.2(1)(a) is still similar to the existing provision - 'advise the Consumer of that outcome'.</p> <p>We have concerns that the proposed revised drafting of cl 6.1.2(1)(b) may encourage CSPs to develop a default list of telecommunications products rather than the customer being offered the best range of alternative products to suit their needs and afforded appropriate choice.</p>		<p>We believe this has been addressed.</p>	<p>see code drafting.</p>
ACCC	<p>pg. 51 compendium</p>	<p>The ACCC considers it essential that consumers be offered products and services that suit their financial circumstances</p>			

<p>ACCC</p>	<p>Customer Service</p> <p><u>Proposal available customer service channels and related information is clearly communicated</u> <u>The Code will include provisions to require that:</u></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>The ACCC supports this proposed approach.</p>		<p>Noted</p>	<p>Included in line with proposals in compendium</p>
<p>ACCC</p>	<p>Customer Service</p> <p><u>Proposal: clear customer service escalation pathways</u> CSPs have at least one contact channel for the consumer that enables the consumer to communicate with a real person in real time, or near real time. This might include phone, or live chat (not bot).</p> <p>CSPs have clear escalation pathways to enable a consumer to speak to a real person. This might be a phone number or similar voice service. Or it might be an ability to request a call back (i.e. an outward-bound voice call from the CSP.)</p> <p>These options would be in addition to ensuring that accessibility requirements are appropriately met. See 'Accessibility' position paper.</p>	<p>The ACCC supports this proposed approach.</p>		<p>Noted</p>	<p>Included in line with proposals in compendium</p>

ACCC	<p>Customer Service <u>Proposal - new requirement in relation to case management</u> 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 between repetition of the issue and wait time (noting that warm transfers may cause delays). <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. pg.55-56 compendium.</p>	The ACCC supports this proposed approach.		Noted	Included in line with proposals in compendium
ACCC	<p>Customer Service <u>Proposal - clearer requirement about the management of the ongoing relationship with a customer</u> 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. 	The ACCC supports the intent of this proposed approach.		Noted	Included in line with proposals in compendium

<p>ACMA (Payment Feedback)</p>	<p>In relation to above</p> <p>The proposed drafting presented at 2 requires that all CSPs offer at least 2 fee-free methods of payment, with at least one of these to be a manual method of payment. To ensure clear drafting, we have chosen to use the terms 'manual payment' and 'direct debit' and have defined both.</p> <p>The obligation to ensure flexibility for direct debit payments has been retained. However, the drafting proposed in the December package has been amended in light of the new included obligation noted above, as well as to accommodate/reflect the new Financial Hardship Standard.</p> <p>The proposed drafting does not explicitly include clauses to require flexibility for other methods because it is unnecessary to do so; flexibility is an intrinsic character of all manual and other payment options.</p>	<p>Fee-free payment methods</p> <p>The proposed drafting to include at least two fee-free payment methods, including a manual payment process that the customer initiates meets the ACMA's key concern that direct debit payments must not be the only fee-free payment type to be offered. The examples of possible manual payments shown should include both electronic and in-person methods.</p> <p>Direct debit flexibility</p> <p>The drafting around flexibility for direct debit payments (presented at 2(3)) has changed since the 14 December 2024 drafting package. Where previously direct debit customers could choose to nominate a date for their direct debit and choose either a payment frequency (fortnightly or monthly) or reasonably defer a payment without penalty, these three measures are now presented as single options (there is an "or" between each). This appears to reduce the original 14 December drafting flexibility. We consider that the original level of flexibility should be retained.</p>	<p>Fee-free payment methods</p> <p>Cash payments are included in the definition but other examples such as 'over the counter' payments Australia Post outlets should also be added for clarity.</p> <p>Direct debit flexibility</p> <p>The ACMA is concerned that the original reference to customers being able to exercise direct debit flexibility "at no cost" (page 084 of the 14 December 2024 package) has been lost. We consider that this should be returned to the drafting for clarification.</p> <p>There also needs to be sufficient time to allow customers to alter their direct debit arrangements to exercise these flexibility provisions (such as to temporarily defer a payment). The payment methods section drafting is silent on this issue.</p>	<p>refer to comments in the May Package Cover Letter Addendum.</p>	<p>further examples included as suggested</p>
<p>ACMA (Payment Feedback 3 April 2024)</p>	<p>Payment options in Critical Information Summaries (CIS)</p> <p>This is in relation to cell 56D above</p> <p>How it has been addressed by DC is below:</p> <p>The proposed drafting presented at 1 (in the new drafting):</p> <p>i) requires that the CIS clearly identify the fee-free payment methods offered (i.e. those without additional charges imposed by the CSP), and</p> <p>ii) provides flexibility for providers to include details of any other (non-free) payment methods through some other means (e.g. through a link on the CSP's website) rather than in the CIS.</p>	<p>We note that there is limited space available on CIS. It would be reasonable that only fee-free payment options and details must be included on a CIS. This is the most important payment method information so it should be prominently shown to customers. Details of other payment types and associated fees may be in a CIS but we agree that they could also be on a service provider's website or other easily accessible location. If this information is not included in a CIS, then the CIS must still have clear directions to allow customers to easily find it. This requirement should also be clearly and enforceably drafted. The current proposed drafting has a 'For clarity' note saying that details of such payment options "may be provided outside the main body of the CIS. For example, on the CSP's website", but this does not provide enforceability. Code drafting around the sales process will also need to ensure that customers are advised of the fee-free payment methods available and the details of any non-fee free payment methods, regardless of channel used (e.g. online, phone, in store).</p>	<p>n/a</p>	<p>Addressed.</p>	<p>6.1.5.CSPs must provide the customer with information about payment methods prior to a sale, including information about fee-free payment methods. [new]</p>

<p>ACCC</p>	<p>We agree with the intent – to provide as much transparency on key points as possible. However, putting all the proposed detail in the CIS is problematic; the CIS is designed to be a summary document of key information, and must be no more than 2 pages long. Where multiple paid payment methods are offered (in addition to fee-free ones), there may not room to add full details within the CIS without increasing its length beyond the maximum 2 pages. Including pricing details in the CIS itself also creates challenges in keeping the CIS up to date and makes key points harder to find - the intent and focus is to ensure that consumers are clear about:</p> <p>(1) what's included (without additional cost); and</p> <p>(2) whether there are any other payment options available (and if so, at what cost)</p>	<p>In our view, the code must require all fee-free payment options offered by a CSP to be included in the CIS, so we are supportive of this proposal by the DC.</p> <p>However, we consider that all options and charges should be specified in the CIS so that consumers can make an informed choice. Consumers can only understand payment options if they are made aware of them.</p>	<p>Drafting note at 1. Amendment to the CIS (chapter 5) says, 'For clarity: Where applicable, details of any further payment options offered, and applicable fees, may be provided outside of the main body of the CIS.'</p> <p>The code must require CSPs to include clear directions in the CIS to other payment options that incur fees, where there isn't enough room to include those payment options that incur fees on the CSP's CIS.</p> <p>Irrespective of the sales process (in store, over the phone or online) the code must provide that CSP staff must make consumers aware of fee-free payment methods available and details of any non-fee free payment methods so that consumers can make an informed choice and select the option that best meets the consumer's circumstances.</p>	<p>refer to comments in the May Package Cover Letter Addendum.</p>	<p>see draft code</p>
<p>ACCC</p>	<p>Payment Methods</p> <p>The proposed drafting presented at 2 requires that all CSPs offer at least 2 fee-free methods of payment, with at least one of these to be a manual method of payment. To ensure clear drafting, we have chosen to use the terms 'manual payment' and 'direct debit' and have defined both.</p> <p>The obligation to ensure flexibility for direct debit payments has been retained. However, the drafting proposed in the December package has been amended in light of the new included obligation noted above, as well as to accommodate/reflect the new Financial Hardship Standard.</p> <p>The proposed drafting does not explicitly include clauses to require flexibility for other methods because it is unnecessary to do so; flexibility is an intrinsic character of all manual and other payment options.</p>	<p>The ACCC has concerns.</p> <p>We understand the Code will require there be at least 2 fee-free payment options for consumers. One non-direct-debit (manual) option, and one other option, which may be direct debit. At a high level we do not have concerns, however, we remain concerned about the details of the proposal.</p> <p>We understand direct debit flexibility to firstly require the CSP to allow changes to the timing of the direct debit multiple times, but not every billing cycle. This may place too much discretion in the hands of the CSP to refuse changes of timings, and would benefit from more specificity and clarity of drafting. It is unclear, for example, whether CSPs are required to act reasonably in allowing or disallowing changes of direct debit times, or whether they merely need to allow changes more than once.</p> <p>Changes from one payment method to another should be at no cost to the consumer.</p>		<p>Guidance deleted as it clearly didn't provide the desired clarity. Please review and consider in full context</p>	<p>Guidance deleted as it clearly didn't provide the desired clarity. Please review and consider in full context</p>
<p>ACMA (Payment Methods 3 April 2024)</p>	<p>Payment methods</p> <p>The proposed drafting presented at 3 (part 2) requires 3 working days' notice (of upcoming DD)</p>	<p>Three working days (which may be three consecutive calendar days) is an insufficiently short time for customers to register the reminder message, check their funds and put money in their direct debit account if needed.</p>	<p>We consider that a reminder notice should be sent to customers at least 5 working days prior to a direct debit of a customer's account, to afford more robust consumer protections.</p> <p>The reminder notice needs to include the payment amount due to be an easy and helpful aid for customers. The reminder notice should not send customers to another place to try to find the amount of their upcoming direct debit, as would be permitted</p>	<p>Refer to comments in the May Package Cover Letter Addendum.</p>	<p>drafting kept as proposed in March package</p>

ACCAN	<p>Payment Methods</p> <p>[partial updated 5.7.1(a)] A CSP must provide a reminder notice to a customer paying by direct debit at least 3 working days in advance of the debit. This must include</p> <p>a. the payment date; and b. information about the debit amount</p>	ACCAN supports in principle the partially updated 5.7.1(a) drafting with respect to the requirements for CSPs to provide a reminder notice to a customer paying by direct debit at least 3 working days in advance of the debit. ACCAN would support equivalent reminders through established communication channels for consumers choosing to pay via manual payment methods to facilitate continuous and undisrupted telecommunications connectivity for those consumers. ACCAN	noted	we note the suggestion that a clause be included for reminders that customers paying manually be sent a payment reminder, but do not consider that this is appropriate for a code requirement, as the intent of the code is to add consumer protections where they are required. It is in CSPs' interest to let a customer know that their plan is up for renewal so seems unnecessary to introduce a regulatory	no change
ACCC	<p>Payment Methods</p> <p><u>Proposal – update and simplify requirements relating to all direct debit payments in cl 5.7.1</u></p> <p><u>Proposal – new/extended requirements around notifications to remind consumers of impending direct debits</u></p> <p>The proposed drafting presented at 3 (part 2) requires 3 working days' notice</p>	<p>The ACCC has concerns.</p> <p>The ACCC considers that 3 days' notice is insufficient. Given Communications Alliance's advice it can take up to 5 business days' notice to adjust for a direct debit from a bank account, this should be the minimum timeframe.</p>			n/a
ACCC	<p>Payment Methods</p> <p><u>Proposal – update and simplify requirements relating to all direct debit payments in cl 5.7.1</u></p> <p><u>Proposal – new/extended requirements around notifications to remind consumers of impending direct debits</u></p> <p>Clarity note 1 – reminder notices do not apply to customers that have opted out of notifications.</p>	<p>We also have concerns regarding the 2 'clarity notes' Communications Alliance has provided regarding this proposal.</p> <p>We will need to see the drafting to confirm what is meant here, but we would be concerned if consumers could not separately opt out of usage, marketing or promotions etc notifications, and payment reminder notifications.</p>		We don't believe this is a concern when the drafting is read in full context.	n/a
ACCC	<p>Payment Methods</p> <p><u>Proposal – update and simplify requirements relating to all direct debit payments in cl 5.7.1</u></p> <p><u>Proposal – new/extended requirements around notifications to remind consumers of impending direct debits</u></p> <p>Clarity note 2 – information about the direct debit amount can be provided directly in the notification or by referring the consumer to a self-service mechanism (e.g. app, online account or automated phone service)</p>	<p>We also have concerns regarding the 2 'clarity notes' Communications Alliance has provided regarding this proposal.</p>	<p>We consider that all relevant information (the payment date and amount) should be within the reminder notice itself, not via a reference or link to some other location. The suggested approach of referring a consumer to a self-service mechanism puts the onus on the consumer to themselves seek out the information the CSP should be communicating to them.</p>	<p>Providing the full details within the notification may not be possible for all account types from a practical systems perspective because it may not capture discounts, waivers and credits, which are generally applied on the day the amount due is debited.</p> <p>Refer to comments in the May Package Cover Letter Addendum for further explanation.</p>	no change
ACMA (Payment Methods 3 April 2024)	<p>Payment Methods Payment Methods</p> <p><u>Proposal – update and simplify requirements relating to all direct debit payments in cl 5.7.1</u></p> <p><u>Proposal – new/extended requirements around notifications to remind consumers of impending direct debits</u></p> <p>Chapter 8 – Billing and payments: Direct debit payments (updated and extended cl. 5.7.1)</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> <p>e. must ensure that a Customer, can readily cancel a direct debit authorisation through a simple mechanism;</p> <p>DC Comment</p>	<p>We understand that 7 working days before re-trying a direct debit could stretch out to a significantly longer period and could extend well after the original due date. It could also potentially run into the time of reminder notices to customers on a fortnightly payment cycle for their next payment, and becoming confusing.</p>	<p>An acceptable arrangement would be to adopt 5 working days before a direct debit re-try. This would be logically consistent with the reminder notice period for upcoming direct debits described above and allow reasonable time for customers to react to a failed direct debit.</p> <p>The drafting should also clarify that the period of time referred to is the time commencing when the customer is notified that the direct debit has failed, not from the date of the failed direct debit, which may be a shorter timeframe.</p>	<p>We maintain that 3 working days is appropriate for all the reasons documented in the March response. It is not in the consumer's interest for this to stretch out to 5 working days, which can, in practice, be considerably more. We will use practical examples to explain this at the 4 June RC meeting and can provide further information subsequently to the ACMA, as required.</p>	<p>3 days' requirement remains unchanged - for explanation at RC meeting.</p> <p>Drafting updated to require that any reattempt is 3 days after the notification of failure, as suggested.</p>

ACCC	The proposed drafting presented at 4 now specifies a 3 working day minimum timeframe within the clause, rather than in guidance.	<p>The ACCC has concerns</p> <p>More specificity is needed around the required 'simple mechanism' to cancel or update a direct debit, as this term is currently vague and may be interpreted differently across CSPs.</p>	This mechanism should ideally involve both an online mechanism and a phone line, both of which are easy to access and use. Otherwise, a theoretically simple mechanism could be unusable for some customers, particularly more vulnerable consumers.	We note that there are provisions for potentially vulnerable consumers throughout, which should provide the appropriate means for the vulnerable customers.	drafting changed of 'readily verify'. We note that there are provisions for potentially vulnerable consumers throughout, which should provide the appropriate means for the vulnerable customers.
ACCAN	<p>Payment Methods <i>Proposal – new requirement relating to failed Direct Debits Chapter 8 – Billing and payments: Failed direct debit payments (new clause)</i> 1. CSPs must: [new]</p> <p>a. promptly notify a customer if a direct debit fails;</p> <p>b. inform the customer of the timeframe for any re-attempt of the direct debit (prior to making the re-attempt); and</p> <p>c. provide at least 3 working days before re-trying the direct debit</p>	ACCAN supports in principle the revised drafting with respect to the new requirement for failed direct debit payments. ACCAN considers that in communications with customers regarding direct debit failures, CSPs should be required to communicate with the customer their options under Chapter 2(3) to further assist consumers with managing direct debit payments. Consumers who are made proactively aware of their options to manage direct debit payments are more likely to utilise the payment option.		noted.	
ACMA (Payment Methods 3 April 2024)	<p>Payment Methods <i>Proposal – remedies for direct debit errors Remedies in relation to payments would remain (5.7.1(g)), but with clearer guidance about 'appropriate action'.</i></p> <p>Chapter 8 – Billing and payments: Remedies for direct debit errors (updated 5.7.1(g))</p> <p>1. If the amount of a Direct Debit is incorrect, the CSP must inform the customer of their right to a refund and provide a full and timely refund of any excess amount paid; unless the customer nominates a preference for another appropriate action as a remedy in place of a refund.</p> <p>Guidance: other appropriate action as agreed with the customer.</p> <p>The customer has a right to a refund so other alternatives must not be presented as remedies as such, but only as alternatives to a refund. Alternatives, that a customer might prefer could include a credit applied to the account; extra data; gift card.</p> <p>CSP should align the timeframe for processing a refund with the timeline for resolving a complaint under the Complaints Handling Standard i.e. 15 working days, noting that there will also be some dependency on bank processing times.</p> <p>pg. 86-87 compendium.</p>	<p>Re-drafting of the requirements for remedying direct debit errors is still unclear and contains several changes and omissions that are concerning.</p> <p>The drafting, "unless otherwise agreed" at the end of 5(1) does not specify who must agree. This clause also does not make it clear that customers must be made aware that they can choose to get a refund and do not have to agree to another remedy.</p> <p>Drafting at 5(2) is limited to residential customers, rather than all customers covered by the TCP Code. This may have been unintentional but, we consider that the word 'residential' should be removed to avoid doubt.</p> <p>There is now no indication or guidance of what remedies may be agreed to in place of a refund. Crediting the customer's account with the refund amount would be acceptable. Remedies such as gift cards, movie tickets or extra data are considered not an appropriate equivalent to refund. The drafting also needs to include a reasonable timeframe for when a refund (or credit if a customer consents to it) will be provided to the affected customer.</p>		<p>drafting updated to address the issues raised.</p> <p>Timeframes are included in relation to the CHS, noting that they are also dependent on factors outside of the CSP's control, e.g. banking. They are therefore noted in the guideline rather than in a clause</p>	

<p>ACCC</p>	<p>DC Comments We agree that the drafting was not clear and that the alternatives must not be presented in a way that confuses a customer about their right to a refund. We have revised the clause accordingly.</p> <p>Revised to make the customer's right to a refund clear. See proposed drafting presented at 5.</p>	<p>The ACCC has concerns. This needs further drafting for enhanced clarity. It should be clear that consumers are entitled to a refund and should not be penalised for not accepting other remedies (e.g., there is no reason to allow CSPs to encourage or require any consumers to nominate another action as a remedy, nor to penalise any if they do not do so).</p> <p>CSPs should face some form of penalty (beyond the refunding of the additional money taken) in order to disincentivise overcharging through direct debit errors.</p> <p>Further, we do not think there should be a limitation to 'residential customers' when requiring a CSP to not penalise a customer if they do not nominate a remedy other than a refund. This should instead be 'consumers' (which would cover small businesses as well).</p>		<p>residential removed. Also see above</p>	<p>residential removed. Also see above</p>
<p>ACCAN</p>	<p>Same as above</p> <p>5. Clearer requirement for remedies in relation to direct debit payment errors (Chapter 8)</p> <p>1. Where it is identified that the amount of a direct debit is incorrect, the CSP must provide a full and timely refund of any excess amount debited, unless otherwise agreed. [5.7.1(g)]</p> <p>2. CSPs must not: [new] a. encourage or require a residential customer to nominate another action as a remedy; and b. penalise a residential customer if they do not nominate another action as a remedy</p>	<p>ACCAN supports in principle the drafting of (5) Clearer requirement for remedies in relation to direct debit payment errors.</p>		<p>noted</p>	
<p>ACCAN</p>	<p>Chapter 8 New Clauses requiring 2 fee-free payment methods, and flexibility</p> <p>1. CSPs must offer a manual payment method that is fee-free. 2. CSPs must offer at least one other payment method that is fee-free. 3. Where a CSP offers a direct debit payment option, it must reasonably allow the customer to: a. choose a recurring payment date or payment cycle; or b. choose a payment frequency option (e.g. fortnightly or monthly); or c. temporarily defer a payment without penalty</p> <p>for clarity: Options 3a and 3b are designed to provide the customer the flexibility to, for example, align their direct debit payments with their pay cycle. Option 3c is designed to assist customers needing to manage updates to credit card information, banking information, or similar. It is aligned with the Financial Hardship Standard definition of options for assistance, 'temporarily postponing, extending or deferring the time for paying a bill', with the additional protection to ensure no penalty is applied.</p>	<p>ACCAN supports in principle the revised clauses of the draft TCP code payment methods.</p> <p>ACCAN supports in principle the updated drafting with respect to the clear identification of the payment options available that are fee-free in the CIS.</p> <p>ACCAN welcomes the changes made to chapter 8 of the revised TCP code draft with respect to the new clauses requiring telecommunications providers to offer two fee free payment methods and flexibility. As drafted, these new clauses do not allow consumers to choose the fee free payment method which suits their circumstances most appropriately. ACCAN considers that due to the near ubiquitous use of credit and debit card payments in modern financial transactions, that there is merit in updating the Payment methods TCP code drafting.</p>	<p>2. New clauses requiring 3 fee-free payment methods, and flexibility (Chapter 8)</p> <p>1. CSPs must offer two manual payment methods that are fee-free. One of the two fee free manual payment methods offered must be credit and debit card payments. 2. CSPs must offer at least one other payment method that is fee-free.</p> <p>ACCAN considers that this drafting more appropriately reflects the almost ubiquitous nature of credit and debit card payments in the Australian economy. This updated drafting would allow CSPs to expand the range of fee free payment methods they offer and reflect current consumer spending pathways.</p> <p>With respect to Chapter 2 (3), ACCAN considers that A CSP must reasonably allow customers all the supports detailed in 2(3)(a)(b)(c) rather than require CSPs to choose between the direct debit supports they offer to consumers. ACCAN considers that providing consumers with sufficient choice with respect to how they are charged through direct debit would increase the uptake of the payment method and improve consumers</p>	<p>Comments noted. However, proposed amendments are not consistent with other stakeholder views in relation to specifying credit and debit card payment.</p>	<p>n/a</p>

			perceptions of the direct debit supports offered by telecommunications providers without materially impacting how providers receive payments.		
ACMA	Vulnerable Customers	<p><u>General comments:</u></p> <p>'Vulnerable consumers' is not the preferred term and is considered by some to be objectionable/offensive. The preferred terminology is 'consumers experiencing vulnerable circumstances' in recognition that anyone at any time can find themselves in vulnerable circumstances and require assistance. We agree in principle with the proposal and consider it important that CSPs focus on ensuring that consumers have the best possible information, which outlines the options available to them, including the lowest cost options as appropriate to their circumstances.</p> <p>At this point we cannot assess the adequacy of the consumer protections until drafting is provided in the revised TCP Code as a whole.</p>		Updated	updated
ACCC	Vulnerable Customers	<p><u>General Comments:</u></p> <p>The Vulnerable customers position paper sets out that the TCP Code does not provide sufficient protections for consumers in vulnerable circumstances.</p>	<p>There are no specific rules obliging CSPs to:</p> <ul style="list-style-type: none"> • treat all consumers fairly and reasonably, so they are less likely to experience vulnerability and harm when accessing and maintaining communications services, • have policies and processes in place to assist consumers in vulnerable circumstances to gain and maintain access to telecommunications services that meet their needs and circumstances • identify and respond to consumers in vulnerable circumstances. • consider support for consumers experiencing vulnerability in business planning processes. 	Suggest that these concerns are a result of not seeing the whole code, as we have addressed these issues.	Covered throughout the Code.
ACCC	Vulnerable Customers	We are concerned about the characterisation of a CSP's requirement to balance a consumer's 'needs vs wants'.	CSPs should focus on ensuring that consumers have the best possible information, which outlines the options available to them, including the lowest cost options as appropriate to their circumstances	as above	n/a
ACCC	Vulnerable Customers <u>Defintion of FH</u>	<p>The existing TCP Code definition of financial hardship is broader than the suggested guidance definition for a 'consumer in vulnerable circumstance' contained within the Vulnerable Customers petition paper. However, neither the existing nor suggested definitions include low-income consumers.</p> <p>As low income is not included in the existing definition of financial hardship nor in the suggested amended definition of vulnerable circumstances, the benefits currently afforded to consumers in financial hardship will not be afforded to those on low incomes.</p>		Code uses FH Std definition	Code uses FH Std definition
ACCC	Vulnerable Customers	It is critical that the definition of consumers experiencing vulnerability be codified and not just included as guidance.		Suggest that these concerns are a result of not seeing the whole code, as we have addressed these issues.	n/a

<p>ACMA</p>	<p>Vulnerable Customers <u>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.</u> <u>Proposal – new/enhanced obligations in relation to CSPs' organisational culture and policies.</u> Chapter 3 – Organisational Culture and Governance: Policies and supporting materials [new] <u>Proposal – new/enhanced obligations in relation to CSPs' training arrangements.</u> Chapter 3 – Organisational Culture and Governance: Staff training – company-wide [new] Chapter 3 – Organisational Culture and Governance: Staff training – specialist staff [new] Chapter 4 - Supporting the Consumer: DFV-support training requirements [new] <u>Proposal – new/enhanced obligations in relation to CSPs' governance arrangements.</u> A requirement to demonstrate executive or senior management oversight of the development, implementation and appropriate review of policies, procedures and code compliance arrangements. Chapter 3 – Organisational Culture and Governance: Governance [updated and strengthened 3.3.1] pg. 98-100</p>	<p>We support the proposal to enhance prominence and focus on meeting the needs of consumers in vulnerable circumstances throughout the Code and in particular through an early code chapter on 'supporting the consumer.'</p> <p>Very little drafting has been provided. We note a lot of drafting in this position paper is DFV focused and that while a very important area for consumer protection focus, victim survivors of DFV are a subset of the vulnerable consumer cohort.</p> <p>While the proposals to enhance CSPs' organisational and cultural policies are welcome, we note the narrow scope in the sample drafting.</p> <p>We have concerns with proposed obligations that CSPs are to have regard to unenforceable guidelines.</p>	<p>Low-income customers are not among the kinds of customers who could be considered as being in vulnerable circumstances. We suggest that this cohort be included in vulnerable customer provisions as well.</p> <p>It is critical that the definition of consumers experiencing vulnerability be codified and not just included as guidance.</p>	<p>Guideline references have been reviewed to address that concern. Clauses have been written with enforceability in mind. Suggest that these concerns are a result of not seeing the whole code, as we have addressed these issues.</p>	<p>see comment.</p>
<p>ACCC</p>	<p>Vulnerable Customers <u>Proposal – new/enhanced obligations in relation to CSPs' organisational culture and policies.</u> 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. This might be demonstrated through: This might be demonstrated through, for example: pg. 100 comepndium.</p>	<p>The ACCC considers that CSPs must, rather than 'might' demonstrate that their organisational culture supports consumers experiencing vulnerability.</p> <p>We further consider it critical that these TCP Code provisions be drafted in such a way that the provisions are specific, measurable, and enforceable.</p>		<p>We have tightened all drafting to ensure it's specific, clear and enforceable, etc. See also chpt 10. The specific concern about the use of an example appear to be a misinterpretation of drafting not seen in full context - the requirement to appropriately support consumers experiencing vulnerability is clear. There is flexibility to accommodate for different business models, but assessable, clear requirements for compliance checking through policy review (internal reviews; through external audit; or on demand by ACMA where there's a problem).</p>	<p>Some minor wording tweaks but see comment.</p>

ACCC	<p>Vulnerable Customers <u>Proposal - new/enhanced obligations in relation to CSPs' training arrangements.</u></p> <p>pg. 100-101 compendium</p>	The ACCC considers commencement and annual refresher training for all staff, as well as for specialist staff working with consumers experiencing vulnerability, to be a positive step. However, the TCP Code should also require that training occur after any revisions to the Code and/or the introduction of or change to other regulatory protections for consumers.		<p>Clause included in chpt 3 under monitoring and review for Code requirements</p> <p>Other instruments appropriately cover their own training requirements.</p>	new clause added: A CSP must have processes to review the effectiveness of training associated with TCP Code compliance and make relevant changes as required.
ACCC	<p>Vulnerable Customers <u>Proposal - new/enhanced obligations in relation to CSPs' governance arrangements.</u></p> <p>A requirement to demonstrate executive or senior management oversight of the development, implementation and appropriate review of policies, procedures and code compliance arrangements</p>	The ACCC agrees that CSPs must have appropriate executive oversight, preferably at CEO level, regarding policies and supporting materials which support consumers experiencing vulnerability. The ACCC also considers that regular reporting to the CSP's board is desirable.		noted	appropriately covered in governance
ACCC	<p>Domestic and Family Violence</p> <p><u>Issue set out in position paper:</u> Protections for consumers experiencing domestic and family violence (DFV) are not mandatory</p>	As outlined in our June 2023 submission to the initial TCP Code consultation, the ACCC agrees that the absence of mandatory protections for consumers experiencing domestic and family violence is a key issue. We welcome and support codification of protections for consumers experiencing domestic and family violence in the revised TCP Code.	We have one specific comment on the proposed definition of domestic and family violence. We consider that the definition should be expansive rather than limited, and would benefit from a caveat applied to any examples given that the example does not limit the interpretation of what domestic and family violence might entail.	<p>Noted. The Code makes provisions mandatory, in line with commitments made when the Guideline was drafted.</p> <p>The definition in the draft Code is from the Guideline. This definition was carefully crafted after many, many months consulting with experts. Read in context, we believe this is properly drafted.</p>	n/a
ACMA	<p>Supporting consumers affected by domestic and family violence <u>Proposal - protection from disconnection</u> <u>Introduce a requirement to protect consumers affected by DFV from being disconnected.</u> Chapter 9 - Credit management, debt management and disconnection: Protecting DFV-affected consumers from disconnection [new]</p>	While the guidance note provides clarity for CSPs, consumer protections could be strengthened by uplifting material into code provisions.		Drafting of entire code reviewed for clarity in terms of guidance vs provisions vs examples vs further resources	see comment
ACMA	<p>Supporting consumers affected by domestic and family violence <u>Proposal - staff training</u> Chapter 3 – Organisational Culture and Governance: Staff training – company- wide [new] 1. CSPs must provide company-wide staff training to support compliance with Code obligations, including: 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: Chapter 3 – Organisational Culture and Governance: Staff training – specialist staff [new] Chapter 4 - Supporting the Consumer: DFV-support training requirements [new] 1. When developing DFV training for specialist staff, CSPs must have regard to, the Industry Guideline G660: Assisting Consumers Affected by Domestic and Family Violence. pg. 62-64 compendium</p>	<p>While the proposed DFV-support training requirements appear well-intentioned, we note enforcement issues where drafting requires CSPs to 'have regard to' the unenforceable Industry Guideline G660: Assisting Consumers Affected by Domestic and Family Violence.</p> <p>The guidance note to Ch 4 DFV-support training requirements refers to a list of DFV training providers in Appendix 3 (as does the Stakeholder feedback comment log – p.199). However, Appendix 3 has not been provided.</p>		Drafting of entire code reviewed for clarity in terms of guidance vs provisions vs examples vs further resources.	see comment

ACCC	Chapter 4- Supporting the consumer	As a general comment, we expect that All CSP staff interacting with consumers will be trained to provide information that is clear, accurate, and accessible to consumers, and that all CSPs will assist consumers, upon request, to access translated documentation or translation services. This section is an example of where interactions between chapters and provisions are important, as the effectiveness of information provision and support for customers interacts strongly with selling practices.		noted	
ACMA	Supporting consumers affected by domestic and family violence <u>Proposal - access to support and evidence</u> Chapter 7 - Customer service and support: Access to support and evidence – DFV-affected consumers [new] p. 65 compendium	We agree with the proposal to limit the amount of information CSPs request from DFV-affected consumers and retain to the minimum required to meet legal or regulatory obligations. .	The provision would be strengthened by a limitation of time for which the minimum amount of information is retained by CSPs	Drafting change has been made to tie retention more clearly to regulatory obligations. We welcome further feedback about whether this has addressed concerns adequately - or if not, suggestions about how to address the issues appropriately	See comment.
ACCC	Accessibility <u>Issue listed in position paper:</u> The Code: <ul style="list-style-type: none"> • does not contain general requirements to make consumer information available in an array of accessible formats. • does not require CSPs to consider accessibility issues when designing products or services. • is out-of-date and inaccurate in its referencing of WCAG 	The ACCC welcomes the proposal to update the TCP Code to clarify CSP obligations in relation to accessibility, and considers this should extend also to plain English information requirements.		noted - we believe it is now covered as proposed.	
ACMA	Accessibility <u>Proposal – increase prominence and understanding of accessibility requirements in the Code through new headings and linked guidance.</u> <u>Sample drafting</u> Chapter 4: Supporting the Customer - effective communication [updated 3.2.2, 3.4.2, 4.5.2]. 3. CSPs must ensure that frontline staff are: a.appropriately trained and resourced to assist customers (including those with a disability) (updated 4.5.2); b.trained to recognise and interact appropriately and effectively with disadvantaged and vulnerable consumers (updated 3.4.2); <u>Guidance - Effective Communication</u> <u>Guidance - resources and training</u>	We will need to see the final draft provisions in order to assess the adequacy of consumer protections afforded. For example, in requirement #3(a). The drafting uses the word 'appropriately' – this is subjective and could present difficulties when considering enforcement action in cases of consumer detriment.	Suggest moving the material in the Guidance box about what constitutes plain English into Code clauses We consider obligations would be clearer and easier for CSPs, especially smaller CSPs, to implement if one particular guide was identified. Guides for those with a disability / deaf / seniors / vulnerable consumers are self-explanatory. Suggest a guide for those who are vision impaired is missing – noting reference to a guide for the deaf community is included.	The Guidance box material has been moved into a clause and is clearly defined. We believe this addresses the first concern. We would welcome a suggestion about a specific guide to reference for the vision impaired. Further comments on exactly how issues be realistically managed are also welcome for the next iteration (once you see drafting in context).	

ACMA	<p>Accessibility <u>Proposal – CA to draft a guideline on accessibility.</u> This would provide more detail on expectations, including in relation to inclusive design, and links to relevant references. CA proposes to develop the guideline after Code registration, to allow it to appropriately reference expected new guidance on the DDA.</p> <p>pg. 29 compendium</p>	<p>A guide on inclusive design would be appropriate. Staff need to see the detailed drafting in order to assess the benefit of the proposed accessibility guideline and any interaction with TCP Code provisions.</p>		<p>A reference to any CA developed guidance would be included as an amendment of the code, as it obviously cannot be included until that guidance is drafted. Further, it makes sense for that guidance to be developed in light of the expected new guidance on the DDA by the HRC (which were advised was due around mid 2024). In the interim, a note on inclusive design and other resources is included.</p>	<p>see comment, left</p>
ACCC	<p>Code Structures, measures of success and reporting <u>Issues set out in position paper:</u></p> <ul style="list-style-type: none"> • There are minimal reporting obligations in the current Code regarding customer service metrics, making it difficult for regulators and consumers to readily access information about the industry's compliance and performance with Code obligations; the existing framework for complaints in context reporting is helpful but solely focuses on TIO complaints. • Additionally, current Code provisions lack clarity, making it difficult both for industry to ensure compliance and for regulators to assess it. • Finally, submissions suggested insufficient knowledge or understanding of the independence and value of the independent attestation process to drive compliance by industry. 	<p>The ACCC welcomes the introduction of metrics that would measure CSP adherence to TCP Code outcomes, expectations, and rules. We consider these metrics should form part of annual compliance reporting under the TCP Code.</p>	<p>However, we consider more is needed to assist in driving the necessary culture of compliance, namely sanctions for non-compliance and compulsory obligations regarding:</p> <ul style="list-style-type: none"> • requirements regarding independent audit of compliance • processes to remedy non-compliance. 	<p>Requirements are clearly detailed in chapter 10. (written in consultation with CommCom)</p>	<p>see comment, left and refer to comments in May cover letter addendum.</p>
ACMA	<p>Code Structures, measures of success and reporting</p> <p>Further Detail - Attestation</p> <p>pg. 24 Compendium</p>	<p>We consider that the current Attestation process can be improved to address inherent weaknesses in it. Currently, the Attestation process provides significant scope for CSPs to have systems and processes in place to support partial compliance for an ongoing undetermined time, provided they have provided the appropriate Chapter 10 documentation. The Code compliance provisions require large suppliers to provide a statement of independent assessment by an external qualified assessor to provide assurances about the supplier's compliance program. This assessment of the compliance program is only required once.</p>	<p>A best practice compliance approach would include periodic assessment, at least every 2 years, by an external qualified assessor.</p>		
ACCC	<p>Code structure and summary of chapters</p>	<p>This section discusses the structure of TCP Code Chapters 3-10. It sets out that each of these chapters is designed to be prefaced with:</p> <p>Outcomes Expectations Rules Measurement of Success (MoS)</p>	<p>We support the inclusion of each of these points. However, we highlight an issue with the proposed measurements of success. We note that measurements of success included throughout the draft structure document are often intangible. We consider that measurements of success should be focused on tangible outcomes, because they otherwise lack enforceability. We consider that further clarity could be achieved by the provision of more concrete examples for each chapter's expectations and rules.</p>	<p>We have received mixed messaging on the inclusion of examples and guidance - we think we have reached an appropriate balance but invite feedback on it as we progress.</p>	<p>see comment, left</p>

ACCC	<p>Consumer Issues not addressed by the DC Barriers to consumers; ability to cancel contracts</p> <p>The Consumer Policy Research Centre noted that the potential harm may be exacerbated or compounded for those consumers already experiencing circumstantial vulnerabilities, such as illness or loss of employment, or systemic vulnerabilities, such as lower digital literacy.¹⁰ The ACCC is concerned that forced continuity is becoming ubiquitous. For example, the Consumer Policy Research Centre found that 76% of consumers surveyed had experienced difficulty cancelling an online subscription.</p> <p>In July 2022, following complaints by European consumer protection authorities, Amazon Prime reduced their cancellation process for European subscribers to just two screens/clicks.¹² Further, Germany has recently enacted laws requiring businesses to implement a 'cancellation button' on websites to enable consumers to easily terminate ongoing contracts. This cancellation function is mandatory, and must be legible and clearly labelled.¹³ The Federal Trade Commission in the USA is also currently consulting on similar rules.¹⁴</p>	<p>The ACCC highlights recent international reforms designed to reduce barriers faced by consumers who wish to cancel a subscription or contract. At the heart of these reforms is the reduction or elimination of the practice of 'forced continuity.' Forced continuity refers to design features and website navigation that impede a consumer's ability to cancel or move out of a particular service.</p> <p>Forced continuity can lead to consumers keeping products or services that they no longer want or need, which may cause them financial harm. The ACCC is concerned that forced continuity is becoming ubiquitous.</p> <p>We note that laws requiring that businesses offer simple online cancellation processes have already been enacted in specific cases in Australia. For example, in 2018, the National Consumer Credit Code was amended to allow easier online credit card cancellation options after a Senate Inquiry found that consumers could easily sign up for a credit card but typically had to take multiple complex steps to cancel.¹⁵ We consider it to be concerning that similar rights are not afforded to telecommunications consumers.</p>		A simple cancellation option would be a breach of the Customer ID Auth requirements, as it is counted as a high-risk transaction. Please refer to the May package cover letter for further context and comment.	
ACCC	<p>Consumer Issues not addressed by the DC Lack of notice of impending contract expiry</p>	<p>The ACCC notes that telecommunications service providers generally do not include the contract end date on a bill, and may not notify a customer when their contract is nearing the end date. Consumers may be able to check the end date by logging into an online account associated with their service, or may have to contact customer service to clarify when their contract ends. As raised in our general comments on TCP Code Chapter 8 above, we consider that consumers should be actively advised of an impending contract expiry date. We further consider this should extend to notice of benefit expiry date.</p> <p>We note that since February 2020, the British Office for Communications (Ofcom) has required that telecommunication suppliers provide notice that a contract is coming to an end. Ofcom's research has indicated that these end-of-contract notifications have led to significant consumer benefits in nudging consumers to seek out better deals for the supply of their telecommunications services.</p>	<p>We highlight the ACCC's recommendation made during the Home Loan Price Inquiry regarding prompts which set out how consumers could look for a better offer, and the AER's Better Bills requirement that suppliers include information within bills about the best possible offer currently available to consumers</p> <p>Home Loan Price Inquiry pg. 22-35 Link: https://www.accc.gov.au/system/files/Home%20loan%20price%20inquiry%20-%20final%20report.pdf</p> <ul style="list-style-type: none"> - The Prompt should be provided directly to borrowers - The prompt should communicate the potential benefits of switching in a compelling and personalised way - The prompt should set out the next steps for borrowers - Ensuring the prompt does not create an undue regulatory burden <p>AER Better Bills pg. 19-21 Link: https://www.aer.gov.au/system/files/AER%20-%20Better%20Bills%20Guideline%20%28Version%20%29%20-%20January%202023_0.pdf</p> <p>Part 4 Better Offer</p> <ul style="list-style-type: none"> - Identification of deemed better offer - Deemed better offer check - Retailers to give customers deemed better offer message form and content requirements of deemed better offer message 	Addressed in drafting.	

ACCC	<p>Consumer Issues not addressed by the DC Lack of information relating to the level of early termination fee</p> <p>Early termination fees usually involve the consumer having to pay out the contractual period on a pro rata basis. The current TCP Code includes some rules about early termination fees, which relate to the disclosure of termination fees in communications offers and advertising. These do not include information about the level of the fee.</p>	<p>The ACCC considers the lack of requirement to provide information about the level of a termination fee to be a significant issue. We also have concerns around the lack of requirement to inform consumers if a termination fee is affected by the return of any service equipment that may have been acquired in the course of the service contract.</p>		Addressed in drafting	
ACCC	<p>Consumer Issues not addressed by the DC Opportunity to improve compliance auditing standards</p> <p>Section 10 of the TCP Code sets out requirements for Code compliance and monitoring. These requirements differ depending on the size of the supplier. The requirements are less onerous for small suppliers with fewer than 3,000 services in operation, and more onerous for large suppliers with more than 100,000 services in operation.</p>	<p>The ACCC highlights two issues with the current Code provisions. We note that Chapter 10 requires telecommunications suppliers to report annually on their compliance with the Code, and allows suppliers to identify that they are only partially compliant with the Code and submit a compliance attestation to that effect. However, there is no limit on the number of occasions on which a telecommunications supplier can report being partially compliant. We consider repeated non-compliance relating to the same conduct or issue should be addressed in the enforcement framework</p> <p>Secondly, we note that the Code compliance provisions require only large suppliers to provide a statement of independent assessment by an external auditor to provide assurances about the supplier's compliance program. Further, this independent assessment of the compliance program is only required once. The ACCC considers that a best practice compliance approach would encompass at least biennial independent auditing, and would require that all suppliers who are not small suppliers be subject to the same auditing requirements.</p>	<p>Given the current Drafting Committee proposal to introduce new measures such as outcomes and expectations, we consider there is an opportunity to include these in the course of improving the overall TCP Code compliance auditing standards.</p>	<p>Requirements in chpt 10 have been reviewed and revised and we believe they address the concerns and make it much clear how issues of non-compliance are managed and when and how they will be engaged.</p>	