

PUBLIC CONSULTATION

DRAFT C628:2025: TELECOMMUNICATIONS CONSUMER PROTECTIONS CODE



COMMUNICATIONS
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The [C628:2025: Telecommunications Consumer Protections \(TCP\) Code](#) (the Code) sets out additional customer protection requirements for the interactions between *Carriage Service Providers* (CSPs) and *consumers* in areas where extra protections are required over and above the requirements set out in economy-wide or telecommunications-specific legislation and regulation.

It also provides limited guidance on key *consumer*-related requirements and guidance covered elsewhere.

This consultation draft has been comprehensively updated and revised following an extensive consultation and iterative drafting process that started in May 2023. Information about the process and input to received is available [here](#).

Key changes to this draft Code vis-à-vis the current 2019 Code, include:

- new provisions in relation to responsible selling, including new credit checks requirements.
- clearer and more extensive requirements for information about the impact of cancelling a service where that action might affect other telecommunications goods or services held by the customer.
- a greater focus on protections for vulnerable consumers, including new clauses relating to requirements for managing a deceased customer's account, interpreter service information, and more.
- new requirements in relation to payment methods available to consumers, including requiring that direct debit is not the only fee-free payment method available.
- clearer rules in relation to record keeping to assist compliance and enforcement.
- simplified language throughout.
- restructuring to reduce repetition and to follow the 'customer journey'.

To assist review, information in red square brackets [xxx]:

- references the same or similar clause in the 2019 code; and
- highlights where the rule is new.

Note: Since the review process began, the Government directed the ACMA to draft a Financial Hardship Standard (FHS), which was published in February 2024, and more recently, a Domestic, Family and Sexual Violence (DFSV) Standard. This public comment draft Code has been updated to reflect and align with the FHS. However, as the DFSV Standard has not yet been drafted, Communications Alliance has chosen in this public consultation draft to strikethrough, rather than delete, the new DFV-related requirements that it had proposed. It is anticipated that most of these clauses will be deleted, however, a few may need to be updated to align with the Standard and retained.

COMMENTS NOW INVITED

Your comment is now invited on the draft Code, with feedback due by **28 February 2025**.

Comments are welcome on any aspect of the draft. **However, Communications Alliance would particularly welcome feedback on the questions overleaf.**

You can use the [Submit Comments](#) form to submit your comments via email or [Contact Us](#) for alternative options.

All submissions received will be made publicly available on the Communications Alliance website unless the submitter requests otherwise.

Code chapter	Question	Question primarily relevant to:
All chapters	<p>1. Are there any definitions or specific clauses that are not clear? Please provide details.</p>	All stakeholders
Chapter 2, General	<p>2. Recognising that there will be limited flexibility to extend general implementation timeframes, are there areas, in addition to those listed at 2.1.4, that you believe require delayed implementation?</p> <p>For example, will you be able to make the required updates to the CIS within 3 months of the Code being registered with the ACMA, or might this require a delayed implementation (6 months)?</p>	CSPs
Chapter 2, Record Keeping	<p>3. Clauses associated with data retention have been consolidated and clarified to attempt to address various (often conflicting) stakeholder feedback.</p> <p>Are the requirements clear, and do you have any concerns or comments?</p>	All stakeholders
Chapter 4, Supporting the Consumer	<p>4. A new definition (Authorised estate representative) and new clauses have been included in the draft Code (section 4.5) to facilitate the management of a deceased customer’s account.</p> <p>There may be some conflicts between the requirements in clause 4.5.1 and those in the Telecommunications Service Provider (Customer Identity Authentication) Determination 2022.</p> <p>The ACMA is currently consulting on possible changes to that Determination in January 2025. This clause will be reviewed as required in light of those discussions.</p> <p>4 (a) Do you have concerns about such conflicts?</p> <p>4 (b) Do you have any other comments about the proposed requirements?</p>	CSPs (all)

<p>Chapters 5, 6, Responsible selling</p>	<p>5. Rules in relation to responsible selling in chapters 5 and 6 have been substantially strengthened in response to stakeholder feedback, particularly to address concerns about responsible sales incentive structures (section 6.1) and expectations about remedies.</p> <p>Are the requirements clear? And do you have any concerns or comments?</p>	<p>All stakeholders</p>
<p>Chapter 6, Responsible selling</p>	<p>6. Credit assessment requirements at 6.2 have been substantially strengthened to increase consumer protections. These clauses require an affordability check, with an external credit check required when a customer could be liable for a debt of over a specified amount.</p> <p>There may be unintended consequences if the threshold for external credit checks is too low, however, and it is unclear whether the balance between responsible service provision and accessibility as presented currently is right, noting that:</p> <ul style="list-style-type: none"> - running a credit check on a consumer will create a record on their credit file which may impact their ability to obtain credit in the future (including for other third parties) and/or the cost of that credit. - consumers without a credit score would be locked out of post-paid services/payment-over-time arrangements. - consumers not able to make use of a plan arrangement to, for example, buy a device interest-free over time, may be driven to more expensive forms of credit, or pawn brokers. - existing customers with a long record of paying on time, etc, may complain about poor customer service experience if asked for what they consider an unnecessary external credit check. <p>6 (a) As highlighted in the draft, the proposed trigger for an external credit check for a NEW customer is that the potential for a debt owed is over \$150. Is this a reasonable threshold? Why/why not?</p> <p>6 (b) Is the proposed threshold of \$2000 for new or existing small business customers reasonable? Why/why not?</p> <p>6 (c) Is the proposed threshold of \$1000 for an external credit check for existing customers reasonable? (This reflects the current, 2019, Code requirements). Why/why not?</p> <p>6 (d) Any other comments or concerns about the proposed credit check requirements?</p>	<p>All consumer groups</p> <p>CSPs</p>

<p>Chapter 7 – Customer service and support</p>	<p>7. The Code requires CSPs to notify customers of CSP-initiated changes to a customer’s telecommunications service contract that are detrimental (7.2.2 and 7.2.3 (a) and (b)). This rule reflects the Australian Consumer Law (ACL) requirements.</p> <p>Some stakeholders have suggested that the requirement should be to inform consumers of ALL changes, whether detrimental, neutral or positive, to remove possible subjectivity in the assessment of whether a change is detrimental.</p> <p>The counter-argument is that a requirement to require customers be notified of all changes not result in better consumer outcomes because:</p> <ul style="list-style-type: none">- the risk to the consumer is with detrimental change, not positive change.- CSPs are usually very keen to inform customers of positive changes (it’s good marketing), but would usually do so just before, or at the time of a change being made, allowing customers to understand very quickly that the change is favourable (rather than calling the CSP to check).- there is a risk of ‘the cry wolf effect’ if the requirement is too broad; that is, that customers will not focus on detrimental notices if they are told of positive or neutral changes every time. <p>Considering the different perspectives, do you consider the current drafting appropriate? Why/why not?</p>	
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