



Review of the Telecommunications Consumer Protection Code

Via: info@commsalliance.com.au

28 February 2025

Dear Mr Coleman

We are writing to you on behalf of the First Nations Digital Inclusion Advisory Group (the Advisory Group) in relation to the review of the Telecommunications Consumer Protection Code (the Code).

As you would be aware, the Advisory Group was established in January 2023 by the Hon Michelle Rowland MP, Minister for Communications, to provide advice on progressing the National Agreement on Closing the Gap Target 17: By 2026, Aboriginal and Torres Strait Islander people have equal levels of digital inclusion. This underpins Outcome 17 of the National Agreement: Aboriginal and Torres Strait Islander people have access to information and services enabling participation in informed decision-making regarding their own lives.

The Advisory Group consists entirely of First Nations Australians, and is supported by a Digital Inclusion Expert Panel. A key focus of our work to date has been consumer protections and ensuring that telecommunications providers are engaging with First Nations people and communities in a culturally appropriate and ethical way.

The Advisory Group appreciates Communications Alliance's willingness to integrate constructive, practical ideas about how to better monitor and improve compliance with the Code. Recent updates to the Code represent a good start to ensuring providers are engaging with First Nations consumers appropriately. In particular, we welcome the increased focus on responsible selling standards, which is particularly relevant in light of the action launched by the ACCC against Optus for alleged unconscionable conduct.

Within this context, the Advisory Group would like to draw the following to your attention for further discussion and consultation:

Building Community Awareness

As we have heard from stakeholders, including consumer groups and telecommunications providers, building awareness within First Nations communities of their rights and protections as consumers will be key in ensuring updates to the Code are effective. The Advisory Group has made a number of recommendations supporting the use of the First Nations media and broadcasting sector to help build digital literacy and ability in communities.

We encourage government, as well as telecommunications providers to engage First Nations media organisations to develop and deliver messaging to communities around consumer protections and what they are entitled to from their providers. It is essential that messaging campaigns are place-based and developed by media organisations in consultation with communities. This will make sure that messaging is culturally appropriate and relevant, recognising the individual and unique experiences of each First Nations community.



Lack of Competition in Rural Areas

While the Code does not directly address competition, we note the relationship between fair business practices and supporting healthy competition in the telecommunications sector. Stimulating competition in regional and remote areas remains a priority for giving rural First Nations consumers choice and freedoms in-line with the majority of Australians. In line with this, the Advisory Group recognises the importance of ensuring all telecommunications providers are operating in good faith when engaging with First Nations consumers to ensure that no single provider has an unfair competitive advantage.

Financial Hardship and Domestic Violence

As you would be aware, affordability is still a major issue for remote First Nations communities, with over half (51.1%) of people surveyed as part of the Mapping the Digital Gap project reporting that they 'sometimes', 'often' or 'always' have to sacrifice other essentials to afford internet and phone costs.

While we recognise that fair pricing is overseen by the ACCC, the Code outlines how providers are expected to deal with instances of financial hardship. We were pleased to see the recent announcement from the Government around proposed amendments to the Telecommunications Act 1997 to enable the ACMA to take direct enforcement action against telecommunications providers that have breached consumer-related industry Codes.

We note that the draft Code includes a requirement for providers to make note of any financial hardship indicators in a customer's credit assessment file. While this is a good start, there may be language and cultural barriers between providers and First Nations consumers that may mean certain indicators of financial hardship and domestic/family violence may not be picked up on or considered. This risk could be mitigated by requiring providers to train their staff in recognising indicators of financial hardship and domestic/family violence in a variety of contexts, including among First Nations consumers, as well as increasing the recruitment of First Nations Australians to engage with First Nations consumers.

Next Steps

We hope you consider these recommendations and we would welcome the opportunity to meet with you to discuss these matters further and to work together on improving digital inclusion for First Nations Australians. While we support the strengthening of the TCP Code, it is our view that if this cannot be done to the satisfaction of regulators, we support the introduction of direct regulation to ensure First Nations consumers are effectively protected and supported.

If you would like to contact us or arrange a meeting, please contact our secretariat FirstNationsDigitalInclusion@infrastructure.gov.au. Further information on the Advisory Group, including the First Nations Digital Inclusion Roadmap, can be found at www.digitalinclusion.gov.au.



Yours sincerely

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