

4 December 2025

Ms Nerida O'Loughlin
Chair
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616
Via email: nerida.oloughlin@acma.gov.au

Dear Ms O'Loughlin

Re: Revised Telecommunications Consumer Protection Code

We are writing to urge the Australian Communication and Media Authority (**ACMA**) to reject the revised Telecommunications Consumer Protections Code (**revised TCP Code**), submitted on 24 November 2025 by the Australian Telecommunications Alliance (**ATA**) for approval under the *Telecommunications Act 1997* (Cth) (**the Act**).

Despite some improvements in areas of code drafting, the Fair Call Coalition finds the revised TCP Code fails to address critical deficiencies and does not provide appropriate community safeguards.¹ We are of the view that it is necessary and convenient for the ACMA to determine industry standards for consumer protections.

The ACMA has provided clear feedback to ATA on its expectations as set out in its Notice Under Subsection 125(1) of the *Telecommunications Act 1997* and Statement of Reasons – Telecommunications Consumer Protections C628:2025 (TCP Code). The revised TCP Code fails to address key concerns raised by the ACMA, Australian Competition and Consumer Commission (**ACCC**), Telecommunications Industry Ombudsman (**TIO**), and consumer advocates, rendering it unsuitable for registration.

Industry standards should be developed for sales practices and credit assessments

The revised TCP Code fails to address serious deficiencies in responsible selling and credit assessment protections identified by the ACMA, ACCC, TIO, and consumer advocates.

The revised TCP Code obligations remain ambiguous and do not provide clear enforceable protections to constrain sales incentive structures. The revised TCP Code continues to afford carriage service providers (**CSPs**) with the discretion to 'appropriately weight customer feedback and satisfaction' in sales incentive schemes. Additionally, CSPs have the discretion to impose negative proportional consequences on individuals who benefit from mis-selling practices. Further, the revised TCP Code does not clearly set out how total individual staff remuneration or staff compliance will be measured. This leaves CSPs to determine how they will apply sales incentive caps and assess compliance with responsible

¹ *Telecommunications Act 1997* (Cth) s 125.

selling obligations. These revisions risk poor consumers outcomes, do not promote uniform application among CSPs, are difficult to enforce, and are contrary to the ACMA's feedback.

Furthermore, we are concerned the credit assessment obligations in the revised TCP Code are not adequate. While we note the ATA has removed the clause that allowed CSPs to only conduct credit assessments where the debt would be pursued by the CSP, we consider there are substantial deficiencies that remain outstanding. This includes the discretion afforded to CSPs in determining credit assessment criteria and the lack of requirements on CSPs to take reasonable steps to verify the consumer's information.

We welcome the inclusion of suitability assessments in the revised TCP Code. However, the suitability assessment is limited and does not address deficiencies in the revised TCP Code's credit assessment obligations. We consider the credit assessment protections should align more closely with the credit and suitability obligations under the *National Consumer Credit Protection Act 2009* (Cth).

We continue to hear from consumers of egregious examples of harm due to poor sales and credit assessment practices. We consider the revised TCP Code does not provide appropriate community safeguards to prevent and protect consumers from irresponsible sales. In light of serious ongoing consumer harm, the ACMA must act to directly regulate sales practices and credit assessments as a matter of urgent priority.

Industry standards should be developed for disconnection and service limiting action

Telecommunications are an essential service, and disconnection must be considered a last resort in all circumstances. While the revised TCP Code recognises disconnection as a last resort, it is not included as an enforceable code obligation and the recognition is constrained to credit management reasons, which does not meet consumer expectations.

In addition, consumers are only provided 5 working days after second and third notices prior to suspension or disconnection, despite previous ACMA feedback that 10 working days is appropriate. This timeframe does not provide consumers a suitable opportunity to respond to the notice and prevent service limiting action. The ACMA should therefore develop industry standards for disconnection and service limiting action.

Industry standards should be developed for mobile coverage and consumer remedies

The revised TCP Code does not sufficiently address deficiencies regarding mobile coverage information and consumer remedies. The revised TCP Code does not obligate a CSP to provide mobile coverage information to existing customers whose circumstances may have changed. Where mobile coverage does not meet expectations, remedies are at a CSP's discretion, regardless of whether the telecommunications product is able to meet the expectations and requirements of consumer.

More broadly, we remain concerned regarding the remedies available to consumers in vulnerable circumstances, and the ability for a CSP to request and assess evidence of vulnerability. Additionally, the revised TCP Code establishes no timeframe within which a

CSP must offer a consumer a remedy following a request. Subsequently, the ACMA should develop industry standards for mobile coverage and consumer remedies.

Considering there has been substantial changes to the revised TCP Code after public consultation, we provide this limited feedback to the ACMA to ensure consumers are represented in regulatory decisions that directly affect their safety, well-being and livelihood. The ACMA must act now to implement direct regulation to protect telecommunication consumers from harm.

We are happy to discuss the contents of this letter in further detail if required.

Yours sincerely



Letter Signatories

Australian Communications Consumer Action Network
Consumer Action Law Centre
Financial Counselling Australia
Economic Abuse Reference Group
WEstjustice
CHOICE
Financial Rights Legal Centre
Mob Strong Debt Help
Indigenous Consumer Assistance Network
Consumers' Federation of Australia
South Australian Council of Social Service
Care ACT
Anglicare NT
Bush Money Mob, WA
MoneyMob Talkabout NT
Hume Riverina Community Legal Service
Consumer Credit Legal Service WA
Consumer Policy Research Centre
Council on the Ageing (COTA) Australia
Victorian Aboriginal Legal Service
Redfern Legal Centre
South-East Community Links
Australian Council of Social Service
Centre for Women's Economic Safety