

**COMMUNICATIONS
ALLIANCE LTD**



DISCUSSION PAPER

**Telecommunications Consumer Protection (TCP)
Code**

May 2023

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About Communications Alliance

Communications Alliance is the primary communications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, platform providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to be the most influential association in Australian communications, co-operatively initiating programs that promote sustainable industry development, innovation and growth, while generating positive outcomes for customers and society.

The prime mission of Communications Alliance is to create a co-operative stakeholder environment that allows the industry to take the lead on initiatives which grow the Australian communications industry, enhance the connectivity of all Australians and foster the highest standards of business behaviour.

For more details about Communications Alliance, see <http://www.commsalliance.com.au>.

Glossary and acronyms

Australian Communications Consumer Action Network (ACCAN) ([link](#)): Australia's peak communications consumer organisation, representing individuals, small businesses and not-for-profit groups as consumers of communications products and services.

Australian Communications and Media Authority (ACMA) ([link](#)): the independent Commonwealth statutory authority responsible for regulating communications and media services in Australia.

Australian Competition & Consumer Commission (ACCC) ([link](#)): Australia's national competition, consumer, fair trading and product safety regulator.

the Authority ([link](#)): the formal decision-making entity of the ACMA.

Carriage Service Providers (CSPs): as defined in the Telecommunications Act.

Communications Alliance Telecommunications Consumer Protections (TCP) Code (the Code) ([link](#)): a registered, enforceable Code that sets customer protection requirements for the direct interactions between service providers and their residential and small business mobile, landline and internet (including NBN) customers.

Communications Compliance (CommCom) ([link](#)): the independent body that monitors and publicly reports on TCP Code compliance.

Code review: the formal assessment of the Code made with the intention of instituting change (i.e. a Code revision) if necessary.

Code revision: changes to a Code initiated in response to a Code review.

Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) ([link](#)): The Government Department responsible for communications policy and projects.

Drafting Committee (DC): the small industry working group responsible for running the TCP Code review and revision process. The DC's [Terms of Reference](#) can be found here.

Guideline (Communications Alliance): an (unregistered) document that provides guidance to industry on a specific topic. This can include anything from best practice guidance on managing particular issues or topics, explanations and more detail on requirements set out in an industry Code, through to additional information or assistance in understanding, applying and complying with legislation/regulation in the telecommunications space.

Independent Adviser (IA): the individual contracted to monitor and provide advice on the TCP Code revision process to ensure that it is fair, reasonable and appropriately transparent and to raise any concerns or issues directly with the Communications Alliance Board. Terms of Reference for the IA can be found [here](#).

Industry Guidance Notes (IGNs): practical 'how to' instructions for industry that typically explain key processes set out in Codes in lay terms.

Registered Code (Communications Alliance/ Industry Code): an enforceable co-regulatory instrument. Registered Codes are designed to enhance the protections provided under direct regulation by setting clear performance or conduct expectations in areas identified as requiring *additional* consumer safeguards. They should not repeat or paraphrase existing regulation, or Codes already registered.

Review Committee (RC): the working committee tasked to constructively engage in the TCP Code revision process (as outlined in this document), in line with the specific terms outlined in its [Terms of Reference](#). Comprises the Independent Adviser, industry and consumer representatives, the TIO and regulators.

Telecommunications Industry Ombudsman (TIO) [\(link\)](#): the independent external dispute resolution service for individual consumers, occupiers and owners of property, small businesses and not-for-profits who have been unable to resolve their complaint with a phone or internet service provider.

1 EXECUTIVE SUMMARY

- 1.1 Consumers of communications products and services in Australia are protected by federal telecommunication-specific legislation and regulation, and by general consumer laws at both a federal and state level.
- 1.2 Co-regulatory arrangements facilitate the objectives of federal legislation through registered and enforceable industry Codes developed under Part 6 of the Telecommunications Act¹.
- 1.3 The [Communications Alliance Telecommunications Consumer Protections \(TCP\) Code](#) (the Code) is a registered, enforceable Code that sets minimum customer protection requirements for the direct interactions between service providers and their residential and small business mobile, landline and internet (including NBN) customers. It currently covers the key areas of advertising and sales, service and contracts, billing, credit and debt management, financial hardship and changing suppliers.
- 1.4 Consumer protections against threats posed by external factors are not covered within the Code. This includes, for example, areas such as combatting scams and fraud, unwelcome calls, online safety and cyber-security. Protections against these threats are provided by a range of other regulatory, legislative and co-regulatory instruments.
- 1.5 The Code also sets out a framework of code compliance and monitoring.
- 1.6 The TCP Code is reviewed (and usually revised) at least every 5 years to ensure that it is up to date and fit for purpose. This includes assessing whether adjustments (additions or deletions) are required to reflect significant changes in the operating environment that affect the broad consumer interests covered by the Code.
- 1.7 Development and review processes must fulfil Australian Communications and Media Authority (ACMA)-mandated Code development consultation requirements². This includes genuine consultation with industry, consumers, the Telecommunications Industry Ombudsman (TIO) and specified government departments. There must be a formal element to consultation, with '[industry] and the public [invited to] make submissions on the draft code within ... [a] 30-day minimum period'. Due consideration must demonstrably be given to the comments raised during consultation.
- 1.8 The current Code was registered in 2019, with minor amendments registered in 2022. A full review is due by 2024 ('2024 review').
- 1.9 This paper represents the first step in a new, multi-stage review/revision process, designed to better accommodate stakeholders' time and resource constraints³ while retaining and strengthening the core principles of broad and thorough consultation, transparency of process and independent oversight. It sets the foundations for the 2024 review by seeking

¹ http://classic.austlii.edu.au/au/legis/cth/consol_act/ta1997214/

² [Guide to developing and varying telecommunications codes for registration 2015 | ACMA](#)

³ compared to previous Code review processes, which were undertaken via a resource-intensive, lengthy process that can be described as 'drafting by committee'. Work was progressed by a steering committee comprising an independent chair, consumer, telco and government representatives and Communications Alliance management.

information on stakeholders' key issues and priorities ahead of any Code drafting. It is structured as follows:

- Section 2 sets out the review/revision processes and timelines.
- Section 3 describes the role of codes within the telecommunications and general consumer protection regulatory landscape in Australia; and the ACMA's guiding principles and requirements for code development and registration.
- Section 4 outlines the TCP Code's scope and monitoring and reporting arrangements.
- Section 5 looks at the goals and requirements of the 2024 review/revision and poses a series of broad questions that feedback is sought on to help the Drafting Committee⁴ understand stakeholders' key priorities and issues.

HAVE YOUR SAY

Communications Alliance is requesting feedback on the issues raised in this paper from consumers, regulatory agencies, consumer organisations and other relevant stakeholders.

Please read this paper in its entirety before responding to ensure that you understand the proposed process.

Please read the current [TCP Code](#) before commenting.

The review is open for 4 weeks, with responses requested by **COB 6 June 2023.**

Please provide comments through the CA website:

<https://www.commsalliance.com.au/Documents/Documents-under-Review/submit-comments>

Or by email: p.wilson@commsalliance.com.au, with 'TCP Code stage 1 review' in the subject line. Please also include information about your organisation /affiliation.

⁴ information about the Drafting Committee and Review Committee is included in section 2 of this paper.

2 The 2024 review/revision process and timeline

The 2024 review and revision process will comprise 3 stages:

Stage 1: Information-gathering

- 2.1 The first step in any Code review and revision process is to review the Code to consider whether it requires revision.
- 2.2 The broad need for revision has already been recognised and accepted by Communications Alliance. The foundations for the revision will be set by way of some early, pre-code-drafting stage information-gathering exercises:
 - (a) this public discussion paper, which is designed to help identify stakeholders' key concerns and priorities, and
 - (b) one-on-one stakeholder meetings that will provide a more informal opportunity to share and properly understand the issues raised in submissions.

Benefits of one-on-one meetings

The one-on-one meetings are designed to provide for the kind of open, two-way, constructive dialogue that is often simply not possible in bigger group settings. Communications Alliance took a similar approach to consultation when reviewing its Guideline: G660: 2023 Assisting Customers Affected by Domestic and Family Violence⁵ and found the small meeting format to be very constructive.

To ensure transparency of process, a summary of key issues will be made available, as described at 2.6.

Stage 2: Iterative drafting

- 2.3 Once the initial information-gathering is complete, Code drafting will begin. A small industry working group ('Drafting Committee⁶') will use information gathered through the first stages of the review to inform drafting.
- 2.4 Code drafting will progress through an iterative drafting process with stakeholders regularly engaged to ensure that their individual issues and concerns are understood by the Drafting Committee. Engagement will take place via a number of mechanisms, including:
 - monthly Review Committee meetings,
 - deep engagement and liaison with an Independent Adviser (IA)
 - direct, one-on-one engagement between the Drafting Committee and representatives of the individual stakeholder organisation on issues of direct interest to that stakeholder,
 - report summaries made available online,

⁵ G660:2023 published May 2023.

⁶ see the [Drafting Committee Terms of Reference for further information](#).

- opportunities for direct engagement with the IA.

Further detail is provided [overleaf](#).

Stage 3: Formal consultation on a new Code

- 2.5 The final stage will involve the public release of a 'revised draft Code' which will be subject to the formal consultation processes required of the Code development process, including a mandatory public comment period.

Transparency and independence of process

- 2.6 Transparency of process and independence of process at each stage will be ensured through appropriate documentation and reporting mechanisms.

- 2.7 To ensure **transparency** of the review process:

- submissions received in response to this discussion paper will be posted on the CA website⁷, along with a summary of key issues identified through the one-on-one meetings,
- key points from stakeholder meetings/input received at each additional stage will be documented. Stage summary information will be published on the CA website periodically and will be shared through appropriate forums⁸,
- drafting records will clearly document how key identified issues have been managed (i.e. has the issue been addressed within the Code revision? If not, why not?), and
- there will be regular, scheduled sharing of information through a Review Committee, as described below.

- 2.8 **Independence** of process will be assured through the engagement (from stage 2) of an Independent Adviser (IA) who will monitor and advise on the revision process to ensure it is fair and reasonable and appropriately transparent. This will primarily be managed through meetings⁹ of the IA with the Review Committee (see below), and regular reporting and the raising of any concerns or issues by the IA to the Communications Alliance Board (independent of engagement with the Review and Drafting Committees). Additional direct engagement with stakeholders will also occur at the IA's discretion.

Note: A strong candidate has been identified. Comms Alliance will announce the appointment as soon as the ACMA has confirmed procedural arrangements. Details will be included on the CA website.

- 2.9 The Drafting Committee will relay information about the Code review process to the IA at the monthly Review Committee meetings.

- 2.10 The Review Committee will comprise: the IA, industry and consumer representatives, with the TIO and regulators as observers (the ACMA, the Australian Competition and Consumer

⁷ unless the respondent requests otherwise.

⁸ including, for example the ACMA's Consumer Consultative Forum (CCF).

⁹ monthly, or as required.

Commission (ACCC), Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) and TIO).

- 2.11 The ACMA observer will brief ACMA Authority Members on progress and concerns. The IA will be available to meet with and to receive questions/hear concerns directly from ACMA staff and Authority members. As already noted, the IA will also be available to liaise with consumer groups or other stakeholders, as they see appropriate.
- 2.12 The IA may also attend Drafting Committee meetings (at their discretion).
- 2.13 Finally, the IA will provide an accompanying note and any observations on the review and revision process to the Authority when the draft TCP Code is submitted to the ACMA for consideration for registration.

Other independent input

- 2.14 There may also be a role for an independent party to provide neutral and considered advice about whether the Code clauses are clear and fit for purpose, and/or to provide expert advice on metrics, analytics and reporting issues. We would consider the benefit of these options at stage 2.

Key dates

	Date	Step
Stage 1 Information-gathering	6 June 2023	Discussion paper (DP) submissions response deadline.
	Mid-June – end Aug 2023	One-on-one stakeholder meetings.
Stage 2 Iterative drafting	Aug/Sept – Dec 2023	Iterative Code drafting, including targeted consultation/ review discussions. (i.e. engaging on topics relevant to each stakeholder.)
Stage 3 Formal consultation	Early 2024 (TBC) (Minimum 30 days consultation) Close by end Feb 2024	Release draft revised Code for public consultation.
Additional steps	Throughout Periodically, throughout From July 2023	Additional stakeholder engagement as required. Stage reports summaries, online. Monthly review meetings with IA.
Code submission to ACMA	Mid-2024	Submit Code to the ACMA for registration. (Note: the current Code continues to be in force until a new Code is registered. It does not expire.)

Note: Dates for stages 2 and 3 are indicative and may change.

3 THE ROLE OF CODES WITHIN THE AUSTRALIAN COMMUNICATIONS CONSUMER PROTECTION LANDSCAPE

- 3.1 The communications sector in Australia is regulated federally, with the primary legislation – the *Telecommunications Act 1997* – designed to protect the long-term interests of Australian end-users of carriage services and ensure accessible and affordable services. It is complemented by the *Telecommunications (Consumer Protection and Services Standards) Act 1999*, which established a universal service regime and public interest telecommunications services, such as emergency call services and the National Relay Service.
- 3.2 The ACMA has primary responsibility for the regulation of the telecommunications sector.
- 3.3 Carriage Service Providers (CSPs) are also subject to, and must comply with, the requirements included in general consumer law, such as the Australian Consumer Law¹⁰, which is administered by the ACCC, as well as a raft of other regulations managed by other regulators (tax, privacy, online safety, national security, copyright, etc.).
- 3.4 The ACMA's direct telecommunication (and broadcasting) regulation is supported by co-regulation through registered, enforceable Codes developed under Part 6 of the Telecommunications Act. Codes enhance regulation through the setting of clear performance or conduct expectations in areas identified as requiring *additional* consumer safeguards¹¹.
- 3.5 Registered Codes are subordinate to Acts of Parliament and instruments that are designated legislation. They should not repeat or paraphrase regulation. They must also be consistent with Codes already registered.
- 3.6 Where industry would benefit from sector-specific guidance on the practical implementation of regulation or Codes, industry guidelines or industry guidance notes (IGNs) may be developed. These are both voluntary and focus more on best practice and/or practical 'how to' instructions for industry (see [glossary](#)).

Code development, review and registration

- 3.7 The ACMA is responsible for registering telecommunications Codes. It will only do so once it is satisfied that the Code is consistent with the requirements of the Telecommunications Act including that it meets public interest considerations and provides appropriate community safeguards for the matters covered by the Code¹². It must also be satisfied that stakeholders' input was reasonably considered in the drafting process.

¹⁰ included in the Competition and Consumer Act 2010 (Schedule 2).

¹¹ more information on regulatory models: [Regulatory forms | ALRC](#). For more information on telecommunication code development, see: [Guide to developing and varying telecommunications codes for registration 2015 | ACMA](#)

¹² see Telecommunications Act s112(2) and 117(1)(d).

3.8 The ACMA is required to evaluate the Code against a series of legislatively prescribed measures that apply to all codes, including ensuring that the Code promotes:

- the long-term interests of end users of telecommunications services,
- the efficiency and international competitiveness of the Australian telecommunications industry,
- service innovation, and the efficient, equitable and responsive delivery of telecommunications goods and services,
- market participation by all sectors of the Australian telecommunications industry,
- an efficient, competitive and responsive telecommunications industry,
- appropriate safeguards for telecommunications consumers,
- responsible practices in relation to the sending of commercial electronic messages, and
- responsible practices in relation to the making of telemarketing calls¹³.

3.9 Some additional key principles in developing Codes for registration, set out by the ACMA, are listed below.

- (a) The Code's objectives and rules should be written unambiguously, concisely and in plain English, "expressed in terms that create a clear obligation on the participants to comply with the requirements...while providing the scope for individual businesses to implement their own approaches to the code, rather than stipulating specific business practices" ¹⁴.
- (b) Compliance mechanism may be mandatory requirements of the Code rules, or they may provide guidance on the kinds of measures that may be considered in the development of compliance programs¹⁵, enabling relevant industry participants to readily establish their obligations to comply and assisting assessment of whether code objectives have been met.
- (c) Mandatory Code rules may be supplemented by indicative guidelines or examples of how code rules may be adequately implemented¹⁶.
- (d) Non-mandatory provisions may also be included in Codes. Guidelines or guidance notes may be included in separate, referenced documents¹⁷.

Code monitoring, reporting and enforcement

3.10 The ACMA is ultimately responsible for enforcing codes that it registers. It has powers to investigate and act where it considers that organisations covered by the relevant Code

¹³ p.17-18, [Guide to developing and varying telecommunications codes for registration 2015 | ACMA](#)

¹⁴ Ibid, p.5

¹⁵ Ibid, p.8

¹⁶ Ibid, p.6

¹⁷ Ibid, p.6

may have contravened the rules set out in the Code, as well as possible breaches against other regulations or laws.

- 3.11 The ACMA reports on these actions each quarter. Further information is available from the ACMA [website](#).
- 3.12 Other monitoring, reporting, enforcement and compliance arrangements are set out within each Code.

4 THE TCP CODE: SCOPE, MONITORING & REPORTING

4.1 The TCP Code sets out customer protection requirements for the direct interactions between service providers and their residential and small business¹⁸ mobile, landline and internet (including NBN) customers. It currently covers the key areas of sales, service and contracts, billing, credit and debt management and changing suppliers.

Note: Consumer protections against threats posed by external factors are not covered within the TCP Code; safeguards against these are provided through other regulatory, legislative and co-regulatory instruments.

4.2 The Code is developed and reviewed by the Australian telecommunications industry through Communications Alliance, with extensive input from stakeholders, including (but not limited to) the ACMA, ACCC, DITRDCA, the TIO, and ACCAN.

4.3 As it is a registered Code, the ACMA is ultimately responsible for enforcing the TCP Code, as outlined in section 3. The TIO and the independent body, Communications Compliance (CommCom), also have specific monitoring and reporting roles (more information below). Finally, the Code requires telco providers to have internal monitoring and improvement processes in place.

4.4 All CSPs in Australia that provide telecommunication services to consumers¹⁹ must:

- ensure their up-to-date details are registered on the Communications Alliance TCP Code Register,
- join and comply with the TIO scheme²⁰
- lodge annual compliance attestations with CommCom, and follow any direction from CommCom in a timely manner to remedy any area identified as non-TCP Code-compliant, and
- follow any ACMA directions to comply.

ACMA

4.5 The ACMA collects information on compliance-related issues from various sources, including its own research and assessment mechanisms, information from the TIO and CommCom, and from ACCAN. It will investigate and take action on serious, repeated and systemic non-compliance issues and take enforcement action, where warranted²¹.

¹⁸ for definitions of 'consumer' and 'small business', see C628:2019, definitions – p.9.

¹⁹ defined as individuals using a service primarily for personal and domestic use, or for use by a small business – refer to the TCP Code for the full definition, and for the full definition of 'telecommunications service'.

²⁰ Under Sections 128 and 132 of the Telecommunications (Consumer Protection and Services Standards) Act 1999, all carriers and eligible carriage service providers have a legal obligation to join and comply with the Scheme.

²¹ for details: <https://www.acma.gov.au/action-telco-consumer-protections>

TIO

- 4.6 The TIO has the powers to handle complaints under the TCP Code. It can receive, investigate, facilitate resolution of, make determinations in relation to, give directions in relation to, and report on, complaints made by the end users of a listed carriage service about matters arising under or in relation to the Code. This includes compliance with the Code by those industry participants to whom the Code applies²².
- 4.7 A memorandum of understanding (MOU) sets out the framework for cooperation between the ACMA and TIO²³.

CommCom

- 4.8 CommCom was established in 2012 specifically to oversee TCP Code compliance²⁴. It is an independent body, funded through fees on all CSPs subject to the TCP Code.
- 4.9 All providers subject to the TCP Code are required to participate in an annual compliance ('attestation') process whereby they answer and submit to CommCom a detailed questionnaire, signed by the provider's CEO or senior management, to confirm their compliance with the TCP Code.
- 4.10 CommCom reviews each provider's attestation documentation to determine the extent of each provider's compliance with the Code. Where a provider is not fully compliant, CommCom may request further information, or request that the provider lodges a Compliance Achievement Plan detailing how each of the non-compliant areas will be addressed and the timeframe for this action.
- 4.11 Questions that form part of the attestation process vary each year to reflect current compliance priorities and areas where there is evidence of consumer detriment in the preceding 12 months. These areas are determined by CommCom after considering key stakeholder feedback, TIO complaint figures and the ACMA's compliance priorities.
- 4.12 CommCom shares information with the ACMA about suspected cases of non-compliance. CommCom also formally refers suppliers to the ACMA where:
- the supplier breaches their Code obligation by failing to lodge a compliance attestation, or
 - the supplier refuses to heed a CommCom direction to address non-compliance, or
 - where CommCom is not satisfied with the progress of a Compliance Achievement Plan, or
 - where CommCom otherwise suspects that a supplier is failing to comply with its obligations under the TCP Code.

²² P.5, clause 1.8, C628:2019 (incorporating variation no. 1/2022).

²³ see: <https://www.acma.gov.au/publications/2020-05/plan/memorandum-understanding-acma-and-tio>

²⁴ see TCP Code, chapter 10, for more information.

Industry

- 4.13 Service providers have specific internal monitoring obligations to ensure that systemic issues in relation to sales and customer service inquiries are identified and addressed²⁵. They must also promote awareness of the Code to their relevant customers and staff.
- 4.14 Finally, although complaints are currently dealt with in a separate Complaints Handling Standard, the current TCP code requires that the 10 suppliers identified by the TIO's data as having the largest (absolute) number of complaints to the TIO in the previous financial year, participate in the Communications Alliance quarterly Complaints in Context (CiC) Reporting for one year. Additional suppliers may also choose to participate. This reporting uses complaints data provided by the TIO, and services-in-operation (SIO) numbers provided by each participating retail service provider (RSP), to calculate the ratio of complaints received by each RSP per 10,000 SIO. Results are published on the Communication Alliance [website](#) and are widely reported.

Complaints in Context (CiC) Reporting

The CiC report is the only report publicly available that provides contextualised data to allow comparisons of complaints received about RSPs of different sizes.

It was originally started on an opt-in voluntary basis in 2014, with the mandatory participation requirement for CiC reporting introduced at industry's suggestion as part of the 2019 Code review; industry's objective being to drive competition in customer service and complaints handling by increasing transparency.

Although not the only driver of improved service provider performance, it appears that the reporting is working as intended. It is trusted, well respected and has created strong competition between participating Retail Service Providers (RSPs), which focus strongly on improving their position vis-à-vis the other participants.

When compulsory participation began, the average number of complaints against all participating providers was rarely below 7 complaints per 10,000 services in operation (SIO) – or one complaint for every 1,429 SIO. Individually, some providers were recording as many as 42 complaints per 10,000 SIO.

In contrast, the all-participant number for the most recent complete year averaged 4.1 complaints per 10,000 SIO, and no individual provider recorded more than 10.9 complaints per 10,000 SIO in any quarter.

²⁵ clauses 4.5 and 4.7 respectively.

5 2024 REVIEW: ISSUES, GOALS AND QUESTIONS

5.1 The overarching intent of the TCP Code review is to ensure that it is up-to-date and provides fit-for-purpose consumer safeguards.

5.2 In addition to exploring issues raised through the consultation process, the review will:

- explore how best to address the ACMA's expectations as set out in their [Statement of Expectations \(SOE\)](#) for telcos dealing with vulnerable consumers. This will include considering the effectiveness and appropriateness of mandatory rules (prominent in chapter 4 and 5, for example) versus clearly articulated consumer outcomes (an approach more evident in later Code chapters), paired with appropriate compliance program/reporting measures.

These deliberations may lead to proposed changes to the Code's structure, as well as to reporting and monitoring arrangements.

- include specific provisions to provide protections for people affected by domestic and family violence.
- consider the need for other revised or new content and definitions to reflect significant changes to the operating environment.
- consider where content can be removed (e.g. where it is out-of-date or duplicative - in line with the legislative and ACMA-defined requirements and principles for Code development²⁶). This will include considering the ongoing appropriateness of provisions relating to the collection and storage of customer data.
- consider whether the Code's purpose and scope is adequately described and communicated to relevant stakeholders.
- consider the effectiveness of current Code compliance and reporting obligations, including their fit in the wider regulatory environment.

5.3 As a first step, the Drafting Committee is wanting to understand stakeholders' key issues and priorities as well as any constructive, practical ideas about how to better monitor and improve compliance. To assist with this, stakeholders are asked to respond to the questions below.

5.4 It is not expected that all stakeholders answer all questions; some questions may be more relevant to some stakeholders than others – for example, consumer groups, regulators or industry. However, all stakeholders are asked to attempt to **answer each question that they do answer in its entirety**, and to provide constructive, practical suggestions where possible.

5.5 Note that all submissions received will be made public (unless requested otherwise).

²⁶ as outlined in Section 3 of this paper.

Questions

1. What do you understand the TCP Code's objectives to be?
2. What areas of the TCP Code do you think are working well, and why? Please provide as much detail as possible to help us understand why you hold this view.
3. What areas of the TCP Code do you think are working less well, and why? Please provide as much detail as possible to help us understand the problem (and, therefore, possible solutions).
4. Are there specific issues that are adequately covered in the Code but are inadequately implemented? Or inadequately enforced? Please provide as much detail as possible to explain your position. Do you have any constructive, practical suggestions as to how these issues could be addressed?
5. Please identify any sections of the Code (or concepts within it) that you believe are no longer necessary and should be removed. This might include, for example, sections that duplicate legislation/regulation, or rules that are out of date and no longer required.
6. Are there any new consumer protection issues (not currently covered in the Code*) that you think need to be included? Please provide details.

**As noted earlier, these should be matters relating to direct interactions between service providers and consumers and should not cover issues already dealt with by other regulatory, legislative or co-regulatory instruments.*

7. Are there areas of the Code that you think unnecessarily restrict service innovation or the efficient, equitable and responsive delivery of telecommunications goods and services to customers? Please explain.
8. Do you think that the Code's application to residential and small business customers (as defined) is appropriate? If not, why not?
9. Do you have any comments about the attestation process and other compliance activities run by CommCom?
10. Do you have any comments about other Code compliance, enforcement and reporting arrangements (other than by CommCom)?
11. Do you have any additional comments or suggestions to assist the review?

One-on-one meetings

12. As described in section 2 of this paper, Comms Alliance is seeking to meet one-on-one (online) with key stakeholders (and others on request). These meetings are designed to allow 1-2 people from the Drafting Committee (including the Communications Alliance Project Manager) to meet with 1-2 people from your organisation to explore issues raised in your response to this paper.

Communications Alliance took a similar approach to consultation when reviewing its *Guideline: G660: 2023 Assisting Customers Affected by Domestic and Family Violence* and found the small meeting format to be very constructive.

Would you like to book in a meeting? If yes, please provide the name and contact details of 1-2 relevant participants. (See [Have Your Say](#) for details on submitting your comments.)



Published by:
**COMMUNICATIONS
ALLIANCE LTD**

Level 12
75 Miller Street
North Sydney
NSW 2060 Australia

Correspondence
PO Box 444
Milsons Point
NSW 1565

T 61 2 9959 9111
F 61 2 9954 6136
E info@commsalliance.com.au
www.commsalliance.com.au
ABN 56 078 026 507