WC84: TCP Code Working Committee ('Review Committee') -

Terms of Reference

The WC84: Telecommunications Consumer Protection (TCP Code Working Committee, or TCP Code Review Committee (Review Committee), has been established to perform an area of work identified by the Communications Alliance Industry Consumer Advisory Group Reference Panel (ICAG).

The Review Committee is to constructively engage in the process (outlined here) to review and revise C628:2019 Telecommunications Consumer Protections Code, Incorporating Variation NO. 1/2022 in line with the specific terms described below.

In carrying out the specific terms, the Review Committee is to observe Part 6 of the *Telecommunications Act 1997* and the ACMA's "*Guide to Developing Telecommunications Codes for registration*".

These Terms of Reference (TOR) should be read in conjunction with the TOR for the TCP Code Drafting Committee (Drafting Committee) and TCP Code Independent Adviser (IA) (see related committees/roles).

Specific terms

1. The Review Committee will review the outputs of the Drafting Committee and will provide timely, constructive and considered feedback and advice:
   a. about the revision process, and
   b. the adequacy of Code revisions proposed.

To fulfil this role, it is required that each Review Committee member and observer will:

1. actively engage in monthly Review Committee meetings (from the start of Stage 2).

2. regularly brief their own organisation on progress to ensure that any suggestions, feedback and concerns are raised through the relevant channels in a timely, clear and constructive manner.

3. where applicable, regularly update their member organisations about progress, and strongly promote and encourage their members to engage with the revision process in a timely, clear and constructive manner.

4. engage constructively with other members of the Review Committee on issues out-of-session if required.

5. provide comment and advice on the documented responses prepared by the Drafting Committee to comments received as part of the Public Comment process.

6. assist to prepare comment and advice to the Communications Alliance Board, Government and regulators, as might be required throughout the process.

7. participate in a ballot of the final document prior to its submission to the ACMA for registration (members only).

Notes:

i. Committee Members and Observers must have the authority to speak and make decisions on behalf of their representative organisation.

ii. Although the Review Committee will not meet before the start of stage 2, it is expected that Review Committee members and Observers will appropriately promote and constructively engage in stage 1 of the TCP Code review and revision process: Information gathering, as well as in subsequent stages of the review process. This includes discussing Code content issues in detail with the Drafting Committee; raising concerns through the Review Committee meetings and/or with the IA, as required.

Primary deliverable(s)

- Regular constructive and considered feedback and advice on TCP Code revision process and content.

Constitution

The Committee will comprise: the Independent Adviser; 2 consumer peak group representatives; industry representatives; the TIO (observer) and regulators (observers).

Communications Alliance will Chair the Committee.

Resources and Administration

Administrative and secretariat support will be provided by Communications Alliance, managed by the Communications Alliance Project Manager.

Related committees/roles

TCP Code Drafting Committee. TCP Code Independent Adviser.

(Terms of reference for both are available on the TCP Code review page on the CA website)

TCP Code Review and Revision Process

Stage 1: Information-gathering

1.1 The first stage in the 2024 review and revision process includes early pre-code-drafting stage information-gathering exercises that will set the foundations for the revision:

(a) a public discussion paper, 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.

At each stakeholder meeting, one or two members of the Drafting Committee will meet one or two representatives from the stakeholder organisation, with support provided by the CA Project Manager.

Stage 2: Iterative drafting

1.2 Once the initial information-gathering is complete, Code drafting will begin. The Drafting Committee will use information gathered through the first stages of the review to inform drafting.

1.3 Code drafting will progress through an iterative drafting process with stakeholders regularly engaged to ensure that their individual issues and concerns are understood. Engagement will take place via a number of mechanisms, including:

- Review Committee meetings (monthly or as required),
- 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,
- opportunities for direct engagement with the IA.

Stage 3: Formal consultation on a new Code

1.4 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

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

- submissions received in response to the discussion paper will be posted on the CA website (unless the respondent requests otherwise), along with a summary of key issues identified through the one-on-ones,
- details of stakeholder meetings/input received at each additional stage will be documented, with stage summary information published on the CA website,
- 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?),
- an Independent Adviser (IA), appointed by and reporting to the Communications Alliance Board of Directors, will actively monitor and advise on the revision process to verify it is fair and reasonably and appropriately transparent. This will primarily be managed through monthly meetings with the Review Committee, with additional engagement and independent review at the IA's discretion, and
- the revision process will be a standing agenda item at each meeting of the Communications Alliance Board of Directors for the duration of the project, to facilitate regular updates of the Board by the IA and the opportunity to surface and address any issues of concern.

There might also be a role for a (different) 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. The benefit of these options will be assessed once the review process is further progressed.