Ms Nerida O'Loughlin PSM
Chair, Australian Communications and Media Authority
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Via email: OfficeoftheChair@acma.gov.au

1/8/2025

Dear Ms O'Loughlin,

RE: TCP Code

Thank you for your letter of 9 July 2025 regarding ACMA's consideration of the Draft Telecommunications Consumer Protections Code (draft TCP Code), and my apologies for the delayed response.

As requested, our letter:

1. Explains how we consider the public interest would be served if registered, and how the Draft Code reflects the legitimate expectations of the Australian community,
2. Assesses how the Draft Code provides appropriate community safeguards,
3. Estimates the number of customers who would be likely to benefit from the Draft Code,
4. Explains why the Draft Code has appropriate regard to the legitimate business interests of telcos,
5. Explains why some areas of the Draft Code do not reflect ACMA's expectations or other stakeholder feedback.

The ATA considers that the Draft Code has struck the right balance between ensuring the public interest is met, while not imposing undue financial and administrative burdens on participants in sections of the telecommunication industry. The ATA prepared the Draft Code with close regard to the matters contained in sections 112(3) and 117(1)(d) of the *Telecommunications Act 1997* (the Tel Act).

Registering the Draft Code will serve the public interest

The ATA considers that the public interest will be served if the Draft Code is registered, as the Draft Code meets the legitimate expectations of Australians and provides appropriate community safeguards. **Appendix A** provides our detailed assessment of these points and further information to assist the Authority's consideration.

The estimated number of customers who would be likely to benefit from the TCP Code (paragraph 112(3)(a) of the Tel Act)

The rules set out in the TCP Code will benefit all Australian telecommunications customers (including both residential consumers and SMBs).

We suggest that the number of Services in Operation (SIOs) as reported to ACMA by CSPs under complaints handling record keeping rules obligations would serve as a reasonable proxy for the number of customers (both residential and SMB) who will benefit from the Code.

The Draft Code represents a material uplift in compliance obligations, which will in turn uplift the quality of service received by all customers. The near ubiquitous use of telecommunications by Australians means that almost all of the adult population will have one (or several) telecommunications service/s, and will benefit from the proposed protections in the Draft Code.

Overall, the Draft Code has appropriate regard to the legitimate business interests of telcos that would be covered by the Code (paragraph 112(3)(c) of the Tel Act)

The draft TCP Code will require a significant uplift in consumer protections across the industry. This uplift will drive better behaviours by telcos and better outcomes for customers and will have a positive reputational impact across industry.

However, this uplift in obligations comes at a cost to operationalise and resource.

The new TCP Code obligations include significant IT builds for CSPs, some of these include:

- requirement to introduce additional payment methods,
- introducing new credit assessment obligations and amending existing obligations,
- amending the order flow and building capability to provide an Order Summary,
- updating WCAG compliance to meet AA,
- updating all customer-facing collateral to ensure it is in plain language,
- updating the Critical Information Summary and Billing information,
- building the capability to produce receipts,
- building reminder notices for direct debits.

These IT builds are complex and costly. Additional costs for implementation of the new rules include revising all training and developing new modules to meet new obligations. This includes updating all the customer-facing staff collateral that CSP agents rely on to serve customers.

The ATA has been mindful of the significant cost impacts this will have across the sector, and how it must weigh up the need to achieve stronger consumer protections without imposing an undue financial and administrative burden on industry.

When the ACMA is assessing the Draft Code under the public interest matters in section 112 of the Tel Act, the ATA considers that significant weight should be placed on the material customer benefit of having a vast number of CSP options – including small providers. Competition delivers better outcomes for consumers through better products, pricing, and customer experience.

The ATA remains concerned that additional obligations which are overly expansive will impose disproportionate compliance costs and threaten the ongoing viability of smaller providers. This could ultimately result in higher prices, less service and product innovation, and poorer customer outcomes in the long-term.

The reality is that there are high compliance costs attached to operating in a highly regulated environment. It should also be acknowledged that the likely outcome of the material uplift in obligations under the revised TCP Code will be that some smaller and/or inefficient operators will not be able to meet this cost and compliance burden, and will exit the market. Nevertheless, the statutory framework does require a consideration of the burden on providers, and the ATA's view is that the proposed changes strike the right balance.

The remaining section explains why specific ACMA and external stakeholder issues may not have been addressed in the Draft Code, because to do so would impose an undue financial and administrative burden on industry.

Balancing stakeholder expectations against undue burden on industry

Your letter noted that it was unclear whether the public interest matters referenced in subsections 112(2)&(3) are reasons why some issues raised in ACMA's (and other stakeholders) feedback were not addressed, or did not reflect stakeholder expectations. In preparing the Draft Code, the ATA took into account all stakeholder feedback which was, at times, conflicting and required a careful balancing act.

ATA considers that consumer safeguards are of critical importance to the industry. However, section 112 of the Tel Act acknowledges that industry codes should not impose *undue* financial and administrative burdens. On balance, the ATA considers we have struck the appropriate balance between public interest considerations and not placing an undue financial and administrative burden on CSPs.

Below, the ATA details why certain additional measures have not been included in the Draft Code because, relative to the possible consumer benefit they could bring, they would impose an undue financial and administrative burden.

These additional measures addressed in turn below are:

1. Responsible selling, including sales incentives
2. Credit assessments
3. Payment methods (direct debit flexibility)
4. Mobile coverage (device return)
5. CSP-initiated contract changes (notifying consumers)

1. Responsible Selling

The ACMA and stakeholders have rightly emphasised the importance of responsible selling. This is at the core of the new requirements in the Draft Code, which when taken as a whole, will mandate that CSPs have processes in place to promote responsible selling and encourage responsible behaviour.

The ATA has drafted the rules to provide sufficient specificity and enforceability for the ACMA in relation to core risks such as sales incentives, requiring sales incentives to include 'material disincentives' for irresponsible selling. In addition, the ATA has recognised the importance of the ACMA having broad powers to take action against a variety of poor sales practices.

Public interest

The ATA considers that additional prescriptive responsible selling measures, such as an outright ban on sales incentives or transparency of CSP sales incentive structures, would not be in the public interest because:

- Sales incentives are an important feature of (and add intensity to) competition in the telecommunications market, when used appropriately and with sufficient guardrails to protect against mis-selling.
- Going further by prescribing, in greater detail, what those sales incentives should be, or simply banning sales incentives outright, will remove that feature of competition.
- Sales incentives can benefit consumers by encouraging high-quality sales conversations with customers in which sales staff are motivated to understand the customer's needs, desires, and usage, and thereby suggest appropriate products and/or services to ultimately better serve the customer.
- The ATA recognises that when not done properly, sales incentives can risk driving unwanted behaviours such as mis-selling. The Draft Code addresses this by incorporating significant guardrails for sales incentive schemes that are not overly prescriptive, but stops short of removing sales incentives entirely. These obligations put customer needs at the forefront of all sales and service interactions and includes material disincentives for irresponsible selling, such as negative consequences for those who benefitted (e.g. claw-backs) and weighting customer feedback in commission calculations, while also setting clear limits on sales volume and value.
- Mandating CSP transparency about all staff sales incentives – especially with strict rules on content, format and timing – could overwhelm and confuse consumers. The Draft Code already requires substantial information throughout their journey, making the added incentive disclosures of questionable value.

Impact on legitimate business interest of telco participants

The Draft Code's new responsible selling obligations already provide a robust suite of protections, including around sales incentives, that seek to prevent mis-selling and to promote responsible selling and drive responsible behaviours. To comply with these new responsible selling obligations in the Draft Code, CSPs would need to review their selling policies and processes, including sales incentive structures, to align with the new requirements.

To achieve compliance with these new rules, there is a significant effort and cost involved in implementation. For example:

- Reviewing all sales incentive structures to include material and proportional disincentives for mis-selling
- Reviewing the remuneration contracts of sales staff to be compliant, including ways to measure the way sales staff are performing.
- Reviewing all sales practices and policies to provide clear, accurate information to consumers, in plain language.
- Introducing processes to identify a consumer's telecommunications needs, identify vulnerable customers and assist a consumer find products and services that best suit their identified needs.
- Implementing governance arrangements to support the Code's requirements being implemented and maintained. This includes substantial new training and monitoring requirements.
- Ensuring a culture of compliance 'from the top' by nominating an executive who is responsible for the implementation of responsible selling policies and processes.
- Monitoring staff conduct and taking appropriate action in instances of staff misconduct.
- Implementing adequate monitoring and controls to identify mis-selling to enable remediation when things go wrong.

2. Credit Assessments

The ACMA and stakeholders identified credit assessments and external credit checks as key mechanisms for consumer protection to ensure customers are not sold products or services which they cannot afford. As such, enhanced credit assessment obligations - with substantial uplifts to consumer protection - are a core part of the responsible selling provisions in the Draft Code.

The ACMA suggested, in its 8 April letter, that credit assessment obligations should not be limited to cases 'where a debt may be pursued by the CSP' because the ACMA is of the view that this approach would not protect all customers from the risk of 'financial over-commitment, disconnection, accruing of debt, and potentially a default being listed against their credit score'.

<u>Public Interest</u>

The ATA is of the view that the Code does protect customers from potential detriments raised by the ACMA. The impact of the new rule is that a CSP cannot take action to collect a debt or default list a customer if they have not conducted a credit assessment.

Requiring credit assessments in *all* circumstances would introduce potential barriers to accessing services for many cohorts of customers who may not be able to pass an external credit check. These cohorts include young people with no established credit history, DFV-affected consumers who have been the victims of financial coercive control, recent immigrants, and unemployed consumers.

In many instances, a more stringent approach to credit assessments (where we include internal collections activities in the definition of 'pursuing a debt') would not necessarily alleviate any further risk to the consumer. For example, a consumer contracting for a service where they will pay upfront and can cancel without penalty is not at risk of debt accumulation or financial over-commitment. We also note that the credit assessment rules have been carefully considered in the broader context of the rules around credit management and disconnection in the Code.

There is also potential consumer detriment in conducting unnecessary credit checks and/or subjecting customers to too many credit checks, as this will result in a negative impact on their credit scores.

<u>Impact on legitimate business interest of telco participants</u>

Similarly, as outlined above, the ATA weighed the costs to CSPs to conduct significantly more credit assessments and external credit checks. This is a result of a lowering of the threshold for credit assessment, as well as new rules regarding credit assessments of small business customers.

CSPs will incur the financial cost of each external credit check conducted, but the ATA also took into consideration the cost of implementation on systems and processes.

The enhanced rules in the Code will require CSPs to conduct significantly more external credit checks on more customers. Specifically, under the 2019 Code, providers can rely on a customer's payment history in place of conducting a full credit assessment. The proposed rules require that existing customers who are re-contracting services and/or adding devices will now need to undergo a credit assessment, including, in many cases, an external credit check.

This will impose substantial costs on providers, and will also potentially mean that many customers will not be able to upgrade devices on a payment-over-time arrangement as they will not be able to pass an external credit check. Some customers seeking to re-contract will inevitably need to be offered prepaid services as an option and will only be able to acquire new devices from other retailers – likely requiring them to use other available means of credit, such as credit cards or BNPL services.

3. Payment Methods (Direct Debit Flexibility)

The ACMA suggested that customers should be allowed to choose the date and frequency of their direct debit payment. The ATA contends the new rules provide customers with sufficient flexibility regarding their payments but also strikes the right balance between such flexibility and not imposing an undue burden on CSPs.

Public Interest

To mandate additional direct debit flexibility options would not serve the public interest because:

- payment flexibility for customers is already achieved through clause 8.10.2 and clause 8.10.3, which must be read together and understood as complementary.
- clause 8.10.3 requires that customers be allowed to choose a date for a recurring payment, or choose a payment frequency option, or temporarily defer payment without penalty; and
- clause 8.10.2 imposes an obligation on CSPs to provide at least one manual (i.e. controlled by the customer) fee-free payment method. Together, these provisions provide customers with flexibility as to when and how they pay, as the manual payment requirement means that a customer can opt to pay at any point, giving the customer flexibility to make adjustments as to suit their cash flow within any given billing period.
- each option in Clause 8.10.3 provides customers with flexible arrangements to manage their payments. Mandating that a CSP delivers more than one option would not result in an increase in consumer protections. If a CSP chooses to implement delays in payment, a customer has discretion over when he/or she pays and can defer payments as appropriate. If a CSP allows a payment date or frequency, then the customer can choose what works best for their circumstances.
- Mandating that CSPs must allow both choice of date and frequency of bills will lead to confusing and complex customer bills that would not serve public interest. Complexity in billing (and pro-rata billing in particular) has been a significant customer complaint driver over many years, something that both industry and the regulator have sought to eradicate over the past decade or more.

Impact on legitimate business interest of telco participants

The ATA notes that mandating additional direct debit options will further *substantially* increase build and implementation costs (placing an undue burden on industry), and it would also lead to operational complexities and increase consumer confusion – leading to an increase in complaints, which would also increase costs for CSPs.

- payment and billing systems are incredibly complex and often have limitations to their capability. Implementation of additional flexibility requirements beyond those included in the Draft Code would require, in some cases, the total redesign of a CSP's billing and payment systems. For example, a CSP's billing system that can or is configured to allow customers to choose the frequency of their direct debit, but is not configured to allow customers to choose the payment date, would require a particularly complex system redesign and IT build to also allow individual customer payment date choice, as the system would then need to be able to manage pro-rata billing.

- allowing a customer to choose a payment date is likely to require a re-design of billing systems to re-introduce pro-rata billing. For example, a customer signs up on 2 July but wants their monthly billing to occur on 20 July. A CSP will need to ensure its billing systems can accurately charge 2-20 July and then monthly thereafter. If a customer, again, wants to change the date at a later time, a system would need to be able to accommodate this. Some CSPs may choose to offer this if their systems are capable and it is how they choose to comply with cl. 8.10.3. However, for those CSPs that do not have systems currently capable, this change would be incredibly complex and costly to implement. CSPs have deliberately moved away from this model to simplify arrangements for customers. The ATA considered it an undue burden to move back to these arrangements – which are likely to create more problems than they resolve.

4. Mobile Coverage (returning devices)

The ACMA noted that provisions in the code are unlikely to be effective because drafting does not address how a CSP must treat situations where a consumer cancels their mobile service but the service is linked to a contract that also includes a device.

Public Interest

The ATA noted that there are additional rules on CSPs to be clear and upfront about what a customer is signing up for, including the impact cancelling a service will have on any associated device. We also noted that the CSP is required to prompt the customer to check mobile coverage prior to purchasing a service.

The ATA noted that many CSPs (and certainly large CSPs) already have 'coverage guarantees' in place. These necessarily work on a case-by-case basis. The ATA also noted that a device, unlike a service, can be used on another network after the service is cancelled.

The ATA noted the consumer protection concern relates to a customer being required to payout a device in full and having an unexpected high cost. The ATA noted that, in these circumstances, a CSP would be required to provide payment assistance to the customer.

Impact on legitimate business interest of telco participants

In this case, the ATA considered to mandate how a CSP must treat situations where a consumer cancels their mobile service where the service is linked to a device would have a significant detrimental impact to the legitimate business interests of CSPs.

The reason that CSPs currently offering return of devices do so on a case-by-case basis is that each circumstance may be different. A CSP may need to consider the right course of action based on:

- fault resolution processes (which could resolve issues);
- the condition of the device wanting to be returned;
- the timeframe the customer has come back to the CSP (i.e. has the customer been using the service for one month or six months);
- the individual's circumstances (e.g. vulnerability); and
- an assessment of fraud risk.

To require a CSP to, in *every* circumstance, allow a customer to return a device is considered to be unduly burdensome. The ATA contends that such a rule would give rise to considerable fraud, and it would be unreasonable to expect CSPs to implement across the industry in every circumstance, and not time-bound. CSPs lose significant amounts of money from returned devices.

5. CSP-initiated contract changes (notifying consumers)

The ACMA noted that consumers should be notified of all CSP-initiated contract changes as the consumer is best placed to assess whether they are negatively impacted.

Public Interest

CSPs make changes to their contract terms which fall into three categories – positive, neutral and detrimental. These contract changes occur reasonably frequently. If a CSP was required to notify a customer of a positive or neutral change every time such a change was made, it would result in customers being overwhelmed by information.

There is a risk of creating a 'boy who cried wolf' scenario where customers ignore important updates due to notification fatigue. When CSPs over-communicate to customers it is a source of frustration and annoyance. Our view is that there would be no resulting benefit to notifying customers of *all* changes.

Finally, the ATA noted that it is most critical that customers are advised of contract changes that will have a detrimental change to their service within an appropriate timeframe. This enables the customer to decide if they need to take any action.

Impact on legitimate business interest of telco participants

The ATA noted the significant cost impost of increasing the frequency of contract change updates on industry participants (to meet the timeframes in 7.2.2.(a)). This is particularly an issue for CSPs using mail houses as part of their communications strategies.

Thank you again for ACMA's interest in these issues. Should you require any further detail, please do not hesitate to contact me.

Best regards,

Luke Coleman

CEO

Appendix A

The Draft TCP Code meets the public interest as it meets the legitimate expectations of Australians and provides appropriate community safeguards

In the ATA's assessment, the Draft Code is a comprehensive uplift of consumer protections and, as such will serve the public interest and provides appropriate community safeguards under section 117 of the Tel Act.

The analysis below explains how the public interest is met in the Draft Code with reference to six consumer safeguard principles and the underpinning community expectations.

Consumer Safeguard Principle: Accountable (clear, objective and enforceable safeguards)

Key consumer expectation: businesses will comply with regulation and be held responsible for their actions

The Draft Code delivers enhanced accountability and meets consumer expectations. It does this through strengthened systems for internal and external checks and balances aimed at ensuring CSPs comply with regulation and are held responsible if they do not comply.

The Draft Code does this largely in Chapter 3 (Organisational Culture and Governance) and Chapter 10. However, the Draft Code also includes objectives for each chapter which outline consumer benefits and assist implementation and enforcement.

Chapter 3 establishes a framework for internal accountability through the establishment of policies, procedures, training and compliance monitoring. This builds on, and substantially strengthens, governance requirements in the current (2019) Code. Clearer rules about record keeping have also been included, further aiding compliance and enforcement checks by the CSPs and the ACMA.

Chapter 3 is logically structured to follow the customer sales journey and uses direct and simple language making the Draft Code clear and enforceable. Specific and objective obligations apply, rather than ambiguous broad standards.

Chapter 10 enhances the external accountability framework provided by CommCom by tightening and clarifying various checks and balances. Also, it includes new, clear triggers for CommCom to refer matters to the ACMA and requirements for transparent reporting. ATA notes that there is no requirement under the Tel Act for this external audit-type function and no other instrument (co-regulatory or otherwise) has such arrangements. It is a unique feature of the TCP Code that provides an additional set of checks and balances.

Consumer Safeguard Principle: Transparent

Key Consumer Expectations: Clarity about purchases and commitment

The Draft Code delivers consumer safeguards that provides transparency for consumers and clarity about purchases and commitment. It includes rules to ensure that consumers, and the broader community, are advised in a clear and easy-to-understand manner what they can expect from the products and services they buy, and what action a CSP must take if their expectations are not met.

The Draft Code requires that CSPs provide consumers with easy access to clear, comparable, accurate and inclusive plain language information about the CSP's products and services to enable them to choose products and services that meet their needs. This includes clear and accurate information at:

- pre-sale (e.g. in advertising and in the CIS)
- during the sale (including from a CSP's sales and support team), and
- post-sale (including in relation to contract records and payments due).

Pre-Sale/Sale (Advertising, the CIS, Order Summary)

The Draft Code has new and updated obligations relating to Advertising, the CIS and Order Summary which include:

- clear obligations for CSPs to advertise clearly, accurately and in plain language, with an updated and expanded comprehensive list of mandatory inclusions for advertising content and the Critical Information Summary (CIS). This includes new and extended obligations in relation to periodic pricing, data usage, mobile network coverage and underlying carrier, promotional discounts, as well as other information such as costs, broadband speeds, etc. (as relevant).
- new requirements on CSPs to make clear the impact of service cancellation on any associated device, information and prompts to check mobile network coverage; and information about payment methods.
- a new requirement for customers to be provided with an Order Summary, with key details about their specific purchase.

Post Sale (records, billing, direct debit reminders)

The Draft Code rules require ongoing transparency of information for the consumer for billing and payment arrangements, which include:

- obligations to keep customers informed about their ongoing service, including through new requirements in relation to the supply of a record of charges (a bill or receipt) in a durable medium and digitally accessible format; and
- obligations to waive any charge for paper bills if a customer is in vulnerable circumstances; reminders about any upcoming direct debit payments; information about the duration remaining of active discounts or credit; the duration and remaining number of payments for any arrangements to pay for equipment (e.g. a handset or modem) over time.

The Draft Code includes specific consumer protections regarding transparency for customers in vulnerable circumstances. These include:

- new and expanded requirements for CSPs to identify consumer needs and circumstances, and to support the consumer accordingly (including those in vulnerable situations). This includes including in staff training, sales and customer support obligations, and CSPs' processes, policies, monitoring and governance arrangements.);
- clear requirements in relation to the use of, or appointment of, an Authorised Representative, or Advocate;
- providing assistance in languages other than English, where the CSP has targeted advertising in that language.
- providing information about interpreter services on CSP websites and updated multilingual support information on bills and CISs, in at least 5 languages.
- updating CSP's digital websites & applications to meet the Web Content Accessibility Guidelines (Level AA) criteria.

To further empower consumers, the ATA is drafting a detailed document that explains a consumer's rights and expectations when purchasing and using telecommunications goods and services from a CSP. Written specifically for consumers, to help them understand what they should expect when dealing with their CSP, what to ask for, what's fair and how to get help (and who from) if things go wrong.

Consumer Safeguard Principle: Accessible and responsive

Key consumer expectations: easily contact their CSP with questions, and to raise issues or problems; and no matter the contact channel, their CSP will provide fair, timely and effective customer service.

The Draft Code delivers these safeguards and meets expectations through enhanced customer service and support obligations in Chapter 7, working alongside and complementing other regulatory instruments such as the Complaints Handling Standard and the new DFSV Standard.

Chapter 7 (Customer Service and Support) has been designed to make dealing with telecommunications providers simple. In particular, the express obligation to deal with customer enquiries in a timely and effective manner and requirements to have a 'live' contact channel and escalation to a real person, cements the customer-first approach.

Chapter 7 includes clear objectives that:

- Consumers can easily and conveniently engage with, and receive assistance from, their CSP's customer service and support channels.
- Consumers have access to timely and effective customer service.
- Consumers in vulnerable circumstances receive appropriate support to assist them to stay connected.

The Draft Code includes substantial uplifts to requirements for supporting the customer. These include training and systems to assist and protect consumers in vulnerable situations, including new and expanded requirements in relation to disabilities, languages and access to interpreter services, digital accessibility, recognising and appropriately assisting those in vulnerable situations, and managing deceased accounts.

The Draft Code also provides for enhanced, clearer and tailored remedies for consumers when things go wrong. These include providing a refund in response to direct sales errors or mis-selling; requiring that a consumer that has been impacted by a vulnerability at time of sale must be permitted to return the purchased telecommunications good and cancel their telco services without charge.

It is also clear that CSPs must not oblige customers to accept a remedy simply because it is preferred by the CSP and cannot penalise a customer for choosing one remedy over another.

Including protections for consumers where mobile coverage does not meet expectations (e.g. allowing consumers to exit a contract without penalty), and including prompts to review network coverage at locations the customer intends to use the service.

Consumer Safeguard Principle: Flexible

<u>Key Consumer Expectation: Payment – choice of method, clarity and accuracy</u>

The Draft Code delivers rules which require CSPs to offer flexibility in payment arrangements for customers. These new rules embed payment options for customers, including offering manual payment methods, and that direct debit is not the only fee-free payment method available.

The Draft Code includes new rules regarding payment methods which require:

- That CSPs provide consumers with information about two fee-free payment methods prior to a sale commencing in addition to one of those fee-free payment methods being manually controlled by the customer (i.e. not direct debit).
- Flexibility with direct debit by requiring that CSPs allow customers to:
- choose a recurring payment date;
- choose a payment frequency option (e.g. fortnightly or monthly), or
- temporarily defer a payment without penalty.
- That CSPs provide customers with payment reminder notices at least 3 days before a payment is to be debited from a customer's account and provide them with information about the debit in the notification.

Consumer Safeguard Principle: Connected

<u>Key Consumer Expectation: Help when in difficulty</u>

The Draft Code delivers consumer protections to enable customers to remain connected, where appropriate. Some connection consumer protections are now covered by the Financial Hardship Standard (FH Standard), and these principles/expectations were written prior to the implementation of the FH Standard.

The Draft Code seeks to balance a consumer's connection needs with the risk of other harms, for example through credit checks that do not impose unreasonable restrictions on those without credit history, as well as through detailed rules to ensure customers are fairly treated and have adequate protections should there be a need to restrict, suspend or disconnect their service. The Draft Code also includes new/updated clauses including:

- reactivation on disconnection in error (9.1.1. 9.2.2); and
- protection from disconnection during a natural disaster (9.1.4)

Consumer Safeguard Principle: Fair

Key Consumer Expectation: Fair treatment of consumers in vulnerable circumstances

The Draft Code delivers appropriate consumer protections to ensure that telecommunications services and devices are sold responsibly to consumers.

The Draft Code serves the public interest by delivering:

- a suite of consumer protections relating to responsible selling including: sales incentive structures; governance of sales processes and policies; training of staff, monitoring of staff; provision of information to customers before and during the sales process; customer support; and, if things go wrong, remedies.
- uplifted credit assessment requirements including a reduction in the threshold to trigger a credit assessment; additional obligations for existing customers and new obligations to conduct credit assessments on small business customers.
- A requirement to provide customer service 'fairly and accurately (cl 3.2.2, 4.1.3)
- Additionally, CSPs will also be required to support customers in vulnerable circumstances by:
  - assisting customers to self-identify as experiencing a vulnerability
  - having processes to proactively identify customers in vulnerable circumstances
  - training for staff to refer consumers to external services where further support may be beneficial, and
  - providing greater support for consumers who are managing the death of customer.