

## Chair and Agency Head

Mr Luke Coleman  
Chief Executive Officer  
Australian Telecommunications Alliance  
GPO Box 444  
Milsons Point NSW 1565

Via email: [l.coleman@commsalliance.com.au](mailto:l.coleman@commsalliance.com.au)

Dear Mr Coleman <sup>luke</sup>

### **Draft Telecommunications Consumer Protections Code (draft TCP Code) submitted for registration**

The ACMA is considering the draft TCP Code recently submitted by the Australian Telecommunications Alliance (ATA) for registration and seeks further information to inform its deliberations.

In addition to matters set out in subsection 117 of the *Telecommunications Act 1997* (the Tel Act), the ACMA must take into account the Statement of regulatory policy set out in section 112 of the Tel Act in forming its decision whether or not to register the draft TCP Code.

Subsection 112(2) of the Tel Act sets out that, in exercising its powers under sections 117, 118, 119, 123, 124, 125, 125AA, 125A and 125B of the Tel Act, the Parliament intends that the ACMA act in a manner that in the opinion of the ACMA enables public interest considerations to be addressed in a way that does not impose undue financial and administrative burdens on participants in sections of the telecommunications industry.

Subsection 112(3) sets out matters the ACMA must have regard to in determining whether the public interest considerations in subsection 112(2) are being met. This subsection provides:

*In determining whether public interest considerations are being addressed in a way that does not impose undue financial and administrative burdens on participants in sections of the telecommunications industry (other than electronic messaging service providers), the ACMA must have regard to:*

- (a) *the number of customers who would be likely to benefit from the code or standard concerned; and*
- (b) *the extent to which those customers are residential or small business customers; and*
- (c) *the legitimate business interests of participants in sections of the telecommunications industry; and*
- (d) *the public interest, including the public interest in the efficient, equitable and ecologically sustainable supply of:*
  - (i) *carriage services; and*
  - (ii) *goods for use in connection with carriage services; and*
  - (iii) *services for use in connection with carriage services;*

*in a manner that reflects the legitimate expectations of the Australian community.*

In making a decision whether or not to register this code, the ACMA must have regard to the matters set out in sub-section 112(3) of the Tel Act. The Authority requests the ATA provide any evidence or additional information it considers relevant to that consideration of the financial and administrative burden which would impact telcos covered by the code if it were to be registered, particularly as it relates to:

- the estimated number of customers who would be likely to benefit from the draft TCP Code (paragraph 112(3)(a) of the Tel Act)
- whether the draft TCP Code contributes to or detracts from the legitimate business interests of telcos that would be covered by the Code (paragraph 112(3)(c) of the Tel Act), and
- any views on how the public interest would be served if the draft TCP Code were to be registered, and how that reflects the legitimate expectations of the Australian community (paragraph 112(3)(d) of the Tel Act).

There are a number of areas where the draft TCP Code does not reflect the expectations that the ACMA has previously expressed to the ATA (formerly Communications Alliance) and the TCP Code Drafting Committee. There are also areas where the drafting does not reflect feedback from other stakeholders, and the explanation provided in the comments log is not persuasive as to the basis for that position.


It is unclear whether any of the matters referenced in subsections 112(2) & (3) are reasons why these issues have not been addressed.

Consistent with Ms Rainsford's advice to you of 8 April, the ACMA would also welcome the ATA's own assessment of how the draft TCP Code provides appropriate community safeguards (paragraph 117(1)(d) of the Tel Act) for the matters covered by the Code.

In the interest of progressing the Authority's deliberations in a timely manner, please provide the requested information by 5pm (AEST) 23 July 2025.

The ACMA contact officer is Ms Cathy Rainsford, General Manager Consumer Safeguards Division. Ms Rainsford can be contacted on (02) 6219 5500 or at [cathy.rainsford@acma.gov.au](mailto:cathy.rainsford@acma.gov.au).

Yours sincerely



Nerida O'Loughlin PSM

9 July 2025