

From: Tanya Farrell
To: [REDACTED]
Subject: FW: TCP Code – your letter of 29 August [SEC=OFFICIAL]
Date: Monday, 9 September 2024 1:25:34 PM
Attachments: image001.png
image002.png
image003.png
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Response to ACMA 29 Aug TCP Code letter, 9 Sept.pdf
image006.png
image007.png
image008.png
image009.png

Tanya Farrell
Manager
Telecommunications Performance & Regulation Section

Australian Communications and Media Authority
+61 2 6219 5194 | 0455 780 283
tanya.farrell@acma.gov.au
acma.gov.au



The ACMA acknowledges First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.



From: [REDACTED]
Sent: Monday, September 9, 2024 11:11 AM
To: Nerida O'Loughlin <Nerida.OLoughlin@acma.gov.au>
Cc: [REDACTED] Cathy Rainsford <Cathy.Rainsford@acma.gov.au>; Tanya Farrell <Tanya.Farrell@acma.gov.au>; Michael Cosgrave <mcosgrave5@gmail.com>
Subject: RE: TCP Code – your letter of 29 August

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Dear Nerida,

RE: TCP Code

Thank you for your letter of 29 August. Please see attached our response.

We look forward to an early meeting with the ACMA and to working constructively with you.

Regards,

Peppi

Peppi Wilson
Senior Manager, Policy and Regulation | Communications Alliance Ltd | Level 25/100 Mount St | North Sydney NSW 2060
M: 0414 086 047 | p.wilson@commsalliance.com.au | www.commsalliance.com.au
(Mon-Thurs)



In the spirit of reconciliation the Communications Alliance acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

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9 September 2024



Ms Nerida O'Loughlin PSM

Chair and Agency Head
Australian Communications and Media Authority

By email: OfficeoftheChair@acma.gov.au

Dear Nerida,

RE: TCP Code – your letter of 29 August, ACMA ref: ACMA2024/415-22

Thank you for your letter of 29 August and for acknowledging the considerable effort that has gone into drafting to date as we have attempted to balance the various – often conflicting – stakeholder expectations, in an ever-shifting regulatory environment. As you have recognised, the new and enhanced requirements ought to lead to improved outcomes for consumers.

As you are aware, the process that we have followed for the Code review and revision differs substantially from processes followed on previous occasions, with a drafting process designed to allow us to identify, understand and work to pragmatically address the key underlying issues. This iterative process has allowed us to move forward on many issues; it has resulted in both industry and other stakeholders adjusting or clarifying their respective positions as each party has better understood the issue, others' perspectives, and/or the associated regulatory and practical constraints and considerations.

Whilst that process has been of considerable value, the importance of more direct engagement with the regulator grows as a Code for public comment comes closer to finalisation. This is highlighted in this most recent correspondence by your comments on the removal of chapter outcomes and expectations, where the position of the regulator has been different from non-industry members of the Review Committee.

We re-iterate our commitment to working with the ACMA in a collaborative manner to address the issues addressed in your correspondence.

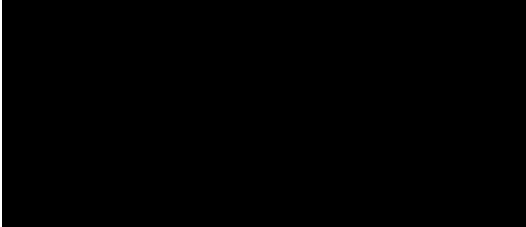
Specifically, I confirm that industry is willing to make further commitments in relation to responsible selling practices. We are not in a position yet to advise how these obligations can be effectively framed, but please rest assured that our members support the objectives of fair and ethical selling practices and protecting consumers from irresponsible selling.

We will need to work closely with the ACMA as we reach these final stages of drafting. Regular, direct engagement will provide us with the opportunity both to properly understand your concerns and suggestions on selling and all other outstanding areas of concern, and to test new and revised drafting in an efficient and timely manner.

We welcome the opportunity for an early meeting to discuss the best model for direct engagement. An initial meeting would also provide the opportunity to discuss timeframes for the next Code draft, which will in part depend on the ACMA's advice on appropriate protections for victim-survivors of domestic and family violence. We will contact Cath Rainsford or Tanya Farrell to agree on a date for this conversation.

In the interim, please do not hesitate to contact Peppi Wilson, Senior Manager Policy and Regulation, or me with any questions or concerns.

Yours sincerely,



Acting CEO/Director Program Management

cc: Cath Rainsford,
Tanya Farrell
Michael Cosgrave, Independent Advisor