

From: Tanya Farrell  
To: [REDACTED]  
Subject: FW: Telecommunications Consumer Protections Code [SEC=OFFICIAL]  
Date: Thursday, 15 August 2024 4:37:28 PM  
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Letter to Nerida O'Loughlin 15 Aug 2024.pdf  
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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: Samantha Yorke <Samantha.Yorke@acma.gov.au>  
Sent: Thursday, August 15, 2024 4:13 PM  
To: Cathy Rainsford <Cathy.Rainsford@acma.gov.au>; Tanya Farrell <Tanya.Farrell@acma.gov.au>  
Cc: Nerida O'Loughlin <Nerida.O'Loughlin@acma.gov.au>  
Subject: FW: Telecommunications Consumer Protections Code [SEC=OFFICIAL]

FYI, CA seeking an update on when we will provide feedback.

[REDACTED]  
Sent: Thursday, August 15, 2024 3:47 PM  
To: Office of the Chair <OfficeoftheChair@acma.gov.au>  
Cc: Samantha Yorke <Samantha.Yorke@acma.gov.au>; [REDACTED]  
Subject: Telecommunications Consumer Protections Code

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Good afternoon

Please find the attached correspondence relating to the Telecommunications Consumer Protections Code.

Kind Regards

[REDACTED]



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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15 August 2024

**Ms Nerida O'Loughlin PSM**

Chair and Agency Head  
Australian Communications and Media Authority

By email: [OfficeoftheChair@acma.gov.au](mailto:OfficeoftheChair@acma.gov.au)

Dear Nerida,

I trust all is well with you and the ACMA.

I am writing to you at the request of the Comms Alliance Industry Consumer Advisory Group (ICAG), which met this week and discussed, among other issues, the ongoing revision of the *Telecommunications Consumer Protections* (TCP) Code.

ICAG members form the TCP Code Drafting Committee (DC). The DC has met multiple times per week during the past 18 months in a complex, resource-intensive and highly iterative process designed to deliver a well-considered, stronger code that:

- reflects changes in the operating environment, marketplace and service offerings, and
- delivers better outcomes for consumers, building on the service provider performance improvements that have seen complaints to the TIO fall by around 60% during the past decade.

The drafting group has engaged strongly with the ACMA, all manner of stakeholders and with all the members of the Review Committee.

The group has met every deadline imposed by the ACMA throughout the process to date – notwithstanding the fact that they felt some of those bordered on the unreasonable.

As you know, we delivered a comprehensively-revised draft code to the ACMA by the 20 May deadline – almost three months ago. In parallel, we invited (further) feedback from the Review Committee (RC), by 24 June.

The indication from the ACMA at that time was that we could expect considered feedback from the Authority within a reasonable timeframe – which was understood to mean that it would provide feedback at about the same time as the RC.

We have sent the occasional reminder to the ACMA about this during the intervening period. We have organised and held a roundtable with the ACMA about the TCP process, about specific elements of the Code and how we had sought to account for and manage often conflicting stakeholder feedback, and, separately, about our concerns re elements of the Financial Hardship Standard and the Customer Service Determination. The ACMA undertook to come back to us on all of these things.

ICAG members recognise, of course, that the Authority has a very heavy work agenda at the moment.

Nonetheless, we would very much like to gain some clarity re the timing of next steps, and thereby to ease the frustration being felt by some members.

Our members are keen to understand and plan for the changes they will need to make not only to ensure compliance with a new Code, but also to understand the relationship between it and the various other regulatory changes in the mix, including those under the Bean review; and to understand whether arrangements might impact planned customer experience improvement work.

Importantly, the delays being built into the process by ACMA inaction – whatever the cause of that might be – mean delayed outcomes for consumers, who will benefit from the revision of this Code.

At the end of the day – both CA and the ACMA are charged with helping consumers benefit from telco services and connectivity.

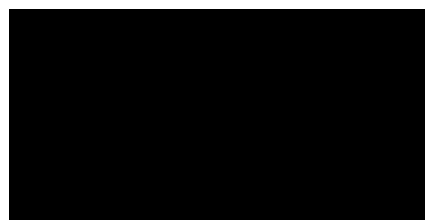
As we have repeatedly stated throughout the process, this revision of the TCP Code was designed to be iterative. We did not expect to deliver the perfect Code to the ACMA in May, and indeed, could not, given it has not yet been subject to public consultation. Rather, our process was designed to allow and encourage proper, considered debate on all issues, with a view to delivering a Code that provides the consumer protection that we are all committed to in a fair and workable manner. As such, we anticipated that there to be issues to work through with stakeholders.

Indeed, we have worked bilaterally with the Department to consider a number of the issues they raised about the May package, and they have subsequently provided further comment, adjusting or clarifying their position on some of those issues. Similarly, despite some headline posturing, we have noted many useful suggestions in comments from other RC members (as well as some feedback that suggests further explanation is required to ensure that the terms used, or relationship to other instruments, is understood by stakeholders, and a few positions with which we disagree).

I would, therefore, like to repeat our offer for the Drafting Committee to work through the issues in detail with the ACMA staff.

I look forward to your timely response.

Best regards  
John Stanton



**Chief Executive Officer**

cc: Samantha Yorke

