Australian Government

Australian Communications and Media Authority

Proposal to make the Telecommunications (Consumer Protections) Industry Standard 2026

Consultation paper

SEPTEMBER 2026

Canberra
Level 3
40 Cameron Avenue
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne
Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney
Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
F +61 2 9334 7799

Contents

Executive summary

Further to the ACMA's decision in early 2026 to develop a Telecommunications Consumer Protection Standard under Part 6 of the *Telecommunications Act 1997*, the ACMA is now inviting views and feedback on a consultation draft.

In developing this draft, the ACMA has taken into account:

- the extensive work done by the telecommunications industry during the review of the Telecommunications Consumer Protection Code 2019
- feedback provided by stakeholders through that code review
- other feedback and research provided to or available to the ACMA relevant to the adequacy of existing telecommunications consumer protections, including data from the Telecommunications Industry Ombudsman
- the outcome of compliance work undertaken by both the ACMA and the Australian Competition and Consumer Commission.

The ACMA is also cognisant that to be effective, the standard needs to respond to and address the intersection of a range of matters, including that:

- The nature of telecommunications services in contemporary Australia is now essential.
- The diverse experiences and needs of consumers, including due to matters such as vulnerability or geography.
- The retail telecommunications market in Australia is incredibly diverse, ranging from large ASX-listed companies to providers that are small businesses.
- There is a complex suite of telecommunications service and product offerings that are not uniform across the market and where they, and the technology underpinning them, is evolving at pace.
- The intersection of the Telecommunications (Consumer Protections) Industry Standard (TCP Standard), as ultimately made, with a range of other laws and regulation, including the Telecommunications (Financial Hardship) Standard 2024, the Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025, the Telecommunications Service Provider (Customer Identity Authentication) Determination 2022, the *Australian Consumer Law* and the *Privacy Act 1988*.

The obligations in the standard do not limit or change any obligations that businesses must comply with under the *Competition and Consumer Act 2010* and the Australian Consumer Law.

The ACMA's goal is to make a standard that provides effective and enforceable protections for telecommunications consumers at the earliest possible opportunity. Feedback on this version of the draft standard will assist us in achieving that outcome for consumers.

Introduction

We are seeking feedback on a draft new industry standard, the Telecommunications (Consumer Protections) Industry Standard 2026 (draft TCP Standard). This standard, when finalised, will replace the existing industry code, C628:2019 Incorporating Variation no. 1/2022 Telecommunications Consumer Protections Code (2019 TCP Code).

Background

On 27 March 2026, the ACMA publicly announced that it had decided to make a mandatory industry standard under section 125 of the *Telecommunications Act 1997* (the Tel Act) to replace the 2019 TCP Code with an industry standard.

TCP Code review process

This decision was made after a lengthy review of the 2019 TCP Code by the telecommunications industry, coordinated by the industry peak body, the Australian Telecommunications Alliance (ATA). At the outset of the TCP Code review process, the ACMA emphasised that significant improvements were needed to provide appropriate, contemporary consumer safeguards for telecommunications consumers. The ACMA's concerns were set out in the 2023 position paper, *What consumers want – Consumer expectations for telecommunications safeguards*. Areas of concern included clear and accurate information for consumers, selling practices, credit assessment processes, payment methods, processes for managing service disconnections and the fair treatment of consumers in vulnerable circumstances.

The ACMA's overarching consideration is that access to phone and internet services are so embedded in Australians' daily lives that access to suitable and reliable telecommunications services are essential. Telecommunications services are also integral to identity protection through the use of security measures such as multi-factor authentication and the ability to reliably contact Triple Zero in an emergency. The strength of consumer protections around the supply and use of these services needs to reflect their contemporary importance.

In May 2025, the ATA submitted an extensively revised draft TCP Code to the ACMA for inclusion on the register of industry codes and standards under section 136 of the Tel Act. Following careful review, the ACMA declined to register this draft code in October 2025. While the ACMA noted the significant improvements made compared to the 2019 TCP Code, it was not satisfied that, overall, the revised TCP Code met the threshold of providing appropriate community safeguards.

On 23 October 2025, the ACMA also gave the ATA a written notice under section 125 of the Tel Act that the 2019 TCP Code was regarded as deficient (Notice of Deficiency) in numerous areas and requested that the ATA address the deficiencies. ATA was also supplied with a statement of reasons for ACMA's rejection of the draft TCP Code.

The ATA submitted a second revised draft TCP Code to the ACMA in November 2025 (November draft TCP Code) in response to the Notice of Deficiency. After closely considering this draft, the ACMA ultimately decided that it was more appropriate to cease the code review process and exercise its powers under section 125 of the Tel Act to set new and stronger consumer protections under a directly enforceable industry standard.

This decision considered factors, including that the ACMA still did not have a code capable of being registered, that extensive efforts had already been made to that point, and the contemporary expectations of telecommunications consumers.

Addressing deficiencies in the 2019 TCP Code

The Notice of Deficiency detailed a range of problems with the 2019 TCP Code. The TCP Standard has been drafted to address these problems in a way that is intended to balance the needs of consumers without imposing an unnecessary regulatory burden on telecommunications providers.

Drafting clarity and enforceability

Issues around unclear drafting of obligations in the 2019 TCP Code have contributed to it failing to adequately regulate telecommunications providers and provide appropriate consumer safeguards. The ACMA has consistently raised concerns about obligations in the 2019 TCP Code (and predecessor codes) drafted in ways that are ambiguous or unduly subjective, including with the use of words like ‘may’ and ‘appropriately’, where greater clarity should be provided. The use of notes and references to guidance, both of which are not enforceable, was also problematic.

Protections in the draft TCP Standard have been expressed more clearly and definitively to assist industry to understand its obligations and enable the ACMA to assess compliance and take enforcement action where required.

Clear pre-sale consumer information about products

As telecommunications products have changed, information needed by consumers to make informed purchasing decisions has not kept up. The ACMA considers that the 2019 TCP Code has insufficient transparency about important features of telecommunications products and how they are offered.

Providers currently need to make available a summary of each of their telecommunications services for consumers in a Critical Information Summary (CIS), which must also be provided to a consumer prior to a sale (or within a cooling-off period in some cases). Whereas many phone and internet plans were previously offered on a post-paid basis, it is now common for these ongoing plans to require customers to pay one month in advance, in a form of ‘upfront’ or ‘pre-paid’ plan. This is an important distinction for consumers to understand but there is no requirement to include this information in a CIS.

Deficiencies also exist around information requirements relating to payment options available to consumers and the billing consequences for consumers if they cancel a plan with a linked device on contract. The latter issue has the potential for imposing bill shock on unaware customers.

The obligations in Parts 4 and 5 of the draft TCP Standard have been drafted to address these issues.

Pre-sale mobile coverage information

Although the 2019 TCP Code requires mobile network coverage maps to be available on a provider’s website, these have not been comparable across different mobile providers. There is also no requirement on providers to check the likely coverage and quality of service for consumers in areas where they expect to use a mobile service before a purchase.

Since the Notice of Deficiency was issued to the ATA, the ACMA has made the Telecommunications (Mobile Network Coverage Maps) Industry Standard 2026 (coverage map standard), which sets a standardised approach to how 4G and 5G mobile network coverage must be presented by mobile providers. It also requires clear, consistent and consumer-friendly terminology to be used to describe the expected quality of service.

Before a consumer buys a mobile service in an assisted sale (where the customer is dealing with a salesperson), we consider consumers should be actively offered information about the mobile coverage they can expect and prompted to check the mobile coverage map during unassisted sales. For accuracy and consistency, this information should be based on mobile coverage maps under the new ACMA coverage map standard.

The obligations in Part 5 of the draft TCP Standard aim to address the identified deficiencies by setting out the information that providers must make available to consumers prior to accepting sales of mobile services.

Responsible selling practices

The 2019 TCP Code has not operated to provide adequate community safeguards in relation to responsible sales practices, particularly for vulnerable consumers. The Telecommunications Industry Ombudsman (TIO) and consumer representative groups have frequently reported that some consumers are being sold telecommunications products that are beyond their needs or ability to afford. There have also been high-profile ACCC investigations into selling misconduct that have led to Federal Court civil penalties applied to Telstra ($50 million) and Optus ($100 million) in recent years.

The responsible selling obligations in the 2019 TCP Code do not:

- Assign sufficient accountability on telecommunications providers to train and require their salespeople to sell in a responsible manner, monitor their conduct and address any harmful selling practices that arise.
- Adequately protect consumers from being sold telecommunications products that do not meet their service needs and reasonably fit their budget.
- Contain rules governing sales incentive schemes, including safeguards to minimise the risk that these schemes encourage mis-selling behaviour for financial advantage.

Part 5 of the draft TCP Standard contains consumer safeguards to address these areas of deficiency. This is done through requiring stronger accountability for responsible selling behaviour, an emphasis on requirements to match sales to consumer needs, strict guardrails for sales incentive arrangements and mis-selling reporting requirements.

Credit assessments

Credit assessments in the 2019 TCP Code have been ineffective in assessing residential customers' capacity to pay for requested telecommunications products and preventing consumers on low incomes from taking on more costs than they can reasonably afford. The current credit assessment rules:

- do not clearly require providers to consider the cost of additional requested services combined with the cost of current services for existing customers
- are limited to considering the costs of services, not goods (such as devices), which can be the largest expense
- only apply to residential consumers and not small business consumers.

Obligations in Part 5 of the draft TCP Standard target these deficiencies. The ACMA is specifically seeking stakeholder feedback on the design of these rules to make them as effective and balanced as possible for both consumers and providers.

Remedies – mobile coverage and vulnerable consumers

There are no specific remedies in the 2019 TCP Code for consumers who are sold a mobile service that does not meet reasonable expectations based on information provided by their provider, including from their coverage map. This particularly affects consumers living in rural or regional areas. While the ACMA recognises that coverage maps are predictive and do not always reflect on-the-ground coverage conditions in local areas, consumers should have remedies available to them if they are unable to use the service they have bought.

The 2019 TCP Code does not provide remedies where a consumer’s decision-making ability at the time of sale is impaired due to a vulnerability. This may be due to an ongoing vulnerability or circumstances that are periodic or temporary such as a medical issue. Part 5 of the draft TCP Standard includes obligations to address these deficiencies that have been adapted from the draft November 2025 TCP Code and strengthened.

Payment methods

There are currently very limited protections in the 2019 TCP Code for consumers regarding a choice of payment method. Providers must offer at least one payment method free of charge, which is often met by offering direct debit payment. Many telecommunications service providers require direct debit payment or offer it as the default method. However, there is no requirement for flexibility in the use of direct debit such as consumers being able to nominate a suitable regular payment date. The rigidity of direct debit payment dates can lead to financial difficulties for low-income consumers. They may not always have sufficient funds in their nominated account on the date, especially if other unexpected bills fall at the same time.

The TCP Standard has been drafted to provide additional payment flexibility so that consumers can better manage their payment timing. This means having a choice between fee-free options that include manual payment methods that the customer initiates (by the due date) or allowing some flexibility around direct debit payment dates.

Disconnection processes

The process of credit management when a customer is overdue with payments for a telecommunications product/s needs to be handled carefully by providers. Given the essential nature of telecommunications services, disconnections should be a last resort.

Failed direct debit attempts for payment of a service should not lead to a customer’s service being restricted, suspended or disconnected before the provider makes reasonable efforts to:

- check that their own systems are not at fault
- notify the consumer of the failed direct debit
- allow reasonable time for them to transfer sufficient funds into their account before another attempt.

There is also a responsibility to inform the customer of payment assistance options available where there are indications that this may be helpful. Safeguards in the 2019 TCP Code do not adequately cover these conditions.

The draft TCP Standard sets out clear actions and timeframes a provider must comply with to reverse a disconnection, suspension or restriction where this has occurred in error by the provider.

Consumers experiencing vulnerabilities

The 2019 TCP Code has not provided effective safeguards for consumers experiencing vulnerable circumstances. The rules for vulnerable and disadvantaged consumers are not well defined. They are also difficult to assess and enforce because the protections are too general, subjective or refer to an ACCC best practice guide, which is not enforceable.

Applying inclusive-by-design principles across processes that involve interactions with all consumers would lead to outcomes whereby those experiencing vulnerabilities would be accommodated by default, as well as other consumers.

The draft TCP Standard addresses deficiencies in protections for these consumers, including placing limitations on the circumstances in which providers may request supporting material relating to a consumer's vulnerable circumstances and how that information is handled.

Managing accounts of deceased customers

The ACMA is aware of complaints from authorised representatives of a deceased estate because of undue difficulties in managing a deceased person's telecommunications account. Protections in the 2019 TCP Code lack requirements on providers to work with authorised estate representatives to manage and finalise deceased accounts in an effective, timely and compassionate manner.

These issues are addressed in Part 6 of the draft TCP Standard.

Issues for comment

The ACMA invites feedback on any part of the draft TCP Standard and seeks feedback on a range of specific issues from stakeholders. These specific issues are explained in detail below.

Responsible selling – advertising and pre-sale information

Selling telecommunications goods and services in a responsible way that promotes customers obtaining products that meet their needs and that they can afford is critical. It has also been a key consumer safeguard area where significant improvements are needed from the 2019 TCP Code.

A key element of responsible selling is for consumers to be able to consider and compare different telecommunications offers and make informed purchasing decisions. Consumer information available on a provider's website, in their advertising and other information formats needs to be accurate, up-to-date and offer relevant information for consumers. The ACMA is proposing to broadly retain the current 2019 TCP Code rules with improvements to enhance content requirements and make them fit for contemporary use, including:

- changes to mandatory content in critical information summaries
- updates to advertising rules
- clearer rules about providing sales information in community languages other than English, or where to obtain free translation services.

Critical information summaries

Under the 2019 TCP Code, providers must have a critical information summary (CIS) for each telecommunication service they offer, similar to product summaries required in other service utility sectors (power, water).

The CIS is a tool for consumers to have important information in one place and be presented consistently across the industry to help consumers understand and compare products.

The draft TCP Standard (sections 29 and 30) retains most existing CIS minimum requirements and:

- improves the clarity of the requirements
- requires information about whether the service must be paid for before (pre-paid, upfront) or after using it
- requires information about fee-free billing and direct debit payment flexibility options
- requires information about the consequences for the customer if they cancel a service, such as having to pay out the remaining contract amount for a linked mobile device
- updates how to express the cost of standard data rate usage to be more appropriate for data amounts offered (cost per gigabytes instead per megabyte)
- requires clear links to the relevant customer contract
- requires contact details for language interpreter services and the National Relay Service (to help hearing-impaired consumers).

Question 1

Will the proposed minimum content requirements of the CIS in Part 4 of the draft TCP Standard assist with the outcome of ‘well-informed consumer choices’? Is there other information that should be added or substituted in place of any existing minimum content, or deleted?

Standardised format

In early targeted stakeholder meetings on the draft TCP Standard, some stakeholders suggested that CISs should be presented in a more standardised format to make it easier for consumers to compare telecommunications products and identify the service that best meets their needs. A standardised format may also make CISs easier for comparison websites and other services to use when comparing telecommunications products.

The draft TCP Standard proposes a standardised minimum set of information that must be included in a CIS (section 30). However, it does not prescribe a particular layout, structure or format for how that information must be presented.

Question 2

Should the TCP Standard prescribe a machine-readable and standardised format or layout for CISs, in addition to standardised content requirements to enable improved comparison between telecommunications products for consumers? Please explain the benefits, costs and implementation issues associated with such an approach.

Special promotions

Telecommunications providers often use pricing strategies such as special promotions with introductory offers making products ‘free’ or discounted for a limited time. These can make it difficult for consumers to understand the overall cost and what the cost will be after the special promotion period ends.

The draft TCP Standard does not propose requiring providers to have a separate CIS for a special promotion, provided that a CIS exists and is made available for the underlying telecommunications product. However, key information about special promotions would need to be provided in advertising (subsections 28(5) and 31(1)).

Question 3

What key information should be included in advertisements of special promotions of telecommunications goods and services? Please provide reasoning in your response.

Question 4

Should a separate CIS be made available to consumers for special promotion offers? Please provide reasoning in your response, including the benefits and costs of such an approach.

Responsible selling – sales process

Improvements in aspects of the selling process have been made in the draft TCP Standard to address deficiencies undermining responsible selling behaviour and accountability, providing appropriate information to consumers prior to purchases, and practices that lead to customers being offered goods and services that meet their needs.

We have added and strengthened safeguards in the following areas:

- appropriate staff training, monitoring addressing mis-selling behaviour, with oversight responsibility set at senior executive level (sections 8–13)
- having a clearer understanding of the kinds of conduct that constitute mis-selling and would trigger remedies for customers (definition of the term 'mis-selling')
- rules around the operation of sales incentive arrangements (section 40)
- credit assessment rules that better balance protecting consumers from being offered products that they can afford without being overly onerous or intrusive (sections 50–54)
- for assisted sales, requiring providers to engage with the customer to identify their needs and limitations (for example, their budget) and advise the customer about products that will best suit their needs (section 38)
- providing a CIS prior to sale (except for unsolicited sales agreements under the Australian Consumer Law where there is a cooling-off period) (section 42)
- requiring providers to offer consumers information about expected mobile coverage service quality based on their mobile network coverage map before a mobile service sale is completed (section 44):
  - for new customers and existing mobile customers who are changing their circumstances, such as their address (where a salesperson is involved)
  - by actively prompting consumers to check the provider's mobile network coverage map (unassisted sales, such as when a consumer buys a service online).

Sales incentive arrangements

Incentive schemes are used by providers to encourage and reward higher sales but also pose risks of mis-selling that cause harm to consumers, especially consumers experiencing vulnerabilities. Early discussions with stakeholders have shown a variety of views about how the TCP Standard should provide safeguards regarding sales incentives, including:

- an outright ban of sales incentives
- allowing providers to continue their practice of rewarding staff through sales incentives only in conditions where there are sufficient guardrails to prevent mis-selling
- a less prescriptive approach that affords providers discretion in relation to rewarding sales staff and the actions to be taken when mis-selling is detected.

While the November 2025 draft TCP Code addressed these risks in part, we have proposed a stricter set of protections to guard against the risks (section 40). The draft TCP Standard would require a provider to:

- have and implement a sales incentive policy in writing that complies with requirements in the TCP Standard
- promote responsible selling
- have and deliver appropriate training for staff before they are eligible for sales incentive payments
- cap performance bonuses to 20% of staff base salary
- limit the weighting of increased sales to a maximum of 30% to assess whether the sales agent is eligible for a bonus, with the remaining weighting reliant on performance metrics based on customer service feedback or other similar non-sales volume-based factors

- not pay bonuses unless the provider is satisfied that the salesperson has not engaged in mis-selling
- hold a senior executive ultimately responsible for implementation, operation and regular review of the policy
- return a customer to the same position they would have been (or as close as possible) had the mis-selling not occurred (section 45)
- keep records of the operation of the sales incentive arrangements and report identified instances of mis-selling to the ACMA (sections 100 and 41).

Subject to consultation, it is the ACMA's preliminary view that the sales incentive provisions represent a reasonable compromise in that they address the need to protect consumers from inappropriate selling while also allowing industry to adopt ordinary remuneration practices necessary for a viable telecommunications industry.

Performance payment bonus cap

We have retained industry's proposal in the November 2025 draft TCP Code to cap performance bonuses to 20% of a staff member's base salary (section 40). This has been defined to exclude superannuation or allowances.

The corresponding provisions in the draft TCP Standard clarify that regardless of whether one or more performance payments are made to a salesperson over the course of a year, the total amount of all payments must not exceed 20% of their annual base salary. This is to prevent multiple performance payments being paid to an individual that each meet the 20% cap but taken together could exceed it.

If a provider wishes to offer store-level performance bonuses, the cap would still apply to each individual receiving such a bonus, whether they are provided in cash or other non-monetary forms of quantifiable value (e.g. gift cards).

Weighting

A weighted scorecard approach is key for aligning performance management and remuneration frameworks, reducing complexity and continuing to deliver fair and balanced outcomes for consumers.

Providers may choose not to use sales incentives. However, where sales incentives are used, they should be weighted to achieve outcomes of customers being responsibly sold the products that best suit their needs – not the products that will secure the highest value sales.[1] Section 40 of the draft TCP Standard requires the combined weighting of performance metrics:

- relating to the volume or value of sales as contributing to no more than 30% of a staff member's maximum performance payment entitlement
- includes one or more performance metrics based on customer feedback scores, which contribute a combined total of no less than 70% of a staff member's maximum performance payment entitlement

Changes by ANZ provide an example in the banking industry of better managing incentive schemes. ANZ conducted a test-and-learn trial for 15 months, during which staff performance measures and objectives were changed so that sales targets were removed

[1] Incentivise sales staff and protect your customers – Car Care Plan and Retail Banking Remuneration Review issues paper, accessed on 1 September 2026.

from incentive plans and replaced with customer-based metrics. Based on the trial, the ANZ moved to an incentive plan that placed a weighting of about 70% on customer-based outcomes and about 30% on staff sales performance.[2] The ACMA is also proposing that sales incentive obligations should apply regardless of whether the incentives are awarded at the level of an individual sales staff, or team-based, store-based, business-unit or other collective incentive arrangement.

Question 5

Should the sales incentive provisions apply to store-level, team-level and other collective incentive arrangements as well as incentives paid directly to individual sales staff? Please provide reasons for your view.

Credit assessments

Pre-sale credit assessments are important tools to help make sure that providers do not sell goods and services to consumers that they are unlikely to be able to afford and could lead to financial hardship consequences down the track.

The ACMA is proposing to strengthen protection for consumers. However, we are still considering the most suitable, balanced approach to credit assessments. The approach needs to focus on protecting consumers who are most at risk of harm from being sold telecommunications products that are beyond their capacity to support ongoing payments. It must also allow low-income consumers to access essential phone and internet services. Credit assessment rule settings should also avoid unnecessary credit assessments being required and being unduly intrusive for consumers.

Our proposed approach accords with the approach taken in subsection 118(2) of the *National Consumer Credit Protection Act 2009*, which requires an assessment of whether '…[a] consumer will be unable to comply with the consumer's financial obligations under the relevant contract, or could only comply with substantial hardship'.

Measures included in the draft TCP Standard (sections 50–53) relating to credit assessments include requirements for them to apply:

- to residential and small business consumers
- to contracts for telecommunications goods (including devices) but not service-only contracts
- when the total costs of known contract costs would be $300 or more for residential customers and $2,000 or more for small business customers for the term of the contract/s
- the draft TCP Standard also proposes that these thresholds be indexed over time to maintain their real value. We are seeking stakeholder views on both the level of the thresholds and the proposed indexation mechanism (see Questions 8 and 9)
- for new and existing customers, where existing customers are concerned, providers would need to take into account their existing contract costs remaining, plus the costs of any new contract costs of goods and services in the credit assessment
- to factor in affordability indicators of prospective customers

[2] ANZ, ANZ response to the retail remuneration review issues paper, February 2017, accessed on 1 September 2026.

- if a provider has an internal credit limit that the proposed sale would exceed, they must inform the customer of this fact and that the sale may not proceed without a security deposit or other similar measure accepted by the provider
- where a provider has an internal checking process, a provider must not conduct external credit checks unless a consumer has already passed an internal credit check.

Question 6

Do you have any concerns or other feedback on the approach to or proposed drafting of credit assessments? Please provide reasoning in your response.

Question 7

The ACMA's considerations of external credit assessment requirements would be assisted by information about provider internal credit assessment processes. If you are a carriage service provider, please provide the ACMA with an outline or the key criteria of your internal credit assessment checks.

Threshold for credit assessments

Some consumer and industry stakeholders are concerned that the threshold value of $300 for residential consumers is too low and would result in an excessive number of credit assessments. This would be a burden on industry and intrusive for consumers. The $300 trigger would be reached easily when a device on a contract is part of a purchase. Representatives of rural, regional and remote areas have also noted how easily that limit can be reached in the supply of services and necessary equipment for those living in areas beyond urban areas.

Conversely, $300 is a material amount of money for some consumers so it is important to strike the right balance in protecting consumers.

There may also be unintended consequences of having this threshold, especially for residential customers who shop around for new telecommunications services. This could lead to multiple external credit check enquiries over a short time being logged on a consumer's credit report and negatively affecting their credit score. In turn, it could detrimentally affect the consumer's reasonable ability to obtain credit for other loans or purchases.

We seek feedback on whether a specific dollar threshold should apply to credit assessments and, if so, what is an appropriate amount. Even if a dollar threshold is set, inflation will mean that in real terms, it will reduce over time. We are proposing to address this by indexing the threshold to the Consumer Price Index (section 52). Alternatively, the threshold could be removed altogether.

Question 8

Should a specific dollar value trigger a credit assessment and, if so, what is an appropriate amount? Please provide a reason for your view.

Question 9

Should there be a mechanism for maintaining the real value of a specific dollar threshold, such as indexing it to the Consumer Price Index, periodic reviews or other means? Please provide a reason for your view.

Question 10

If you consider that there should not be a dollar value trigger, what other criteria should trigger a credit assessment? Please provide a reason for your view.

The proposed draft TCP Standard limits how credit assessments may be triggered when consumers are seeking new contracts or adding to existing contracts. However, there may be other circumstances, such as variations to an existing contract, that should be considered.

Question 11

Should other circumstances also be included as part of the criteria for when to consider whether a credit assessment is required, such as customer-initiated variations to existing contracts? Please provide the reasons for your answer.

To minimise the need for external credit checks, paragraph 50(9)(c) of the draft TCP Standard proposes a 12-month timeframe for existing residential customers. We are seeking feedback on the most suitable minimum period between external credit checks that will provide useful information to help a credit assessment process.

Question 12

Should there be a period between credit checks for existing customers and, if so, what should this timeframe be – 12 months, 6 months or other? Please provide reasoning for your response.

Question 13

Do you have any comments on the proposed requirements relating to internal credit limits, including disclosure of those limits to consumers before an external credit check is conducted? Please provide reasons for your view.

Affordability indicators

Affordability indicators in this context are metrics used to help a business decide if a consumer is likely to be able to afford to repay a debt for telecommunications products without causing financial hardship. External credit checks can provide information to help providers determine the credit risk of a consumer, but are unlikely to indicate the capacity of the consumer to pay for a product.

The draft TCP Standard proposes that providers must consider affordability indicators, including a consumer’s employment status, the source of their income and their payment history (for existing customers). It also proposes that at least 2 other affordability indicators be considered in credit assessments (subsection 50(7)).

The following is a non-exhaustive list of metrics, other than employment status and source of income, that can be used to indicate affordability:

- stability of income such as whether it is a regular amount or fluctuates due to casual or seasonal employment
- other existing liabilities such as active credit cards, personal loans, mortgages and continuous commitments like Buy Now, Pay Later (BNPL) accounts
- regular living expenses.

These characteristics are based on the Australian Securities and Investments Commission's Responsible Lending Conduct Guidance (RG 209).

The ACMA proposes to include a non-exhaustive list of affordability indicators in the definition at section 5 of the draft TCP Standard. The list of affordability indicators has not yet been finalised and the ACMA is seeking stakeholder views on which indicators should be included in the final standard.

Question 14
Do you support the inclusion of the above metrics in a non-exhaustive list of affordability indicators? Are there others that should also be included that would assist credit assessments without being too intrusive? Please provide reasoning to support your view.

Remedies

To address significant safeguard deficiencies in the 2019 TCP Code, the draft TCP Standard includes obligations on providers to apply specific remedies when:

- mis-selling occurs (section 45)
- a customer's mobile coverage experience is not as expected from information or advice from their provider or where a provider-initiated change in technology adversely impacts the consumer (sections 46 and 47)
- a customer with a vulnerability that adversely affected their decision-making when purchasing telecommunications goods and services occurs (section 48).

Mis-selling

Rules are proposed that where mis-selling is identified, a provider must take reasonable steps to inform the customer of their entitlement to a choice of remedies. Mis-selling can be identified by the provider itself, or from information obtained from other sources, including an affected customer or the TIO.

Proposed remedies for mis-selling concentrate on reversing the negative impact of a mis-sale through a specific set of options that the affected customer can choose from are in subsection 45(8). Remedies being proposed include:

- refunding the customer
- returning the customer to the position they were in before the sale, which may involve restoring a pre-sale service, or as close as possible where it is not technically or physically possible to do so
- where an ongoing customer contract is concerned, ending or changing the contract without charge
- another remedy as agreed to by the customer.

To help provide clarity about kinds of activity or conduct that is considered ‘mis-selling’ and would trigger mis-selling remedy rules, we have proposed an inclusive, non-exhaustive definition of mis-selling in section 5. These are based partly on specific business practices prohibited under the Australian Consumer Law. It also includes other practices not specifically covered by the Australian Consumer Law but would apply in the context of the sales of telecommunications services and goods, or are to deter practices that have previously occurred such as manipulating credit assessment processes to obtain sales.

Mis-selling reporting

To provide extra transparency about occurrences of mis-selling and their handling, the draft TCP Standard proposes that providers be required to report quarterly to the ACMA on instances of mis-selling that are either identified by the provider or brought to their attention by the TIO or through customer complaints made directly to the provider.

Subsection 41(2) of the draft TCP Standard proposes a staged commencement approach for these reporting obligations. Large providers (those with at least 30,000 services in operation) would be required to begin reporting from commencement of the standard, while smaller providers would have an additional 12 months before the reporting obligation applies. This approach is intended to balance the benefits of early reporting noting the implementation burden on smaller providers.

The ACMA is also considering adding a requirement that providers report this mis-selling information publicly.

Vulnerable consumers

Where a consumer’s decision-making was impaired by a vulnerability at the time they purchased a telecommunications product, they would be eligible for redress up to 6 months after the sale. Remedies include allowing the customer to:

- exit their service contract with their provider without charge, and choose between:
  - returning any device or handset linked to the service (provided that it is in good working order) and receive a *pro rata* refund based on the time elapsed since the purchase
  - continuing to pay for the telecommunications goods under the same contract terms as if the linked service contract was still in place.

A remedy would need to be implemented within 3 business days unless otherwise agreed with the consumer, or where the consumer has not completed an agreed action as part of implementing the remedy (section 49).

Supporting evidence

A provider would need to assess and decide whether it would accept a claim from a customer before these remedies were available. Evidence would not be required to be sought, but reasonable supporting material could be asked for by providers to assess a customer’s claim.

Section 23 of the draft TCP Standard permits providers to request evidence of vulnerability only where the request is reasonably necessary for a purpose under the standard or is required or authorised by law. Before requesting evidence, a provider must first consider information already available and whether the relevant purpose can reasonably be achieved without obtaining additional evidence.

The draft TCP Standard also requires a provider to discuss with the customer what information is relevant, reasonable, available and safe to provide. Supporting material may include the customer's own statement or information from a government agency, health practitioner, financial counsellor, legal assistance provider, community or crisis support service, court or police authority, or another person or body with knowledge of the customer's circumstances (refer to Note under subsection 23(7)). These examples are not exhaustive, and a provider must not treat any particular document as mandatory unless obtaining it is required by law.

These examples have been informed by the approach used in the Australian Tax Office's vulnerability framework. The ACMA seeks stakeholder views on whether these examples are appropriate, whether other examples should be included and what safeguards should apply to requests for sensitive information.

These remedies do not override the general mis-selling remedies above, which would still apply to consumers in vulnerable circumstances where providers have not taken account of such circumstances, but where they should reasonably have been aware of them.

Question 15

Do you have any comments on the proposed requirements relating to requests for evidence or supporting material concerning vulnerable circumstances, including the circumstances in which evidence may be requested, and the limitations on evidence requests? Please provide reasons for your view.

Question 16

Should the definition of vulnerable circumstances in the draft standard be changed? If so, please explain how it should be changed and why.

Mobile coverage

The draft TCP Standard includes remedies for mobile service customers (new and existing) where the coverage experienced falls short of what they reasonably expected. These safeguards complement other proposed requirements for providers to offer to check the expected mobile coverage in areas where the customer expects to use the service prior to the time of purchase. In this case, customers would need to request a remedy from their provider because the coverage does not meet their reasonable expectations within 20 business days for the specific remedies to be available.

Remedies would also be available in circumstances where a provider-initiated change in technology adversely impacts the consumer (e.g. the consumer had committed to a 2-year contract to pay for a mobile phone device that does not work at all or in materially the same way as a result of technology, changes they were not informed were coming at the point of sale).

The remedies are set out in subsections 46(2) and 47(5) and are similar to those for consumers whose decision-making was impaired by a vulnerability at the time of purchase (subsection 48(6)).

Question 17

Please advise of any concerns or other feedback you have with the proposed approach to or drafting of remedies for mis-selling, mobile coverage and vulnerable consumers as set out in the draft TCP Standard? Please provide reasons in your answer.

Question 18

Should providers be required to publicly report cases of mis-selling as well as reporting these to the ACMA on a quarterly basis? Please provide reasons in your answer.

Disconnections

Telecommunications services are essential ways for people to stay connected and function in their daily lives. The draft TCP Standard will recognise the vital nature of these services. Disconnections that occur unfairly or in error by the provider need to be fixed quickly. Where disconnection occurs as part of credit management action, it must be an action of last resort, and after providers have exercised responsibility by making reasonable efforts to keep customers connected (for example, through financial hardship assistance, if eligible).

The approach proposed in the November 2025 draft TCP Code laid a good foundation for consumer safeguards that providers must give to affected customers before credit management action is taken prior to disconnection. We have adapted these for the draft TCP Standard (sections 91–95).

The draft TCP Standard includes additional obligations so that customers are aware of the options available to them, including that providers offer financial hardship assistance (paragraphs 92(2)(g), 93(5)(f) and 94(5)(f)). Providers would also be required to provide adequate redress to a customer if they have been wrongly disconnected but cannot, for technical reasons, reconnect the line/number (section 96).

In broad terms, we are proposing to make rules regarding the restriction, suspension and disconnection of a customer's telecommunications service that would cover the following areas:

- Providers must recognise that telecommunications are an essential service for consumers and that disconnecting a service must only occur as a last resort.
- Providers must act fairly and responsibly at all times to consumers when taking credit management action.
- Providers must provide consumers with adequate warning before taking credit management action and advise them how the action can be avoided.
- Before taking any credit management action, providers must make consumers aware that they offer financial hardship assistance and how they can access such support.
- If a consumer has been disconnected due to an error by their provider, or the provider has not complied with credit management rules, the provider must reconnect the consumer within a short and defined timeframe or provide appropriate redress that the customer agrees to if re-connection is not technically possible.

Question 19

Do you have any comments about the proposed approach to and drafting of requirements relating to disconnections in the draft TCP Standard? Please provide reasoning to support your view.

Question 20

Where an erroneously disconnected service cannot be restored for technical reasons, is the proposed rule requiring a provider to return the customer to an equivalent position to that which they were in beforehand appropriate, or is some other form of redress warranted? Please provide reasoning to support your view.

Other comments

Question 21

Are there any other issues or gaps relating to the proposed TCP Standard that the ACMA should consider as it finalises the development and making of this instrument? Please explain your views and provide evidence where relevant.

Question 22

Of the obligations proposed in the draft TCP Standard, which ones (if they were ultimately included) would need a delayed commencement date beyond commencement of the standard? Please explain why and your views on how long would be required.

Invitation to comment

Making a submission

We invite comments on the issues set out in this consultation paper.

- Online submissions can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
- Submissions by post can be sent to:

  The Manager
  Telecommunications Performance and Regulations Section
  Australian Communications and Media Authority
  PO Box 13112
  Law Courts
  Melbourne VIC 3000

The closing date for submissions is COB, **Tuesday 10 November 2026**.

Consultation enquiries can be emailed to TelcoPerformanceRegulation@acma.gov.au.

Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

Privacy

View information about our policy on the publication of submissions, including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988*, how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our privacy policy.