



Addendum—Telecommunications Consumer Safeguards: International and sectoral comparisons of consumer protections for choice and fairness in the retail relationship between customers and their providers

July 2020

This addendum provides information on developments which have occurred within Australia since this paper was finalised in August 2018. It **does not** cover Section 2: Comparisons to other countries, or Section 3: Choice and fairness protections in other countries. The information in Sections 2 and 3 was current at August 2018, and is provided for benchmarking purposes only.

Updates are listed by section below.

1.1 Context

Change of Minister: Former Senator the Hon Mitch Fifield's term as Minister for Communications and the Arts concluded on 29 May 2019. The current Minister for Communications, Cyber Safety and the Arts is the Hon Paul Fletcher MP.

1.3 Government mandated protections—legislative and regulatory

Changes to International Mobile Roaming (IMR) instruments: The Telecommunications Service Provider (International Mobile Roaming) Determination 2019 came into force on 1 July 2020, replacing the Telecommunications (International Mobile Roaming) Industry Standard 2013. When the IMR Determination came into effect, it revoked the IMR Industry Standard.

IMR protections are intended to address consumer harm arising from the 'bill shock' that can result from IMR. Both the IMR Industry Standard and the IMR Determination require providers to notify their consumers when IMR services are activated and what the maximum IMR charges are. Consumers must also be able to monitor, track, alter or stop IMR services if desired, to better manage their spending.

Changes introduced in the IMR Determination are intended to:

- cater for the growing number of consumers now using IMR services on tablets
- ensure providers offer additional non-SMS communication options to customers (for receiving IMR-related notifications)
- avoid consumers being sent identical IMR information within the space of 14 days each time they arrive in a new country where there is no change to charging information
- ensure that consumers are made aware earlier of the charges that will apply after they have used up 100% of any included value in their mobile plan, and before those charges are incurred
- enable small businesses with an annual spend with their supplier of no greater than \$40,000 (previously \$20,000) to also be afforded IMR protections, and
- clarify the meaning of 'nominal fee' (by now specifying it as an amount equal to \$1.00).¹

¹ [Telecommunications Service Provider \(International Mobile Roaming\) Determination 2019](#)

Change to NBN Consumer Information Standard: The Telecommunications (NBN Consumer Information) Industry Standard 2018 is now in effect.²

Review of the Telecommunications (provision of Pre-selection) Determination 2015:

Under subsection 349(15B) of the Telecommunications Act 1997, ACMA was required to review whether to vary or revoke the Telecommunications (provision of Pre-selection) Determination 2015 two months before the Designated Day. The Designated Day is 1 July 2020³, meaning ACMA needed to complete the review by 1 May 2020, which it has done. On 12 May 2020, ACMA announced that it had concluded its review and decided not to vary or revoke the Determination.⁴

1.4 Industry-Developed Rules

Updated Telecommunications Consumer Protections (TCP) Code: The latest version of the TCP Code was registered by the ACMA on 1 July 2019 and commenced on 1 August 2019. The updated TCP Code now includes a chapter on financial hardship and credit assessment, which contains rules relating to assessing financial hardship, and the assistance and arrangements that should be in place. It also includes a new obligation on service providers to address enquiries and resolve complaints about third party charges, an increase (from 5 to 10) in the number of service providers who participate in the Complaints in Context reporting, and an update to the definition of small business. Complaint handling provisions which were formerly in the TCP Code have been elevated to the Telecommunications (Consumer Complaints Handling) Industry Standard 2018.⁵

4.2 Banking sector

Updated Banking Code of Practice: The Banking Code of Practice 2013 has been superseded by the Banking Code of Practice 2019. The new Banking Code was substantially rewritten following the conclusion of the Royal Commission into misconduct in the Banking, Superannuation and Financial Services Industry in February 2019. The Banking Code 2019 is now approved by the Australian Securities and Investments Commission (ASIC), and is binding on subscribers. Alleged breaches will be investigated by the independent Banking Code Compliance Committee.

The Banking Code 2019 contains a variety of stronger protections for bank customers, including requirements for banks to exercise greater care when dealing with vulnerable customers, more information about affordable banking products, and an end to unsolicited offers to increase credit limits. Other provisions are designed to bring more rigorous scrutiny to the financial profile of borrowers, and to offer greater protections to guarantors. For small businesses, the Banking Code requires simplified loan contracts, greater transparency and longer notice periods for when loan conditions change.⁶ The full Banking Code 2019 is available at ausbanking.org.au/.

² [Telecommunications \(NBN Consumer Information\) Industry Standard 2018](#)

³ [Telecommunications \(Designated Day\) Instrument 2019](#)

⁴ [ACMA announces outcome of pre-selection review, 12 May 2020](#)

⁵ [Communications Alliance Ltd Industry Code C628:2019: Telecommunications Consumer Protections Code](#)

⁶ [Australian Banking Association \(2019\) Industry Code: 2019 Banking code of Practice brochure](#)