

15 December 2022

By email: usb@communications.gov.au

Universal Services Branch
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
Canberra ACT 2601

To whom it may concern

Draft Telecommunications (Infringement Notice Penalties) Determination 2022

We welcome the opportunity to comment on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the **Department**) consultation on the draft Telecommunications ((Infringement Notice Penalties) Determination 2022 (the **Determination**)).

Consumer Action Law Centre (**Consumer Action**) is an independent, not-for profit consumer organisation with deep expertise in consumer and consumer credit laws, policy and direct knowledge of people's experience of modern markets. We work for a just marketplace, where people have power and business plays fair. We make life easier for people experiencing vulnerability and disadvantage in Australia, through financial counselling, legal advice, legal representation, policy work and campaigns. Based in Melbourne, our direct services assist Victorians and our advocacy supports a just marketplace for all Australians.

We have had the opportunity to review the submission from the Australian Communications Consumer Action Network (**ACCAN**) and formally endorse that submission.

We support ACCAN's recommendation that this draft re-made determination is necessary because:

- There is a significant crossover between people who rely on payphones and landlines and people experiencing vulnerability, including people experiencing homelessness, people in remote communities, older people and people with significant medical issues who require landline priority assistance access.
- There is sufficient evidence of telcos continuing to breach their requirements as noted by ACCAN – reducing the infringement notice penalties will only reduce their incentive to comply with these rules.

We strongly support ACCAN's recommendation to review and benchmark penalties available for breaches of all telecommunications consumer protection rules. While the current draft determination is helpful and necessary, the infringement notice penalties available for breaches of a 'Direction to Comply' with the bulk of telco consumer protection rules (set out in the Telecommunications Consumer Protection Code (TCP Code)), are far too low to incentivise compliance and are out of step with other sectors such as energy. In our view, it is non-sensical that the Australian Communications and Media Authority (the **ACMA**) does not have the power to utilise infringement notices as an enforcement tool upon establishment of a breach of the TCP Code, until a secondary breach of a

'Direction to Comply' occurs. This results in continuing harm to consumers and is inappropriate regulation of an essential service.

Please contact Policy Officer **Brigette Rose** at **Consumer Action Law Centre** on [REDACTED]
[REDACTED] if you have any questions or to discuss further.

Yours Sincerely,

CONSUMER ACTION LAW CENTRE

Gerard Brody | CEO

