Compliance priorities 2022–23

Consultation paper

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# Issue for comment

Each year, we target key areas of focus for improved industry compliance. These are known as our annual compliance priorities. We choose areas that are of significant public interest or those issues causing negative impacts on the community, including consumer harm.

These areas of activity guide our efforts to deliver effective compliance and, where necessary, targeted enforcement action.

Past feedback directly informed the development of our current priority areas for 2021–22, which have focused on:

**Protecting vulnerable telco customers**. We are continuing to assess compliance with the Telecommunications Consumer Protections (TCP) Code, focusing on how telcos deal with disadvantaged and vulnerable customers, especially how they identify, sell to and deal with vulnerable Australians. This is part of our ongoing assessment of how effectively the TCP Code rules are assisting and protecting these people.

1. **Telco complaints-handling for small business customers**. We are assessing compliance with rules about how telcos handle complaints, including how long it takes to resolve them. This is especially important for small business where phone and internet are crucial services. We are focusing on telco compliance with complaints-handling rules to reduce harm to small business customers to ensure that they can contact their telco and have complaints handled in a timely way.
2. **5G and EME**. The expanded rollout of 5G technology, including with the use of millimetre wave spectrum, continues to make EME emissions and 5G compliance a priority. We are making sure that mobile base station emissions meet Australian standards set by the radiation protection agency. We are also monitoring how telcos follow the rules to consult and ensure people receive accurate information about the rollout of 5G networks in their local areas.

**Phone scams**. Phone scams, including mobile number fraud, have severe financial and social impacts on Australians. Our rules require telcos to identify, trace and block scam calls, and use better ID checks when transferring mobile numbers to other providers. We are making sure telcos follow these rules and are considering whether any changes are needed to strengthen them.

**Financial services marketing**. Unlawful financial services marketing – by SMS, email and phone can cause serious harm, particularly to people in vulnerable circumstances. We are building on our ongoing work, including by looking at pay-day loans and financial advice services marketing. We are also focusing on whether businesses can prove they have consent to contact people, are stopping marketing when asked, and are ensuring their suppliers follow the rules.

**Online gambling – affiliate services**. We have been disrupting illegal offshore gambling activity since 2017. We are now focusing on affiliate services – websites that advertise or promote online gambling services and provide links to them. We are investigating if these affiliate services are breaking advertising laws or helping to provide illegal gambling services in Australia.

# Have your say

As we develop our compliance priorities for the 2022–23 work program, we’d like to hear about any new issues of public interest, or those causing consumer harm.

Please think about the following questions:

What are the matters of significant public interest or concern?

What are the potential and actual causes of harm to consumers?

What are the high-level risks of non-compliance, including from technological developments?

What are the emerging issues where we can encourage compliant behaviour, deter non-compliance or boost public confidence?

What are the technological or market developments that test the effectiveness of the regulatory framework?

In what specific areas can we clarify the scope and reach of the law?

We’re also interested in your views about whether we should extend any of our 2021–‍22 compliance priority areas for a further year – and if so, why?

Your views will help us make sure our compliance and enforcement resources are used effectively.

# Invitation to comment

## Making a submission

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

[Online submissions](http://www.acma.gov.au/Consultations) can be made by uploading a document. Submissions in Microsoft Word or Rich Text Format are preferred.

Submissions by post can be sent to:

General Manager

Content and Consumer Division

Australian Communications and Media Authority

PO Box 78

Belconnen ACT 2616

The closing date for submissions is **COB, Monday 28 March 2022**.

Consultation enquiries can be emailed to haveyoursay@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.

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