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Scams Policy Team  
Australian Competition and Consumer Commission  
23 Marcus Clarke Street  
Canberra ACT 2601

Submitted online

Dear Scams Policy Team,

**Scams Prevention Framework – Draft law package and position paper**

Thank you for the opportunity to provide feedback to The Treasury's consultation on the Scam Prevention Framework (**SPF**) draft law package and position paper. The Telecommunications Industry Ombudsman (**TIO**) welcomes the introduction of the SPF, recognising its important role in strengthening protections against scams and promoting consumer confidence across regulated sectors.

As the external dispute resolution (**EDR**) scheme for the telco sector, we are uniquely placed to provide insights on the handling of complaints under the SPF. Our submission is focused specifically on the proposed dispute resolution arrangements for the SPF, covered under the SPF's "Respond" principle.

**Internal Dispute Resolution pathways and processes must be determined as a priority**

The effectiveness of the SPF depends on robust IDR obligations and clearly defined pathways for consumers.

The government must prioritise the clarification of internal dispute resolution (**IDR**) pathways and the apportionment of remedies for consumers, as these remain unclear and uncertain. With IDR obligations set to commence by 1 July 2026, it is essential for the framework to provide clear, consistent guidance to ensure consumers have confidence in the process and can access effective remedies when they fall victim to scams and prevent unnecessary demand on EDR.

The position paper welcomes initiative from businesses to support IDR, such as a third-party administered IDR solution. We support such an IDR solution, and recommend that government takes an active role in its establishment, working with regulated entities and consumer representatives.

**Dispute resolution information must be easily accessible for scam victims**

We support the introduction of a requirement for regulated entities to prominently display information regarding both internal dispute resolution (**IDR**) and EDR on their websites.

The position paper outlines potential code and rule obligations for IDR, including that all sectors must “make information about how to make complaints publicly available and offer accessible communication options that recognise consumer circumstances.”<sup>1</sup> Obligations should specify how regulated entities must, at a minimum, make IDR and EDR information available to consumers.

We have received complaints from consumers who cannot locate the contact details of their telco provider to ask for help or make a complaint.

In the telco sector, the obligations for telcos to provide information about their complaints handling processes and accessibility are contained in the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaint Handling Standard**). The Australian Communications and Media Authority (**ACMA**) recently strengthened the Complaint Handling Standard to support better accessibility and the effective and efficient resolution of complaints.<sup>2</sup>

Key changes to the Complaint Handling Standard commenced on 30 June 2025, including:

- informing consumers about the TIO after a complaint has been open 30 days, having a link to the TIO website and phone number, with a statement: “If you are not satisfied with how we have handled your complaint, you have a right to take it to the Telecommunications Industry Ombudsman”
- reducing the timeframe for providing confirmation of a proposed resolution of a complaint to 10 business days
- greater accessibility by requiring telcos to allow consumers to make complaints via telephone not just having a voicemail
- obligations on telcos to ensure there is a direct link on their homepage and help or support section so that consumers can access information on how to make a complaint and access contacts details.

Accessibility issues are not limited to the telco sector. While the TIO does not have jurisdiction over digital platform complaints, we are contacted by consumers who have had difficulty contacting their digital platform for help.<sup>3</sup> At this time, there are no mandatory IDR requirements for digital platforms to promote consistency, accessibility and fairness in complaint handling under the SPF.

To ensure consistency and effectiveness, minimum standards could be prescribed regarding the placement of key IDR and EDR information and what information at a minimum should be included. This will help ensure that consumers can readily access the necessary details to seek help when issues arise.

### **Scam victims must be informed about their right to take their complaint to AFCA earlier in the complaint journey**

To ensure the effective operation of EDR schemes, we support an obligation on businesses to proactively inform consumers of their right to refer complaints to the relevant EDR scheme earlier in the complaint handling process. This could be when a consumer first lodges a complaint.

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<sup>1</sup> The Treasury, *Advancing Australia’s Scams Prevention Framework through Codes and Rules: Position Paper*, page 20.

<sup>2</sup> *Telecommunications (Consumer Complaints Handling) Industry Standard Amendment 2025 (No. 1)*.

<sup>3</sup> TIO, *Digital platforms complaints insights: Findings from consumer complaints January 2023 – August 2025*, December 2025.

The position paper notes that a statement of compliance must be provided to the consumer in writing no later than 30 days after receiving the complaint.<sup>4</sup> The paper further states that the statement must explain the consumer's rights and processes for escalating the matter to EDR if they are dissatisfied with the IDR outcome.

Research undertaken by the Consumer Policy Research Centre for the TIO shows that consumer awareness of Ombudsman and EDR schemes remains consistently low.<sup>5</sup>

Recent reforms in the energy sector require businesses to put Ombudsman scheme information on the front page of energy bills. Similarly, in the telco sector, telcos are obligated to inform consumers of their right to escalate complaints to the TIO under section 10(d) of the Complaints Handling Standard (a practice commonly referred to as 'signposting').

While we support mandating information about AFCA in the statement of compliance, this may mean that scam victims are only aware of their right to EDR late in the complaint process. This approach may work if all regulated entities work together and address the complaint in a timely manner, and the consumer has trust and confidence in the process being followed. However, this may be too late if a consumer has concerns about the way that their complaint is being handled, or if they do not receive the statement of compliance within the 30-day period.

Earlier notification does not mean that consumers will go to AFCA before the regulated entity has had a chance to consider their complaint but will empower the consumer to understand their rights and seek AFCA's help when they need it.

### **Consumers should be entitled to non-financial remedies and compensation for non-financial harm depending on the circumstance and impact of the scam**

The position paper<sup>6</sup> seeks feedback on what roles non-financial remedies or compensation for non-financial harm should play in determining appropriate redress.

When considering appropriate redress for consumers affected by scams, non-financial remedies and compensation for non-financial harm are appropriate remedies depending on the loss the consumer has experienced and what action the business can take to rectify the consumer's loss.

For example, in the telco sector, a scam may lead to a consumer losing access to their phone number, either through SIM swapping to a SIM card in the scammer's control or porting to another provider. In such cases, consumers frequently seek the return of their phone number.

### **We support obligations on SPF entities to provide their IDR data to the SPF regulator/s for the purposes of regular public reporting**

Public reporting of IDR numbers delivers significant benefits by promoting transparency and accountability in complaint handling and is consistent with the approach taken in the telco, financial services and energy sectors. It will complement and provide context to any public reporting by the AFCA on EDR numbers.

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<sup>4</sup> The Treasury, *Advancing Australia's Scams Prevention Framework through Codes and Rules: Position Paper*, page 19-20.

<sup>5</sup> Prepared by Consumer Policy Research Centre for the TIO, [Barriers to effective dispute resolution in the telecommunications industry](#), July 2024. <https://www.tio.com.au/reports/barriers-effective-dispute-resolution-telco-industry-consumer-policy-research-centre-report>

<sup>6</sup> The Treasury, *Advancing Australia's Scams Prevention Framework through Codes and Rules: Position Paper*, page 22, question 19.

Transparent public reporting is crucial to trust and confidence in the SPF, which is the first of its kind and features a unique multi-entity IDR process for each scam complaint.

**Telcos will need to support consumer understanding of telco “scams” vs. “fraud” when consumers are making a complaint**

When a consumer has lost money due to a malicious actor, they do not care whether their loss falls into the legal definition of “fraud” or a “scam”. They simply want help as soon as possible.

For example, we recently conducted an investigation into a telco provider who had a vulnerability in its mobile number porting system which fraudsters exploited to port consumers’ mobile numbers without their knowledge. Consumers experienced significant detriment as a result of these unauthorised ports. In one case, fraudsters were able to use a consumer’s mobile number to access their bank account and steal a significant amount of money. In this circumstance, it would not be clear to the consumer who they should contact first for help, and what regulatory frameworks apply. In this case, the consumer contacted both their telco and their bank for help, and while they were able to get assistance from their bank, they contacted the TIO dissatisfied with the telco’s response to the fraud that they experienced.

The SPF has been specifically designed to exclude circumstances where a consumer themselves is not deceived into performing an action that results in loss or harm. Many cases a consumer might think of as a “scam”, such as identity theft or situations where information obtained from a data breach is used to convince a service provider to process a transaction on the consumer’s behalf without their knowledge, are not covered by the SPF.

At the TIO, we receive complaints from telco consumers who have been victims of fraud and suffered financial loss. For example, consumers who have had additional services added to their telco account through fraud, resulting in large debts the consumer was not aware of. These consumers will sometimes tell us that they have been the victims of a scam, despite having performed no action (for example, fraudsters may have had access to their details through a data breach).

The distinction between “scam” and “fraud” is important to regulators, businesses and EDR schemes, because different legal obligations apply.

It is essential that this exclusion is clearly communicated to consumers by businesses when investigating a consumer’s complaint and during EDR signposting, as this is not something a consumer may be able to determine by themselves. Such clarity will enable consumers to understand their rights and to direct their complaints to the appropriate EDR scheme, ensuring their complaint is addressed in a timely manner and minimising the adverse impacts associated with fraud.

We look forward to further consultation on the development of industry specific codes and rules.

Kind regards,

Cynthia Gebert

**Telecommunications Industry Ombudsman**