



Scams Prevention Framework

Consultation questions on exposure draft instruments

Treasury invites interested parties to provide feedback on exposure drafts of the *Competition and Consumer (Scams Prevention Framework—Regulated Sectors) Designation 2025* and *Competition and Consumer (Scams Prevention Framework—External Dispute Resolution) Authorisation 2025* as part of their submissions to the *Advancing Australia's Scams Prevention Framework through Codes and Rules: Position paper*. In particular, we would welcome feedback on the following questions.

Consultation questions - Competition and Consumer (Scams Prevention Framework—Regulated Sectors) Designation 2025

Banking sector

1. Is the proposed definition and operational scope of the banking designation aligned with the objectives of the SPF?
2. Does the designation capture product or services that should not be caught (noting its interaction with the broader SPF and application to 'SPF consumers' only)?
3. The designation currently excludes restricted authorised deposit taking institutions. Should any further designation exclusions be considered for the banking sector? In your response, please provide supporting evidence.

Digital platforms sector

4. Are the proposed definitions of designated digital platform services accurate to search, social media and instant messaging services that should be captured by the SPF and aligned with the objectives of the SPF?
 - 4.1 There are various approaches to define digital platforms such as 'social media services' in legislation, which could include incorporating an ordinary language meaning of the term, developing a bespoke definition, or leveraging an existing definition in other Australian laws. Would it be preferable to define social media services by using or referring to the existing definition of 'age-restricted social media platform' in section 63C of the Online Safety Act 2021, rather than the approach proposed in the exposure draft designation instrument of relying on an ordinary meaning?

- 4.2 The policy is intended to ensure that video-based social media services such as YouTube and TikTok are included in the designation instrument's definition of social media service. Do the proposed definitions achieve this?
- 4.3 The policy is not intended to capture dating apps as part of the designation instrument's definition of instant messaging services. Do the proposed definitions achieve this?
- 5. Are the proposed revenue and user thresholds set appropriately to capture digital platform services that pose a high scam risk to Australian consumers and small businesses, or are involved in the scam supply chain?
 - 5.1 Would potentially regulated entities face any challenges in determining whether they meet the revenue or user number thresholds within the specified periods and how could these be mitigated?
- 6. Should any designation exceptions be considered for the digital platforms sector? In your response, please provide supporting evidence.
- 7. As outlined in the accompanying Position Paper, while the draft designation applies to search engines generally, the digital platforms code is only intended to apply obligations to paid advertising on search engines and not to unpaid or 'organic' search results. This includes obligations under all SPF principles. Would this approach have any implications for consumer protection?

Telecommunications sector

- 8. Is the proposed definition and operational scope of the telecommunications sector designation aligned with the objectives of the SPF?
- 9. Does the designation capture entities or services that should not be caught?
- 10. Should any designation exclusions be considered for the telecommunications sector? In your response, please provide supporting evidence.

Consultation questions - Competition and Consumer (Scams Prevention Framework—External Dispute Resolution) Authorisation 2025

- 11. The draft Instrument authorising the Australian Financial Complaints Authority (AFCA) to be the SPF EDR scheme does not include any special conditions on AFCA because no necessary conditions have been identified. Is there a need to place a special condition on AFCA's authorisation for the purposes of the SPF? If so, what would the condition be and why is it required?
- 12. Under the draft authorisation, AFCA will start accepting complaints from 1 January 2027. This would mean that IDR will be available for consumers prior to EDR. How can this gap between commencement of IDR and EDR be managed to ensure good outcomes for consumers and regulated entities as they transition to the new SPF regime?