

EXPOSURE DRAFT



EXPOSURE DRAFT

Competition and Consumer (Scams Prevention Framework) Rules 2026

I, Daniel Mulino, Assistant Treasurer and Minister for Financial Services, make the following rules.

Dated 2026

Dr Daniel Mulino **[DRAFT ONLY—NOT FOR SIGNATURE]**

Assistant Treasurer

Minister for Financial Services

EXPOSURE DRAFT

EXPOSURE DRAFT

Contents

Part 1—Preliminary	1
1-1 Name	1
1-2 Commencement.....	1
1-3 Authority	1
1-4 Definitions.....	1
1-5 Meaning of active Australian user test.....	2
1-6 Meaning of revenue test.....	3
Part 2—Overarching principles of the Scams Prevention Framework	4
2-1 Statement of compliance—information.....	4
2-2 Statement of compliance—authorised representative	5
2-3 Statement of compliance—timeframes, manner and form.....	5
Part 3—Sector-specific provisions for the Scams Prevention Framework	7
Division 1—Provisions relating to key Scams Prevention Framework concepts	7
3-1 Digital platforms designation—complete exceptions	7
3-2 Banking designation—complete exception	7
3-3 SPF consumers of covered banking services	8
Part 7—Miscellaneous	9
7-1 Record keeping.....	9
7-2 Translation of amounts into Australian currency.....	9

EXPOSURE DRAFT

Preliminary **Part 1**

Section 1-1

Part 1—Preliminary

1-1 Name

This instrument is the *Competition and Consumer (Scams Prevention Framework) Rules 2026*.

1-2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 September 2026.	1 September 2026

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

1-3 Authority

This instrument is made under the *Competition and Consumer Act 2010*.

Note: Section 58GE of the *Competition and Consumer Act 2010* provides that the Minister may, by legislative instrument, make rules required or permitted by Part IVF of the Act to be prescribed by rules, or necessary or convenient to be prescribed for carrying out or giving effect to that Part.

1-4 Definitions

Note: Expressions have the same meaning in this instrument as in the *Competition and Consumer Act 2010* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

accounting standards means:

- (a) accounting standards within the meaning given by the *Corporations Act 2001*; and
- (b) international accounting standards made or adopted by the International Accounting Standards Board; and
- (c) accounting standards made by a responsible body of a foreign country that correspond to, and are equivalent to, standards covered by paragraph (a) or (b).

EXPOSURE DRAFT

Part 1 Preliminary

Section 1-5

active Australian user test—see section 1-5.

control, of an entity by another entity, means control of the entity within the meaning of the accounting standards.

controlled entity: an entity is a controlled entity of another entity if the other entity controls the entity.

covered banking service has the meaning given by the *Competition and Consumer (Scams Prevention Framework—Regulated Sectors) Designation 2026*.

Note: A service is a ‘covered banking service’ if it meets the requirements of the designation instrument. Covered banking services are designated as a regulated sector of the Australian economy (see subsection 11(1)] of the designation instrument).

covered digital platform service has the meaning given by the *Competition and Consumer (Scams Prevention Framework—Regulated Sectors) Designation 2026*.

Note: A service is a ‘covered digital platform service’ if it meets the requirements of the designation instrument. Covered digital platform services are designated as a regulated sector of the Australian economy (see subsection 15(1)) of the designation instrument).

financial reporting period, for an entity, has the meaning determined in accordance with accounting standards that are applicable to the entity.

provider of purchased payment facilities means an ADI (within the meaning of the *Banking Act 1959*) that:

- (a) engages in the provision of one or more purchased payment facilities (within the meaning of the *Payment Systems (Regulation) Act 1998*), in relation to which at least one of those facilities the Australian Prudential Regulation Authority has determined as mentioned in section 6 of the *Banking Regulation 2016*; and
- (b) does *not* otherwise carry on banking business within the meaning of section 5 of the *Banking Act 1959*.

revenue test—see section 1-6.

the Act means the *Competition and Consumer Act 2010*.

1-5 Meaning of active Australian user test

- (1) A service satisfies the active Australian user test on 1 January each year (the **test time**) and each day of that calendar year if, for the most recently ended 12-month financial reporting period (the **test year**), the average monthly active Australian users of the service is 200,000 or more.

Note: A service does *not* satisfy the active user test at any time during a calendar year if it does *not* satisfy that test on 1 January of that calendar year.

- (2) For the purposes of subsection (1), a person is an active Australian user of a service if the person accesses the service from within Australia at least once during the test year.

1-6 Meaning of revenue test

- (1) An entity satisfies the revenue test on 1 January each year (the *test time*) and each day of that calendar year if either of the following apply:
 - (a) the entity meets the threshold in subsection (2) for the entity's most recently ended 12-month financial reporting period ending immediately before the test time;
 - (b) the entity meets the threshold in subsection (2) in at least 2 of the last 3 financial reporting periods ending immediately before the test time.

Note: An entity does *not* satisfy the revenue test at any time during a calendar year if it does not satisfy that test on 1 January of that calendar year.

- (2) For the purposes of subsection (1), an entity meets the threshold if the sum of the following is \$1 billion or more:
 - (a) the gross revenue, determined in accordance with accounting standards, of the entity;
 - (b) the gross revenue, determined in accordance with accounting standards, of each controlled entity of the entity mentioned in paragraph (a);
 - (c) the gross revenue, determined in accordance with accounting standards, of each entity that controls the entity mentioned in paragraph (a);
 - (d) the gross revenue, determined in accordance with accounting standards, of each controlled entity of an entity mentioned in paragraph (c).
- (3) For the purposes of subsection (2), do *not* include the gross revenue of any entity mentioned in subsection (2) if the entity's revenue is already included in the revenue of another entity mentioned in a paragraph of that subsection.

Note: When an entity controls one or more entities, the first entity is generally required to prepare consolidated financial statements. To avoid double counting, the gross revenue of a controlled entity should not be included in the calculation if the parent entity's consolidated revenue is also being included.

EXPOSURE DRAFT

Part 2 Overarching principles of the Scams Prevention Framework

Section 2-1

Part 2—Overarching principles of the Scams Prevention Framework

2-1 Statement of compliance—information

Information to be contained in statement

- (1) For the purposes of paragraph 58BZDA(2)(b) of the Act, the following kinds of information relevant to a complaint must be contained in a statement of compliance given by a regulated entity for a regulated sector in relation to the complaint:
 - (a) a description of each matter raised in the complaint;
 - (b) any findings on material questions of fact relating to each matter raised in the complaint and the information relied on to support the findings;
 - (c) the process followed to deal with each matter raised in the complaint;
 - (d) the outcome of the complaint and confirmation of any action taken, or to be taken, or compensation or other remedy given, or to be given, to resolve the complaint including details of apportionment of compensation;
 - (e) if another entity's conduct affected, or may have affected, the outcome of the complaint (for example, findings of fact and any action taken, or compensation or other remedy given to resolve it)—information about the conduct;
 - (f) a summary of the complainant's rights under the SPF EDR scheme authorised for the entity's regulated sector and how the complainant may access the scheme.

Note: The statement of compliance must also include a statement by the regulated entity about whether, based on information reasonably available to the entity at the time of making the statement, it has complied with its obligations under the SPF provisions that are relevant to the complaint (see paragraph 58BZDA(2)(a) of the Act).

Short statement of compliance

- (2) However, if the regulated entity is satisfied on reasonable grounds that the complaint is resolved to the complainant's satisfaction within 5 business days after the day the regulated entity received it, the following kinds of information relevant to a complaint must be contained in a statement of compliance given by the regulated entity to the complainant:
 - (a) a brief explanation of how the complaint was resolved; and
 - (b) a statement that the complainant may request a further statement of compliance that complies with subsection (1).

Information not to be contained in statement

- (3) For the purposes of paragraph 58BZDA(2)(c) of the Act, the following kinds of information relevant to a complaint must *not* be included in a statement of compliance given by a regulated entity for a regulated sector in relation to the complaint:

EXPOSURE DRAFT

- (a) information that is commercially sensitive;
- (b) personal information within the meaning of the *Privacy Act 1988*.

2-2 Statement of compliance—authorised representative

For the purposes of paragraph 58BZDA(2)(d) of the Act, a senior officer of a regulated entity who, under the entity's governance policies and procedures, has oversight of matters relevant to a complaint, is an authorised representative of the entity in relation to the complaint.

Note: An authorised representative of this kind may sign a statement of compliance given by the regulated entity under section 58BZDA of the Act (see paragraph 58BZDA(2)(d)).

2-3 Statement of compliance—timeframes, manner and form

When statement of compliance must be given—general

- (1) Subject to subsections (2) and (3), for the purposes of paragraph 58BZDA(2)(e) of the Act, a regulated entity undertaking internal dispute resolution in dealing with a complaint must give a statement of compliance to the complainant within 21 calendar days after the complaint is received by the regulated entity.

Delay notification

- (2) In circumstances where the regulated entity cannot reasonably comply with subsection (1), the regulated entity must:
 - (a) give the complainant written notice that sets out:
 - (i) the reasons for the delay; and
 - (ii) a summary of the complainant's rights under the SPF EDR scheme authorised for the entity's regulated sector and how the complainant may access the scheme; and
 - (iii) the reasonable time by which the regulated entity will provide the complainant with the statement of compliance; and
 - (b) give the complainant a statement of compliance within the time set out in the written notice.

Note: For example, where resolution of the complaint is particularly complex, involving a transaction or event that requires reconstruction of account information.

When short statement of compliance must be given

- (3) If subsection 2-1(2) applies in relation to the complaint, the regulated entity must:
 - (a) give the statement of compliance to the complainant within 5 business days of the regulated entity being satisfied that the complaint has been resolved to the satisfaction of the complainant; and
 - (b) if the complainant requests a further statement of compliance that complies with subsection 2-1(1)—give the complainant the further statement of compliance within 21 calendar days after the request.

Manner and form of statement of compliance

EXPOSURE DRAFT

Part 2 Overarching principles of the Scams Prevention Framework

Section 2-3

- (4) A statement of compliance must be given in writing and be easy to understand including by a person with a disability, from a cultural or linguistically diverse background, or with other special needs.

EXPOSURE DRAFT

Sector-specific provisions for the Scams Prevention Framework **Part 3**
Provisions relating to key Scams Prevention Framework concepts
Division 1

Section 3-1

Part 3—Sector-specific provisions for the Scams Prevention Framework

Division 1—Provisions relating to key Scams Prevention Framework concepts

3-1 Digital platforms designation—complete exceptions

- (1) For the purposes of paragraph 58AD(4)(a) of the Act, a person is *not* a regulated entity for the regulated sector that is covered digital platform services at a particular time if the person is an entity that does *not* meet the revenue test at that time.
- (2) For the purposes of paragraph 58AD(4)(b) of the Act, a service is *not* a regulated service of a person for the regulated sector that is covered digital platform services at a particular time if the service does *not* meet the active Australian user test at that time.

Note 1: Generally, an entity that provides a covered digital platform service is a regulated entity for the digital platforms sector, and the covered digital platform service is a regulated service for the entity.

Note 2: The combined effect of subsections (1) and (2) is that an entity will only be a regulated entity at a particular time if, at that time, the entity meets the revenue test, and that a regulated entity will only be a regulated entity of a regulated service if the service meets the active Australian user test. That is, an entity will not be a regulated entity if its revenue is below the threshold in the revenue test. Likewise, a business or service will not be a regulated service if the number of users for that service is below the active Australian user test.

- (3) This section does *not* apply if a regulated entity that provides a regulated service does *not* give to the ACCC, upon notice in writing by the ACCC and within a reasonable time specified by the ACCC in the notice, information or copies of documents specified in the notice that would reasonably assist the ACCC to determine whether, at a particular time:
 - (a) the entity meets the revenue test; or
 - (b) the service provided by the entity meets the active Australian user test.

Note: The effect of this subsection is that the exceptions in subsections (1) and (2) will *not* apply in circumstances where information and documents are not provided to the ACCC in accordance with this subsection.

3-2 Banking designation—complete exception

For the purposes of paragraph 58AD(4)(a) of the Act, a person is *not* a regulated entity for the regulated sector that is covered banking services if the person is a provider of purchased payment facilities.

EXPOSURE DRAFT

Part 3 Sector-specific provisions for the Scams Prevention Framework

Division 1 Provisions relating to key Scams Prevention Framework concepts

Section 3-3

3-3 SPF consumers of covered banking services

- (1) This section applies to a regulated service provided by a regulated entity that is a covered banking service.
- (2) For the purposes of subsection 58AH(4) of the Act, a person is *not* an SPF consumer of the service if a condition in subsection (3) of this section applies to the person.
- (3) The condition is that the person is *not* any of the following:
 - (a) provided the service directly by a regulated entity; or
 - (b) if the person (the *payer*) transfers funds to another bank account or facility held by that person, or to a bank account or facility held by another person (the *payee*)—provided the service indirectly by a regulated entity with which the payee holds the account or facility; or
 - (c) if the person (the *payee*) receives funds from another bank account or facility held by that person, or from a bank account or facility held by another person (the *payer*)—provided the service indirectly by a regulated entity with which the payer holds the account or facility.

Part 7—Miscellaneous

7-1 Record keeping

Records of any information required to be kept by a regulated entity under Part IVF of the Act, or any other provision of the Act to the extent that it relates to a provision of Part IVF of the Act, the SPF codes or this instrument must be:

- (a) in English, or be readily accessible and easily convertible into English; and
- (b) kept in Australia, or easily and electronically accessible from Australia; and
- (c) retained for 6 years after the relevant activity or transaction happens.

7-2 Translation of amounts into Australian currency

- (1) For the purposes of this instrument, an amount (including an amount which is an element in the calculation of another amount) expressed in a currency other than Australian currency (*foreign currency*) is to be translated into Australian currency.

Example: Where the accounting records and financial reports of an entity are expressed in a foreign currency, the gross revenue of the entity will need to be translated into Australian currency before the tests in this instrument are applied.

Translation in accordance with accounting standards

- (2) Where:
 - (a) an amount is derived from a financial report prepared by an entity; and
 - (b) the report is prepared in accordance with accounting standards; and
 - (c) the report has been audited in accordance with the *Corporations Act 2001* (or a corresponding and equivalent law of a foreign country); and
 - (d) the entity, or another entity, wishes to translate an amount into Australian currency using the exchange rate or rates used in that financial report;the entity mentioned in paragraph (d) must translate all amounts into Australian currency using the exchange rates that were used in that financial report and as used in that report.

Translation using published average exchange rates

- (3) Unless subsection (2) applies, an entity must translate all amounts in foreign currency into Australian currency using:
 - (a) an average exchange rate for the period most closely corresponding to the period to which the amount relates; and
 - (b) either:
 - (i) the exchange rates published by the Reserve Bank of Australia; or
 - (ii) if the amount is in a currency for which the Reserve Bank of Australia does *not* publish an exchange rate—a publicly and commercially available market exchange rate.