



Australian
Communications
and Media Authority

Formal Warning under subsection 122(2) of the *Telecommunications Act 1997*

TO: Telstra Corporation Limited ACN 051 775 556

OF: Level 41, 242 Exhibition Street,
Melbourne VIC 3000

I, Jonquil Ritter, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied for the reasons set out in the ACMA's letter dated 19 November 2019 (**ACMA findings letter**) that:

- (a) Telstra Corporation Limited (**Telstra**) contravened:
- clause 6.5.2(j)(iii) of the *Telecommunications Consumer Protections Code (C628:2012)* (**TCP Code 2012**); and
 - clause 6.5.2(j)(iii) of the *Telecommunications Consumer Protections Code (C628:2015)* (**TCP Code 2015**) as described below; and
- (b) the conduct described below would also have contravened clause 6.5.6 of the *Telecommunications Consumer Protections Code (C628:2019)* (**TCP Code 2019**) if it had occurred after the TCP Code 2019 was registered,

FORMALLY WARN Telstra under subsection 122(2) of the *Telecommunications Act 1997* (**the Act**) (as allowed by subsection 122(4) of the Act) in respect of contraventions of clause 6.5.6 of the TCP Code 2019.

Details of the contraventions

1. The TCP Codes 2012 and 2015 were industry codes registered under Part 6 of the Act that applied to the carriage service providers section of the telecommunications industry, regarding services provided to residential and small business consumers.
2. The ACMA has investigated Telstra's compliance with clause 6.5.2(j)(iii) of the TCP Code 2012 and clause 6.5.2(j)(iii) of the TCP Code 2015 which imposed requirements on carriage service providers (referred to as "Suppliers"). As a carriage service provider providing telecommunications services to residential and/or small business consumers, Telstra was a participant in the section of the telecommunications industry to which the TCP Code 2012 and TCP Code 2015 applied.
3. Under the TCP Code 2012 and the TCP Code 2015, clause 6.5.2(j)(iii) required notifications for national data usage on internet plans to be sent via email unless the residential customer chose a different option made available by the supplier. The TCP Code 2012 was replaced by the TCP Code 2015 on 3 December 2015, but the wording of those provisions remained the same during the relevant period.

4. The ACMA is satisfied that Telstra contravened clause 6.5.2(j)(iii) of the TCP Code 2012 during the period 1 September 2013 to 2 December 2015 and clause 6.5.2(j)(iii) of the TCP Code 2015 over the period 3 December 2015 to 16 May 2019 as detailed in the ACMA findings letter.



Signature

Jonquil Ritter
Acting General Manager
Content and Consumer Division
Delegate of the Australian Communications and Media Authority

19 November 2019