



Direction under subsection 121(1) of *the Telecommunications Act 1997*

TO: **iTalkBB Australia Pty Ltd** (ACN 155 687 399)

OF: Suite 103
975-989 Whitehorse Road
Box Hill VIC 3128

Attention: William Burge, Xiaolu Shi, Company Secretaries

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that **iTalkBB Australia Pty Ltd** (ACN 155 687 399) (**iTalkBB Australia**), has contravened the *Telecommunications Consumer Protections Code* (C628:2015) (**the TCP Code**) as described below hereby DIRECT **iTalkBB Australia**, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**) to comply with clauses 5.7, 8.1 and 8.4 of the TCP Code.

Details of the contraventions

1. The ACMA has investigated iTalkBB Australia's compliance with clauses 5.7, 8.1 and 8.4 of the TCP Code. As a carriage service provider, iTalkBB Australia is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that between 3 December 2015 and 26 August 2016, iTalkBB Australia contravened clause 5.7.1 by offering direct debit as a payment facility for a telecommunications service and not obtaining appropriate customer authorisations from two customers allowing it to make direct debit transactions from their accounts.
3. The ACMA is satisfied that on 8 December 2015, iTalkBB Australia contravened clause 5.7.1(c) by failing to provide customers with at least 10 working days to check their bill before the associated direct debit transaction occurred, on 43 occasions.
4. The ACMA is satisfied that between 3 December 2015 and 4 April 2017, iTalkBB Australia contravened clause 8.1.1(b) by failing to document its complaints handling process and make it available to staff, consumers, former customers and other stakeholders in a summary form that is in accordance with clause 8.1.1(b)(i).
5. The ACMA is satisfied that between 22 October 2015 and 3 March 2016, iTalkBB Australia contravened clause 8.4 by failing to take action set out in clauses 8.4.1(a) and 8.4.1(b) to make and keep, for at least two years, systematic records of three complaints lodged.

Requirement to comply with this Direction

Under subsection 121(2) of the Act, iTalkBB Australia must comply with a direction under subsection 121(1) of the Act.

If iTalkBB Australia does not comply with this Direction, the ACMA may apply to the Federal Court for an order that iTalkBB Australia pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

Under subsection 558(1) of the Act, iTalkBB Australia may apply to the ACMA for reconsideration of its decision to direct iTalkBB Australia to comply with the TCP Code. The application must be submitted in writing to the ACMA and must set out the reasons for the application (subsection 558(2) of the Act). The application must be made within 28 days after iTalkBB Australia is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If iTalkBB Australia is dissatisfied with the ACMA's decision on reconsideration, it may:

- (a) subject to the *Administrative Appeals Tribunal Act 1975* (the **AAT Act**), apply to the Administrative Appeals Tribunal for review of the reconsideration decision, and
- (b) request a statement under section 28 of the AAT Act in relation to that decision.

(Section 562 of the Act).

11 September 2017



Signature

Jennifer McNeill
General Manager
Content, Consumer and Citizen Division
Delegate of the Australian Communications and Media Authority