



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

TO: Exetel Pty Ltd (ACN 097 986 546)

OF: Level 1  
545 Queen Street  
Brisbane QLD 4000

### DIRECTION

I, Cathy Rainsford, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that Exetel Pty Ltd (**Exetel**), has contravened the *Telecommunications Consumer Protections Code* (C628:2019) (the **TCP Code**) as described below;

DIRECT Exetel, under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with clause 6.7.1 of the TCP Code.

### Background

Following an investigation, the ACMA found that Exetel has contravened clause 6.7.1 of the TCP Code during the period 7 December 2021 to 23 August 2022.

The following direction relates to the contraventions of the TCP Code identified during the ACMA's investigation.

### Details of the contraventions

1. The TCP Code is an industry code registered with the ACMA under Part 6 of the Act. As a carriage service provider within the meaning of section 87 of the Act, Exetel is a participant in a section of the telecommunications industry to which this code applies.
2. The ACMA is satisfied that Exetel has contravened the following clause of the TCP Code:

Provision	Reason
Clause 6.7.1	Failing to give 12 customers at least 5 working days' notice prior to the suspension and/or disconnection of their telecommunications service for credit and/or debt management reasons, in circumstances where clause 6.7.1(a) did not apply.

3. Further details about the contraventions are set out in the investigation report provided to Exetel on 19 June 2023.

### **Requirement to comply with this Direction**

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

If Exetel does not comply with this direction, the ACMA may issue an infringement notice relating to the contravention (subsection 572E(1) of the Act) or apply to the Federal Court for an order that Exetel pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (see subsection 121(4) and subsection 571(1) of the Act).

### **Reconsideration of a decision**

If Exetel is dissatisfied with the decision to give this direction, it may seek reconsideration of the decision by the ACMA under subsection 558(1) of the Act by making an application in writing to the ACMA, which sets out the reasons for the application. Any such application must be made within 28 days after Exetel is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If, upon reconsideration, the decision is affirmed or varied and Exetel is dissatisfied with that decision, 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).

This 19 day of June 2023



Cathy Rainsford  
General Manager  
Content and Consumer Division  
Delegate of the Australian Communications and Media Authority