



Australian
Communications
and Media Authority

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

TO: Foxtel Management Pty Limited (ACN 068 671 938)

OF: 5 Thomas Holt Drive
North Ryde, NSW 2113

DIRECTION

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

DIRECT Foxtel, under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with clauses 6.6.2, 6.7.1 and 6.7.5(f) of the TCP Code.

Background

Following an investigation, the ACMA found that Foxtel has contravened clauses 6.6.2, 6.7.1 and 6.7.5(f) of the TCP Code during the period 21 August 2021 to 29 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 *Telecommunications Act 1997* (the **Act**), Foxtel is a participant in a section of the telecommunications industry to which this code applies.
2. The ACMA is satisfied that Foxtel has contravened the following clauses of the TCP Code:

Provision	Reason
Clause 6.6.2	Failing to include a link to, or reference, its Financial Hardship policy and appropriate contact details when sending reminder notices to 20 customers by short message service.
Clause 6.7.1	Failing to give 20 customers at least 5 working days' notice prior to the disconnection of their telecommunications service for credit and/or debt management reasons, in circumstances where clause 6.7.1(a) did not apply.

Clause 6.7.5(f)	Failing to include information in the disconnection notice that legal action may be taken to recover unpaid debt when notifying 18 customers about service disconnection.
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3. Further details about the contraventions are set out in the investigation report provided to Foxtel on 19 June 2023

Requirement to comply with this Direction

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

If Foxtel 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 Foxtel 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 Foxtel 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 Foxtel 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 Foxtel 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