



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

TO: TPG Telecom Limited (ACN 096 304 620)

OF: Level 1, 177 Pacific Highway
North Sydney NSW 2060

DIRECTION

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

DIRECT TPG, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**), to comply with clauses 6.7.4(b), 6.7.5(c), 6.7.5(e) and 6.7.5(f) of the TCP Code.

Background

Following an investigation, the ACMA found that TPG has contravened clauses 6.7.4(b), 6.7.5(c), 6.7.5(e) and 6.7.5(f) of the TCP Code during the period 31 May 2022 to 17 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**), TPG is a participant in a section of the telecommunications industry to which this code applies.
2. The ACMA is satisfied that TPG has contravened the following clauses of the TCP Code:

Provision	Reason
Clause 6.7.4(b)	Failing to include in restriction notices sent by SMS to 10 customers a link to its Financial Hardship policy.
Clause 6.7.5(c)	Failing to include information in the disconnection notice that informs customers about the consequences of non-payment, including that the customer's default leading to the disconnection may be disclosed to a credit reporting body and/or collection agency and/or debt buyer and may be added to the customer's credit file with a credit reporting body when notifying 20 customers about service disconnection.

Clause 6.7.5(e)	Failing to include information in the disconnection notice that the debt may be passed to a collection agency and/or debt buyer when notifying 20 customers about service disconnection.
Clause 6.7.5(f)	Failing to include information in the disconnection notice that legal action may be taken to recover the unpaid debt when notifying 20 customers about service disconnection.

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

Requirement to comply with this Direction

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

If TPG 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 TPG 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 TPG 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 TPG 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 TPG 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