

Investigation Report

File No.	ACMA2022/673
Carriage service provider	MyRepublic Pty Ltd
ACN	603 909 815
Scope of investigation	Compliance with clauses 6.7.1 and 6.7.5 of the Telecommunications Consumer Protections Code C628:2019

Summary of final findings

1. The Australian Communications and Media Authority (**the ACMA**) finds that MyRepublic Pty Ltd (**MyRepublic**) has contravened the Telecommunications Consumer Protections Code C628:2019 (**the TCP Code**) on 50 occasions between 16 October 2021 and 27 August 2022 by failing to comply with the following clauses in the TCP Code:
 - a. 6.7.1 on 32 occasions between 16 October 2021 and 27 August 2022 by failing to give 18 customers at least 5 working days' notice prior to the suspension or disconnection of their telecommunications service for credit and/or debt management reasons, in circumstances where clause 6.7.1(a) did not apply.
 - b. 6.7.5(a) on 18 occasions between 7 December 2021 and 27 August 2022 by failing to include information in the disconnection notice that, after disconnection has occurred, the customer's service plan and/or telco product (including, where applicable, telephone number) may no longer be available when notifying 18 customers about service disconnection.

Background

2. The TCP Code is registered under Part 6 of the **Telecommunications Act 1997 (the Act)** and sets out rules that apply to all carriage service providers (**CSPs**) that supply telecommunications products to residential and small business consumers.
3. MyRepublic provided telephone and internet services, which are listed carriage services, to residential and small business customers in Australia between December 2016 and February 2023. It was therefore a CSP within the meaning of section 87 of the Act and a supplier for the purposes of the TCP Code during this period.
4. On 21 September 2022, the ACMA issued MyRepublic with a notice under subsection 521(2) of the Act (**the Notice**). The Notice required MyRepublic to provide information and documents relevant to its compliance with the TCP Code including copies of reminder notices and notices issued to customers that related to a decision by MyRepublic to restrict, suspend or disconnect a customer's telecommunications service due to credit and/or debt management reasons, most recently before 31 August 2022. On 20 October 2022, MyRepublic responded to the Notice.

5. After considering the information provided by MyRepublic in response to the Notice, the ACMA commenced an investigation under Part 26 of the Act into MyRepublic's compliance with clauses 6.7.1 and 6.7.5 of the TCP Code.
6. On 15 February 2022, the ACMA sent its preliminary findings report to MyRepublic and invited it to respond. On 17 March 2023, MyRepublic provided the ACMA with its submission in response.
7. In the course of the investigation, the ACMA examined information obtained from MyRepublic in response to the Notice, and MyRepublic's submission of 17 March 2023 in response to the preliminary findings.

Final findings and reasons

8. Having assessed the information before it, the ACMA is of the view that MyRepublic has contravened clause 6.7. and subclause 6.7.5(a) in the TCP Code. Details of the contraventions are set out below.

TCP Code – Clause 6.7.1 – Prior notice of restriction, suspension or disconnection action

9. Under clause 6.7.1, suppliers must give customers at least 5 working days' notice prior to the restriction, suspension or disconnection of the telecommunications service for credit and/or debt management reasons, unless clause 6.7.1(a) applies.
10. Clause 6.7.1(a) states that a supplier may only restrict, suspend, or disconnect a telecommunications service for credit and/or debt management reasons without first informing the customer if:
 - a. the supplier assesses that the customer or the account status presents an unacceptably high credit risk to the supplier;
 - b. the supplier reasonably suspects fraud or attempted fraud; or
 - c. the customer has nominated to the supplier a restriction point and the customer has reached that restriction point.
11. The Notice limited the scope of information and documentation to be provided by MyRepublic to 2 cohorts of 10 customers each that MyRepublic disconnected for credit and/or debt management reasons most recently before 31 August 2022 where clause 6.7.1(a) did not apply.
12. The overarching requirement in clause 6.7. is that suppliers must ensure customers are given adequate notice regarding a decision by the supplier to restrict, suspend or disconnect their telecommunications service for credit and/or debt management reasons.
13. It is the ACMA's view that to achieve compliance with clause 6.7.1 the supplier must not take any action to restrict, suspend or disconnect the service until the required 5 working days' notice period has elapsed. The ACMA also considers that the requirement to give 5 working days' notice prior to the relevant action excludes both the date of issues of the notice and the date of the relevant action.
14. In its submission of 17 March 2023, MyRepublic did not contest any of the preliminary findings contained in the ACMA's preliminary report. In its submission MyRepublic noted that when it updated its payment systems in August 2021 it appears that its systems were set to "3 calendar days" instead of the required "5 working days".
15. The ACMA finds for the reasons above and as set out in **Attachment A** that MyRepublic's contravened clause 6.7.1 on 32 occasions between 16 October 2021 and 27 August 2022, by failing to give 18 customers at least 5 working days' notice

prior to 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.

TCP Code – Clause 6.7.5(a) – Content of disconnection notice – telecommunications service plan and/or product may no longer be available after disconnection

16. Under clause 6.7.5(a) of the TCP Code, if a supplier is notifying a customer about a disconnection of the customer's telecommunications service by email or letter, the supplier must inform the customer that, after disconnection has occurred, the customer's telecommunications service plan and/or product (including, where applicable, telephone number), may no longer be available.
17. Based on the ACMA's assessment of MyRepublic's response to the Notice against the requirements under clause 6.7.5(a) of the TCP Code at **Attachment B**, and having regard to MyRepublic's submission of 17 March 2023, the ACMA finds that MyRepublic contravened clause 6.7.5(a) of the TCP Code on 18 occasions between 7 December 2021 and 27 August 2022.

Compliance with clause 6.7.1 of the TCP Code

Customer Key: Key: • Financial Hardship (FH) • Non-Financial Hardship (Non FH)	A. Date of suspension (S) or disconnection (D) notice	B. Actual date customer's service was suspended or disconnected	Did MyRepublic provide the customer at least 5 working days' notice prior to suspension or disconnection of the telecommunications service as required by clause 6.7.1?
1: ██████ (FH)	(S) 15/08/22 (D) 22/08/22	(S) 18/08/22 – this is 2 working days from date of notice. (D) 25/08/22 - this is 2 working days from date of notice.	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
2: ██████ (FH)	(D) 1/06/22	(D) 4/6/22 - this is 2 working days from date of notice	(D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
3: ██████ (FH)	(S) 6/3/22 (D) 24/03/33	(S) 9/3/22 - this is 2 working days from date of notice. (D) 27/3/22 - this is 2 working days from date of notice.	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.

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4: [REDACTED] (FH)	(D) 31/1/22	(D) 3/2/22 - this is 2 working days from date of notice	(D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
5: [REDACTED] (FH)	(D) 7/12/21	(D) 10/12/21 - this is 2 working days from date of notice.	(D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
6: [REDACTED] (FH)	(S) 31/12/21 (D) 7/1/22	(S) 3/1/22 - this is 2 working days from date of notice. (D) 10/1/2022 - this is 2 working days from date of notice.	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
7: [REDACTED] (FH)	(D) 15/2/2022	(D) 18/2/2022- this is 2 working days from date of notice.	(D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
8: [REDACTED] (FH)	(S) 6/6/2022 (D) 27/6/2022	(S) 9/6/2022 - this is 2 working days from date of notice.	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given.

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		(D) 30/6/2022 - this is 2 working days from date of notice.	(D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
9: ██████ (Non-FH)	(S) 19/08/2022 (D) 26/08/2022 (D)	(S) 22/08/2022 - this is 2 working days from date of notice. (D) 29/08/2022 - this is 2 working days from date of notice.	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
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		(D) 30/08/2022 - this is 2 working days from date of notice	working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
12 [REDACTED] (Non-FH)	(S) 19/08/2022 (D) 26/08/2022	(S) 22/08/2022 - this is 2 working days from date of notice (D) 29/08/2022 - this is 2 working days from date of notice	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
13 [REDACTED] (Non-FH)	(S) 19/08/2022 (D) 26/08/2022	(S) 22/08/2022 - this is 2 working days from date of notice (D) 29/08/2022 - this is 2 working days from date of notice	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
14: [REDACTED] (Non-FH)	(S) 19/08/2022 (D) 26/08/2022	(S) 22/08/2022 - this is 2 working days from date of notice	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5

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		(D) 29/08/2022 - this is 2 working days from date of notice	working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
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16: ██████ (Non-FH)	(S) 20/08/2022 (D) 27/08/2022	(S) 23/08/2022 - this is 2 working days from date of notice (D) 30/08/2022 - this is 2 working days from date of notice	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
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		(D) 29/08/2022 - this is 2 working days from date of notice	working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.
18: ██████ (Non-FH)	(S) 20/08/2022 (D) 27/08/2022	(S) 23/08/2022 - this is 2 working days from date of notice (D) 30/08/2022 - this is 2 working days from date of notice	(S) No. The suspension occurred 2 working days after the notice was given, in contravention of clause 6.7.1 which requires the suspension not to occur for at least 5 working days after the supplier's notification has been given. (D) No. The disconnection occurred 2 working days after the notice was given, when clause 6.7.1 requires the disconnection not to occur for at least 5 working days after the supplier's notification has been given.

Compliance with clauses 6.6 and 6.7 of the TCP Code

A	B	C	D	E
Clause of TCP Code	Obligation	Customer	Particulars of contraventions	Date of contraventions
6.7.5 (a)	<p>Content of Disconnection notice: If notifying a Customer about a Supplier's Disconnection of the Customer's Telecommunications Service, send a separate Disconnection notice, not just a Bill, to the Customer and any relevant Guarantor prior to Disconnecting the Telecommunications Service. The notice of Disconnection, if issued by email or letter, must inform the Customer and Guarantor of the following, in addition to the information under 6.7.3:</p> <p>a) that, after Disconnection has occurred, the Customer's Telecommunications Product (and/or, where applicable, telephone number) may no longer be available;</p> <p>The notice of Disconnection, if issued by a method other than email or letter, must include a link to the information detailed in paragraphs (a) to (f) above.</p>	<p>FH</p> <ol style="list-style-type: none"> 1. [REDACTED] 2. [REDACTED] 3. [REDACTED] 4. [REDACTED] 5. [REDACTED] 6. [REDACTED] 7. [REDACTED] 8. [REDACTED] <p>Non-FH</p> <ol style="list-style-type: none"> 9. [REDACTED] 10. [REDACTED] 11. [REDACTED] 12. [REDACTED] 13. [REDACTED] 14. [REDACTED] 15. [REDACTED] 	<p>The 18 disconnection notices issued by email to the 18 customers listed in column C do not include any reference to the impact of disconnection on the customer's telecommunications product and telephone number (where applicable).</p> <p>The ACMA considers that, in order to meet the requirements of clause 6.7.5(a), the content of the disconnection notice must explicitly state that the customer's telecommunications product (and telephone number, where applicable) may no longer be available to the customer after disconnection has occurred.</p> <p>Accordingly, the ACMA is of the final view that MyRepublic contravened clause 6.7.5(a) when issuing 18 disconnection notices to the 18 customers identified in column C of this table.</p>	7 December 2021 and 27 August 2022

A	B	C	D	E
Clause of TCP Code	Obligation	Customer	Particulars of contraventions	Date of contraventions
	<p>Clause 6.7.3 - Content of Restriction, Suspension, or Disconnection notice: Notices under clause 6.7.1 must include:</p> <p>a) an indication of the earliest date the Restriction, Suspension or Disconnection could occur; and(b) the date of issue of correspondence if the Customer is informed in writing.</p>	<p>16. [REDACTED]</p> <p>17. [REDACTED]</p> <p>18. [REDACTED]</p>		

Source: MyRepublic's response to the Notice dated 20 October 2022