



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

TO: BSC WA Pty Ltd trading as Star Telecom (ACN 162 881 601)  
OF: 7 Cascade Retreat  
Doncaster VIC 3108

### DIRECTION

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that BSC WA Pty Ltd trading as Star Telecom (**Star Telecom**), has contravened the *Telecommunications Consumer Protections Code (C628:2019)* (the **TCP Code**) as described below;

DIRECT Star Telecom under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with Chapter 9 of the TCP Code.

### Details of the contraventions

1. The ACMA has investigated Star Telecom's compliance with the TCP Code, which 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, Star Telecom is a participant in a section of the telecommunications industry to which this code applies.
2. The ACMA is satisfied that Star Telecom has contravened the following clauses of the TCP Code:

Provision	Reason
Clause 9.1.1(a)	Failing to ensure that 2 consumers provided consent to transfer their services to Star Telecom between 28 April 2021 and 3 November 2022.
Clause 9.7.1(b)	Failing on 8 occasions to create and retain auditable records establishing that transfers to Star Telecom were undertaken in accordance with Chapter 9 of the TCP Code between 2 February 2021 and 24 May 2023.

3. Further details about the contraventions are set out in the investigation report dated 21 December 2023.

### Requirement to comply with this Direction

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

If Star Telecom 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 Star Telecom 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).

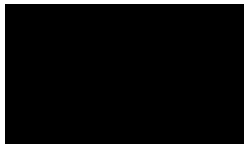
**Reconsideration of a decision**

If Star Telecom 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 Star Telecom 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 Star Telecom 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 February 2024



Jeremy Fenton  
A/g General Manager  
Consumer Division  
Delegate of the Australian Communications and Media Authority