

Investigation Report

File No.	ACMA2024/1653
Carriage service provider	Optus Mobile Pty Limited
ACN	054 365 696
Relevant legislation	<i>Telecommunications Act 1997</i> <i>Telecommunications (Financial Hardship) Industry Standard 2024</i>
Date	3 June 2025

Findings

The Australian Communications and Media Authority (the **ACMA**) finds that Optus Mobile Pty Limited (**Optus**) has contravened:

- (a) subsections 15(4) of the *Telecommunications (Financial Hardship) Industry Standard 2024* (the **Financial Hardship Standard**) on 4 occasions between 18 April 2024 and 18 May 2024 by failing to include the required information in its written bills, reminder notices and written communications sent to 4 customers that met one or more of the criteria set out under paragraph 14(b) of the Financial Hardship Standard.
- (b) paragraphs 20(b), (c) and (f) of the Financial Hardship Standard on 2 occasions between 30 April 2024 and 18 May 2024 by failing to include the required information in 2 written notices to customers about arrangements for financial hardship assistance.

Consequently, the ACMA also finds that Optus Mobile has contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**) on 6 occasions.

Background

1. Optus is a carriage service provider (**CSP**) that supplies internet and mobile telephone services to the public. As a participant in the section of the telecommunications industry to which the Financial Hardship Standard applies under subsection 128(1) of the Act, Optus is required to comply with the Financial Hardship Standard.
2. On 23 August 2024, the ACMA issued Optus with a notice under subsection 521(2) of the Act (the **Notice**). The Notice required Optus to provide information and documents relevant to its compliance with certain aspects of the Financial Hardship Standard.
3. As a result of the information provided by Optus on 27 September 2024 in response to the Notice, the ACMA commenced an investigation under Part 26 of the Act.
4. On 24 March 2025, the ACMA provided its preliminary findings to Optus. Optus provided submissions to the ACMA's preliminary findings on 7 April 2025.

Findings and reasons

5. The ACMA's findings that Optus has contravened subsection 15(4) and paragraphs 20(b), (c) and (f) of the Financial Hardship Standard are based on information provided by Optus on 27 September 2024 and submissions provided

on 7 April 2025 in response to the ACMA's preliminary findings. Details of the contraventions are set out below.

Subsection 15(4) of the Financial Hardship Standard: Minimum requirements for correspondence to customers

6. Under subsection 15(4) of the Financial Hardship Standard, a CSP must include specific information in written communications sent to customers under paragraph 14(b), and in its written bills and reminder notices (collectively, **relevant communications**).
7. Section 5 of the Financial Hardship Standard defines "customers" as consumers¹ who have entered into a consumer contract with a provider.
8. When a CSP sends relevant communications, subsection 15(4) provides that, at a minimum, the CSP must include:
 - (a) advice to customers about its payment assistance policy, including options for assistance;
 - (b) a hyperlink or web address for the page on the provider's website where the payment assistance policy is located, and if the provider uses an app, details about where it can be found on that app; and
 - (c) the contact details referred to in paragraph 15(1)(d); that is, an email address and telephone number of a general contact point to communicate with personnel who are authorised to deal with financial hardship matters and to discuss options to assist the customer.
9. In its response to the Notice, Optus provided copies of relevant communications it sent to a sample of consumers that the ACMA is satisfied are customers for the purposes of the Financial Hardship Standard. The ACMA has assessed 6 relevant communications that Optus sent between 18 April 2024 and 18 May 2024 (inclusive). The ACMA's assessment of the 6 relevant communications is set out in **Attachment A**.
10. The ACMA's preliminary findings were that Optus breached subsection 15(4) of the Financial Hardship Standard.
11. In its response to the ACMA's preliminary findings, Optus submitted that it did not agree with the ACMA's preliminary view that it had contravened the requirements under subsection 15(4) in relevant communications to consumers.
12. In its submission, Optus acknowledged that between 29 March 2024 to 30 June 2024 its restriction, suspension and disconnection letter templates did not include an email address as required under paragraph 15(4)(c) due to operational and technical limitations and dependency on third party vendors. Optus explained that it was unable to embed the required changes to letter templates into its systems until 24 June 2024 and confirmed the new letter templates have been in effect since this date.
13. It is the ACMA's view that delays in updating templates do not constitute reasonable justification for Optus' failure to comply with the requirement under paragraph 15(4)(c). This is particularly so given the relevant communications are critical as they provide important information to customers who received notice from Optus of its intention to restrict, suspend or disconnect their service for failure to pay their bills, and therefore may be experiencing financial hardship.
14. Accordingly, the ACMA finds that on the 4 occasions identified in **Tables 1 and 2** in **Attachment A**, Optus contravened subsection 15(4) of the Financial Hardship

¹ 'Consumer' is defined under section 5 of the Financial Hardship Standard.

Standard because it did not include the information required by paragraph 15(4)(c) in 4 communications sent between 18 April 2024 and 18 May 2024 (inclusive).

Paragraphs 20(b), (c) and (f) of the Financial Hardship Standard: Communicating arrangements

15. Under section 20 of the Financial Hardship Standard, a CSP must give a customer a notice in writing that includes certain information and advice about arrangements for financial hardship assistance where the customer has agreed to an arrangement for financial hardship assistance with the provider.
16. The notice must be given within 2 business days after the customer and the provider agreed to the arrangement and, among other things:
 - (a) set out the customer's rights and obligations under the arrangement for financial hardship assistance (paragraph 20(b));
 - (b) state that the customer must advise the provider if their situation changes during the term of the arrangement for financial hardship assistance within 14 days of the change in their situation (paragraph 20(c); and
 - (c) advise the customer that they may seek a review if their financial hardship situation changes (paragraph 20(f)).
17. In its response to the Notice, Optus provided copies of notices it sent to 2 customers who agreed to an arrangement for financial hardship assistance between 30 April 2024 and 18 May 2024. These letters relevantly set out the details of a payment arrangement that the customer agreed to with Optus, but did not include information required by paragraphs 20(b), (c) and (f) of the Financial Hardship Standard.
18. The ACMA's preliminary findings were that Optus breached paragraphs 20(b), (c) and (f) of the Financial Hardship Standard.
19. In its response to the ACMA's preliminary findings, Optus acknowledged that the 2 customers received an old letter template that was not supposed to be used from 29 March 2024 onwards. Optus confirmed that both customers received another communication via email on the same day that met the requirements of section 20 of the Financial Hardship Standard.
20. The ACMA considers that, in order to comply with these requirements, CSPs must ensure that any templates their staff use for the purpose of communicating with customers under the Financial Hardship Standard are current, up to date, and include the requisite information. CSPs must also ensure that staff are appropriately informed about how to access the relevant templates and when to use them.
21. Notwithstanding the fact that the 2 customers received subsequent email communications the same day that contained the relevant information, the importance of these communications under the Financial Hardship Standard is such that they should be provided to customers in a manner that will not cause confusion. The ACMA considers that Optus' actions in these cases may have caused the 2 customers confusion about which communication from Optus they should rely upon in determining next steps relevant to their circumstances.
22. Accordingly, the ACMA finds that in the 2 cases identified in **Tables 3 and 4 at Attachment A**² Optus has contravened the requirements of paragraphs 20(b), (c)

² The ACMA has referred to these communications as 'Payment Arrangement Letters' in Tables 3 and 4 of Attachment A.

and (f) of the Financial Hardship Standard because the requisite information was not included in notices sent to 2 customers who had agreed to an arrangement for financial hardship assistance between 30 April 2024 and 18 May 2024 (inclusive).

Compliance with subsection 15(4) of the Financial Hardship Standard between 18 April 2024 and 18 May 2024

TABLE 1 – Template text from Optus relevant communications

Communication	Template text	Particulars of contravention
Letter: Restriction Notice	<p>Need some extra time?</p> <p>We get that sometimes you might need a hand so we're happy to work out an extension or payment plan. To check the options available, simply call 133937 or 1300 308 839. Alternatively, these options are available to you through the My Optus app which you can download by going to optus.com.au/app on your mobile.</p> <p>Do you need some help and support?</p> <p>Did you know if you're experiencing financial difficulties, you may be eligible for assistance under our Financial Hardship Policy? More information is available at optus.com.au/financialhardship or by calling us on 1300 308 839.</p>	The restriction letters sent to customers, which the ACMA considers to be written reminders for the purposes of subsection 15(4), did not include an email address of a general contact point to communicate with personnel who are authorised to deal with financial hardship matters and to discuss options to assist the customer, in contravention of paragraph 15(4)(c).
Letter: Suspension and Disconnection Notice	<p>Do you need some help and support?</p> <p>It's not too late. We'd be happy to talk about ways to get back on track. To check the options, simply call 133 937 or 1300 308 839.</p> <p>If you're experiencing financial difficulties, you may be eligible for assistance under our Financial Hardship policy. More information is available at optus.com.au/financialhardship or by calling us at 1300 308 839.</p>	The suspension and disconnection letters sent to customers, which the ACMA considers to be written reminders for the purposes of subsection 15(4), did not include an email address of a general contact point to communicate with personnel who are authorised to deal with financial hardship matters and to discuss options to assist the customer, in contravention of paragraph 15(4)(c).

TABLE 2– ACMA assessment of Optus relevant communications

Item	Relevant customer	Communication	Date of communication	ACMA preliminary view
1	Customer 1	Letter: Suspension Notice	18/4/2024	The ACMA finds that Optus contravened subsection 15(4) of the Financial Hardship Standard because it did not include the required information set out in that subsection when it sent a Suspension Notice letter to the relevant customer on 18 April 2024.
2	Customer 2	Letter: Restriction Notice	2/5/2024	The ACMA finds that Optus contravened subsection 15(4) of the Financial Hardship Standard because it did not include the required information set out in that subsection when it sent a Restriction Notice letter to the relevant customer on 2/5/2024.

Item	Relevant customer	Communication	Date of communication	ACMA preliminary view
3	Customer 3	Letter: Suspension Notice	24/4/2024	The ACMA finds that Optus contravened subsection 15(4) of the Financial Hardship Standard because it did not include the required information set out in that subsection when it sent a Suspension Notice letter to the relevant customer on 24/4/2024
4	Customer 3	Letter: Disconnection	18/5/2024	The ACMA finds that Optus contravened subsection 15(4) of the Financial Hardship Standard because it did not include the required information set out in that subsection when it sent a Disconnection Notice letter to the relevant customer on 18/5/2024.

Compliance with paragraphs 20(b)(c) and (f) of the Financial Hardship Standard between 30 April 2024 and 18 May 2024

TABLE 3 - Template text from Optus payment arrangement letters

Communication	Template text	Particulars of contravention
Letter: Payment arrangement	<p>If you're unable to keep this payment arrangement, please contact us as soon as possible so we can assist you further. Our Team is available to help you on 1300 303 509 on Monday to Friday; 9.00am to 5.00pm AEST/AEDT.</p> <p>Our usual payment collections process may commence. This process may result in a loss of service or we may engage a debt collection agency.</p> <p>Need further assistance</p> <p>For more information about support available for Optus customers experiencing Financial Hardship visit: www.optus.com.au/financialhelp</p> <p>You can also seek assistance from National Debt Helpline on 1800 007 007 or by visiting their website www.ndh.org.au."</p>	<p>The payment arrangement letters sent to customers did not include the following information required by subsection 20:</p> <ul style="list-style-type: none"> (b) set out the customer's rights and obligations under the arrangement for financial hardship assistance. (c) state that the customer must advise the provider if their situation changes during the term of the arrangement for financial hardship assistance within 14 days of the change in their situation. (f) advice that the customer may seek a review if their financial hardship situation changes, within 2 business days after the customer and the provider agreed to the arrangement.

TABLE 4 – ACMA assessment of Optus' relevant communications

Item	Customer	Communication	Date of communication	ACMA preliminary view
1.	Customer 1	Letter: Payment arrangement	30/4/2024	The ACMA finds that Optus contravened paragraphs 20(b), (c) and (f) of the Financial Hardship Standard because it did not include the required information set out in that subsection when it sent a Payment Arrangement Letter to the relevant customer on 30 April 2024.
2	Customer 2	Letter: Payment Arrangement	18/5/2024	The ACMA finds that Optus contravened paragraphs 20(b), (c) and (f) of the Financial Hardship Standard because it did not include the required information set out in that subsection when it sent a Payment Arrangement Letter to the relevant customer on 18 May 2024.