

## Investigation Report

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| File No.                  | ACMA2024/1657   |
| Carriage Service Provider | Skymesh Pty Ltd   |
| ACN                       | 613 736 137   |
| Relevant Legislation      | <i>Telecommunications Act 1997</i><br><i>Telecommunications (Financial Hardship)</i><br><i>Industry Standard 2024</i> |
| Date                      | 3 June 2025   |

## Findings

The Australian Communications and Media Authority (**ACMA**) finds that Skymesh Pty Ltd (ACN 613 736 137) (**Skymesh**) has contravened the following requirements of the *Telecommunications (Financial Hardship) Industry Standard 2024* (the **Financial Hardship Standard**):

- subsection 15(4) on 12 occasions between 2 April 2024 and 15 May 2024 by failing to include the required information in its written bills sent to 5 customers that met one or more of the criteria set out under paragraph 14(b).
- subparagraph 27(2)(a)(i) on 5 occasions between 31 March 2024 and 30 June 2024 by failing to deliver, or arrange for a third party to deliver, the requisite training to 5 relevant personnel within 3 months after the commencement of the Financial Hardship Standard (that is, by 30 June 2024).

Consequently, the ACMA also finds that Skymesh has contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**) on 17 occasions.

## Background

1. Skymesh 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, Skymesh is required to comply with the Financial Hardship Standard.
2. On 23 August 2024, the ACMA issued Skymesh with a notice under subsection 521(2) of the Act (the **Notice**). The Notice required Skymesh 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 Skymesh on 20 September 2024, 1 October 2024 and 8 October 2024 in response to the Notice, the ACMA commenced an investigation under Part 26 of the Act.
4. On 4 April 2025 the ACMA provided its preliminary findings to Skymesh. Skymesh provided submissions in response to the ACMA's preliminary findings on 22 April 2025.

## Findings and reasons

5. The ACMA's findings that Skymesh has contravened subsection 15(4) and subparagraph 27(2)(a)(i) of the Financial Hardship Standard are based on the information provided by Skymesh on 20 September 2024, 1 October 2024, 8 October 2024, and submissions made by Skymesh on 22 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 consumers<sup>1</sup> 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, Skymesh provided copies of written bills that it sent to a sample of relevant customers. The ACMA has assessed 12 written bills that Skymesh sent between 2 April 2024 and 15 May 2024 (inclusive). The ACMA's assessment of the 12 written bills is set out in **Attachment A**.
10. The ACMA's preliminary findings were that Skymesh breached subsection 15(4) of the Financial Hardship Standard, which Skymesh accepted.
11. While the ACMA has sustained its preliminary findings in making these findings, the particulars of the breaches have been amended.
12. Since issuing its preliminary findings, the ACMA has further considered the obligation imposed by paragraph 15(4)(a) of the Financial Hardship Standard. The ACMA notes that the obligation imposed by paragraph 15(4)(a) does not necessarily require that all options for assistance are included in the relevant communication. The clear purpose of paragraph 15(4)(a) is to give a customer sufficient information about the nature of the payment assistance policy (to which a link must already be included under paragraph 15(4)(b)) to enable the customer to assess whether it would be worthwhile to explore the payment assistance policy available at the link.

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<sup>1</sup> 'Consumer' is defined under section 5 of the Financial Hardship Standard.

13. The ACMA considers that stating that 'if you are experiencing financial hardship, you may be eligible to apply for support including flexible payment options,' as is the case in the Skymesh written bills the subject of these findings, is sufficient advice that if a customer is having trouble paying for their bill, there are options available to assist the customer. For this reason, the ACMA has removed this element from the particulars of this contravention in these findings.
14. The ACMA's preliminary findings also found that the written bills did not include a contact email address or phone number for customers to communicate with Skymesh staff about financial hardship matters. Paragraph 15(4)(c) of the Financial Hardship Standard requires that this information is included in written bills.
15. Since issuing its preliminary findings, the ACMA has further considered the invoice text used by Skymesh and noted that a phone number for customers to communicate with Skymesh staff about financial hardship matters is available in the top right-hand corner of the invoice and in the paragraph preceding the text about financial hardship. The relevant phone number appears in the context of advice to customers about organising a payment plan to avoid late or declined payment fees.
16. Based on this information, the ACMA affirms its preliminary finding that the 12 written bills failed to include the email address information required by paragraph 15(4)(c) and acknowledges that the invoice text does include a phone number.

#### **Subsection 27(2) of the Financial Hardship Standard: Training for personnel**

17. Under subsection 27(1) of the Financial Hardship Standard, CSPs must deliver, or arrange for a third party to deliver, financial hardship training to its personnel who deal directly with consumers that complies with subsection 27(2).
18. Subsection 27(2) requires that this training be delivered within 3 months after the commencement of the Financial Hardship Standard (that is, by 30 June 2024) to personnel who deal directly with consumers at that time (subparagraph 27(2)(a)(i)).<sup>2</sup>
19. In its response to the Notice and confirmed in information it provided subsequently on 20 March 2025 in response to further inquiries by the ACMA, Skymesh advised that:
  - (a) as at 30 June 2024, it had 30 personnel whose role involved dealing directly with consumers at that time (the **30 relevant personnel**);
  - (b) of the 30 relevant personnel:
    - i. 25 were trained in accordance with subsection 27(2) of the Financial Hardship Standard;

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<sup>2</sup> Subsection 27(2) also provides for personnel not covered by subparagraph (i) – that is, personnel who were not dealing directly with consumers within 3 months after the commencement of the Financial Hardship Standard (see subparagraph (ii)) – and further requires that all personnel who deal directly with consumers receive financial hardship training annually henceforth (paragraph 27(2)(b)). For the purposes of these findings, the requirements in these provisions are not relevant because, in the case of subparagraph 27(2)(a)(ii), Skymesh did not advise that it had applicable personnel and, in the case of paragraph 27(2)(b), as at the relevant period, it had not yet been 12 months since personnel covered by paragraph 27(2)(a) were required to first receive training and therefore the obligation to provide training annually is not yet enlivened.

- ii. it had not delivered financial hardship training to 5 personnel by 30 June 2024. Skymesh did not explain why it had not delivered training to the 5 personnel by 30 June 2024.

(c) The 5 untrained staff were trained in full after 30 June 2024.

- 20. The ACMA's preliminary findings were that Skymesh breached subparagraph 27(2)(a)(i) of the Financial Hardship Standard
  - 21. In its response to the ACMA's preliminary findings, Skymesh accepted those preliminary findings and acknowledged that it had breached the relevant provision.
  - 22. The ACMA therefore finds that Skymesh breached subparagraph 27(2)(a)(i) of the Financial Hardship Standard on 5 occasions by failing to deliver, or arrange for a third party to deliver, the requisite training to 5 of the 30 relevant personnel within 3 months after commencement of the Financial Hardship Standard (that is, by 30 June 2024).
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## ATTACHMENT A

### Compliance with subsection 15(4) of the Financial Hardship Standard between 2 April 2024 and 15 May 2024

TABLE 1 – Template text from Skymesh’s written bills

|                   |   |
|-------------------|---|
| Written bill text | <p>If you are experiencing financial hardship you may be eligible to apply for support, including flexible payment options. Find more information (including our Payment Assistance Policy application form) at:</p> <p><a href="https://skymesh.net.au/support/legal-resources/financial-hardship-policy/">https://skymesh.net.au/support/legal-resources/financial-hardship-policy/</a></p> |
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TABLE 2 – ACMA assessment of Skymesh’s written bills

| Relevant Customer Identifier | Written bill – Particulars of the contravention  | ACMA finding  |
|------------------------------|--|---|
| 1. [REDACTED]                | The 2 PDF written bills dated 15 April 2024 and 15 May 2024 did not include an email address of a general contact point to communicate with Skymesh staff who are authorised to deal with financial hardship matters and to discuss options to assist the customer (paragraph 15(4)(c)). | The ACMA finds that Skymesh contravened subsection 15(4) of the Financial Hardship Standard on <b>2 occasions</b> between 15 April 2024 and 15 May 2024 (inclusive) by not including the required information set out in that subsection when it sent 2 written bills to the relevant customer. |
| 2. [REDACTED]                | The 2 PDF written bills dated 15 April 2024 and 15 May 2024 did not include an email address of a general contact point to communicate with Skymesh staff who are authorised to deal with financial hardship matters and to discuss options to assist the customer (paragraph 15(4)(c)). | The ACMA finds that Skymesh contravened subsection 15(4) of the Financial Hardship Standard on <b>2 occasions</b> between 15 April 2024 and 15 May 2024 (inclusive) by not including the required information set out in that subsection when it sent 2 written bills to the relevant customer. |
| 3. [REDACTED]                | The 2 PDF written bills dated 15 April 2024 and 15 May 2024 did not include an email address of a general contact point to communicate with Skymesh staff who are authorised to deal with financial hardship matters and to discuss options to assist the customer (paragraph 15(4)(c)). | The ACMA finds that Skymesh contravened subsection 15(4) of the Financial Hardship Standard on <b>2 occasions</b> between 15 April 2024 and 15 May 2024 (inclusive) by not including the required information set out in that subsection when it sent 2   |

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|                  |   | written bills to the relevant customer.   |
| 4.<br>[REDACTED] | The 4 PDF written bills dated 2 April 2024, 15 April 2024, 1 May 2024, 15 May 2024 did not include an email address of a general contact point to communicate with Skymesh staff who are authorised to deal with financial hardship matters and to discuss options to assist the customer (paragraph 15(4)(c)). | The ACMA finds that Skymesh contravened subsection 15(4) of the Financial Hardship Standard on <b>4 occasions</b> between 2 April 2024 and 15 May 2024 (inclusive) by not including the required information set out in that subsection when it sent 4 written bills to the relevant customer.  |
| 5.<br>[REDACTED] | The 2 PDF written bills dated 15 April 2024 and 15 May 2024 did not include an email address of a general contact point to communicate with Skymesh staff who are authorised to deal with financial hardship matters and to discuss options to assist the customer (paragraph 15(4)(c)).                        | The ACMA finds that Skymesh contravened subsection 15(4) of the Financial Hardship Standard on <b>2 occasions</b> between 15 April 2024 and 15 May 2024 (inclusive) by not including the required information set out in that subsection when it sent 2 written bills to the relevant customer. |