



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

TO: Southern Phone Company Limited (ACN 100 901 184)

OF: Level 24, 200 George Street  
Sydney NSW 2000

### DIRECTION

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

DIRECT Southern Phone, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**), to comply with clauses 6.6.2, 6.7.1, 6.7.5(a), 6.7.5(b), 6.7.5(c), 6.7.5(d), 6.7.5(e) and 6.7.5(f) of the TCP Code.

### Background

Following an investigation, the ACMA found that Southern Phone has contravened clauses 6.6.2, 6.7.1, 6.7.5(a), 6.7.5(b), 6.7.5(c), 6.7.5(d), 6.7.5(e) and 6.7.5(f) of the TCP Code during the period 15 December 2021 to 4 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**), Southern Phone is a participant in a section of the telecommunications industry to which this code applies.
2. The ACMA is satisfied that Southern Phone has contravened the following clauses of the TCP Code:

Provision	Reason
Clause 6.6.2	Failing to include a link to, or reference, the Financial Hardship policy and contact details as appropriate for the communication method when it sent reminder notices to 12 customers via SMS.
Clause 6.7.1	Failing to give 20 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.

Clause 6.7.5(a)	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 17 customers about service disconnection.
Clause 6.7.5(b)	Failing to include information or a link to the information in the disconnection notice about any impacts the disconnection may have on other services the customer has with Southern Phone when notifying 14 customers about service disconnection.
Clause 6.7.5(c)	Failing to include information or a link to the 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 14 customers about service disconnection.
Clause 6.7.5(d)	Failing to include a link to the information about Southern Phone's Financial Hardship policy in case the customer needs such assistance when notifying 11 customers about service disconnection.
Clause 6.7.5(e)	Failing to include information or a link to the information in the disconnection notice that the debt may be passed to a collection agency and/or debt buyer when notifying 14 customers about service disconnection.
Clause 6.7.5(f)	Failing to include information or a link to the information in the disconnection notice that legal action may be taken to recover the unpaid debt when notifying 14 customers about service disconnection.

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

### **Requirement to comply with this Direction**

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

If Southern Phone 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 Southern Phone 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 Southern Phone 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 Southern Phone 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 Southern Phone 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

