



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

TO: Vodafone Pty Limited (ACN 062 954 554) (VPL)

OF: Level 7, 40 Mount Street, North Sydney, NSW 2060

Attention: Ms Louise Sexton
Group General Counsel and Company Secretary

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Vodafone Pty Limited (ACN 062 954 554) (**VPL**), has contravened the *Telecommunications Consumer Protections Code (C628:2007)* (**the TCP Code**) as described below;

HEREBY direct VPL under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**) to comply with the TCP Code, by no later than **1 February 2012**.

Details of the contraventions

1. The ACMA has investigated VPL's compliance with provisions of the TCP Code. As a carriage service provider, VPL is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that VPL contravened Clauses 3.2.1, 4.2.4(a)(iii), 6.8.1, 9.1.1(e) and 9.1.8 of the TCP Code.
3. Specifically:
 - (a) VPL has contravened Clause 3.2.1 which requires a Supplier to ensure that information provided to its customers is accurate, relevant, current and timely as VPL did not, between October and December 2010, provide timely information to its customers about network issues.
 - (b) VPL has contravened Clause 4.2.4(a)(iii) which requires that before a customer enters a contract, if the customer has stated the purpose for the use of the telecommunications product or that purpose has become apparent to the Supplier from interaction with the customer, a Supplier must inform the customer of anything reasonably known about the performance and/or availability of the telecommunications product that might affect the telecommunications product's use for that purpose as VPL did not, between September 2010 and January 2011, adequately advise new customers of known limitations in network coverage.
 - (c) VPL has contravened Clause 6.8.1 which requires that a Supplier must protect the privacy of each Customer's Billing and related personal information as, prior to 9 January 2011, VPL had inadequate practices and processes in place to meet this obligation.

- (d) VPL has contravened Clause 9.1.1(e) which requires a Supplier to have a complaint handling process providing appropriate and systematic record keeping of complaints and their outcomes, including those resolved at first contact as VPL did not, as at 6 September 2011, have systems to record complaints in a manner consistent with the definition of Complaint in the TCP Code.
- (e) VPL has contravened Clause 9.1.8 of the TCP Code which requires a Supplier to classify and analyse complaints at least every 3 months to identify recurring or systemic problems and prevent recurrence as VPL did not, as at 6 September 2011, have systems to record complaints in a manner consistent with the definition of Complaint in the TCP Code.

Requirement to comply with this Direction

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

If VPL does not comply with this Direction, the ACMA may apply to the Federal Court for an order that VPL pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).



Signature

Jennifer McNeill
Acting General Manager
Content, Consumer and Citizen Division
Delegate of the Australian Communications and Media Authority

16 December 2011