

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

---

**TO:** Dodo Australia Pty Ltd  
ACN 097 636 970

**ADDRESS** Level 14, 600 St Kilda Road  
MELBOURNE VICTORIA 3004

### Background to this Direction

1. The Australian Communications and Media Authority (ACMA) has been investigating Dodo Australia Pty Ltd (Dodo) in relation to its compliance with the provisions of the *ACIF C547:2004 Complaint Handling Code* (Complaint Handling Code) and the *ACIF C542:2003 Billing Code* (Billing Code) (together, the Codes). The Telecommunications Industry Ombudsman (TIO) referred Dodo to ACMA after receiving customer complaints about Dodo's complaints handling and billing procedures.
2. The Codes are registered by ACMA under section 117 of the *Telecommunications Act 1997* (the Act). As a carriage service provider, Dodo is a participant in the section of the telecommunications industry to which the Codes apply.
3. Based on ACMA's investigation into Dodo's complaints handling processes following the TIO's referral to ACMA, ACMA is satisfied that Dodo has contravened, and is continuing to contravene, the Complaint Handling Code. ACMA is satisfied that Dodo does not have the complaints handling policies and processes that are needed to meet the requirements of the Complaint Handling Code, particularly in relation to how it records, responds to, escalates, monitors, analyses and reports on customer complaints.
4. Based on ACMA's investigation into Dodo's billing practices, ACMA is satisfied that Dodo has contravened, and is continuing to contravene, the Billing Code. In particular, ACMA is satisfied that Dodo has breached the provisions of the Billing Code relating to billing practices in respect of direct debit accounts.
5. This direction is given by ACMA after consideration of Dodo's application under section 558 of the Act for reconsideration of the direction under section 121(1) of the Act made on 6 December 2007 by ACMA's delegate, Nerida O'Loughlin.

**Direction to comply with the Complaint Handling Code and the Billing Code**

6. Under subsection 121(1) of the Act, ACMA directs Dodo to comply with:

- (a) the Complaint Handling Code; and
- (b) the Billing Code;

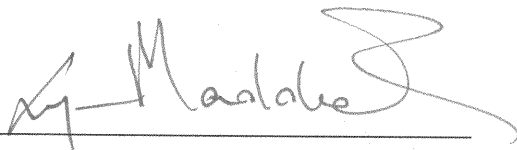
by no later than **5pm on Monday 31 March 2008.**

**Contravention of this Direction**

7. By virtue of subsection 121(4) and sections 570 and 571 of the Act, a failure by Dodo to comply with a direction under subsection 121(2) means that ACMA may apply to the Federal Court for an order that Dodo pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision.

The Common Seal of the  
Australian Communications and Media Authority  
was affixed to this document in the presence of:





Signature of Member

LYN MADDOCK

Name (Please Print)



Signature of Member General Manager

MARCUS BEZZI

Name (Please Print)

Dated this 5<sup>th</sup> day of February 2008