



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

TO: Beyotel Pty Ltd (ACN 165 857 447)

OF: 32 Suite  
64-66 Kingsway  
GLEN WAVERLEY VIC 3150

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Beyotel Pty Ltd (ACN 165 857 447) (**Beyotel**), has contravened the *Telecommunications Consumer Protections Code (C628:2015)* (**the TCP Code**) as described below;

hereby DIRECT Beyotel, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**):

- (a) to comply with clause 4.1.1 of the TCP Code, by no later than 4 August 2017;
- (b) to comply with clause 6.11 of the TCP Code, by no later than 4 August 2017;
- (c) to comply with clause 9.1 of the TCP Code, by no later than 4 August 2017; and
- (d) to comply with clause 9.4 of the TCP Code.

### Details of the contraventions

1. The ACMA has investigated Beyotel's compliance with clauses 4.1.1(d)(i), 6.11.1(a), 9.1.1(b) and 9.4.1 of the TCP Code. As a carriage service provider providing telecommunications services to residential and/or small business consumers, Beyotel is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that on 22 February 2017, Beyotel contravened:
  - a. clause 4.1.1(d)(i) of the TCP Code, by failing to provide a Critical Information Summary for each of its current offers on its website.
  - b. clause 6.11.1(a) of the TCP Code, by failing to have a Financial Hardship Policy on its website.
  - c. clause 9.1.1(b) of the TCP Code, by failing to register with Communications Alliance within two months of the ACMA's approval of Variation No. 1/2016 of the TCP Code (being 3 May 2016) or one month from first acquiring customers, whichever is the later.
  - d. clause 9.4.1 of the TCP Code, by failing to lodge compliance documents with Communications Compliance Ltd by 1 September 2016.

**Requirement to comply with this Direction**

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

If Beyotel does not comply with this Direction, the ACMA may apply to the Federal Court for an order that Beyotel 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).

**Reconsideration of a decision**

Under subsection 558(1) of the Act, Beyotel may apply to the ACMA for the ACMA to reconsider the decision to direct Beyotel to comply with the TCP Code. The application must be submitted in writing to the ACMA and must set out the reasons for the application (subsection 558(2) of the Act). The application must be made within 28 days after Beyotel is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If Beyotel is dissatisfied with the ACMA's decision on reconsideration, 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).



Signature

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

28 June 2017