

Investigation Report:

File No.	ACMA2024/1123
Carriage Service Provider	Telco Pay Pty Ltd (Moose Mobile)
ACN	610 525 856
Relevant Legislation	<i>Telecommunications Act 1997</i> <i>Telecommunications (Financial Hardship) Industry Standard 2024</i>

Findings

The Australian Communications and Media Authority (**ACMA**) finds that Telco Pay Pty Ltd (**Moose Mobile**) contravened subsection 128(1) of the *Telecommunications Act 1997* (**the Act**) by failing to comply with paragraph 7(1)(a) of the *Telecommunications (Financial Hardship) Industry Standard 2024* (**the Financial Hardship Standard**) on 21 May 2024.

Background

1. On 31 August 2023, the Minister for Communications made the *Telecommunications (Financial Hardship Industry Standard) Direction 2023* which directed the ACMA to determine a standard under subsection 125AA(1) of the Act, dealing with:
 - (a) information relating to financial hardship matters that was to be provided by carriage service providers (**CSPs**) to customers and made available to customers, and potential customers;
 - (b) support to be provided by CSPs to customers who are, or may be, experiencing financial hardship.
2. On 1 February 2024, the ACMA made the Financial Hardship Standard under subsection 125AA(1) of the Act. The Standard commenced on 29 March 2024. The new rules in the Standard replace and enhance previous financial hardship measures set out in the Telecommunications Consumer Protections Code C628:2019 (**the TCP Code**).
3. On 21 May 2024, the ACMA commenced an investigation into Moose Mobile's compliance with paragraph 7(1)(a) of the Financial Hardship Standard. The ACMA audited 48 telcos including Moose Mobile, which disclosed evidence that led the ACMA to believe that Moose Mobile may not have complied with requirements in the Financial Hardship Standard. Specifically, that Moose Mobile failed to establish and publish a payment assistance policy and a summary of that policy on their website (Part 2 of the Financial Hardship Standard).
4. On 27 May 2024, the ACMA provided its preliminary findings report to Moose Mobile and invited it to respond. Moose Mobile did not contest the ACMA's

preliminary findings and confirmed by email dated 11 June 2024 that it had updated its Policy to address the issues raised in the preliminary findings report.

Findings and Reasons

Section 128 of the Act

5. Section 128 of the Act states that if an industry standard that applies to participants in a particular section of the telecommunications industry is registered under Part 6 of the Act, each participant in that section of the industry must comply with the standard.
6. The Financial Hardship Standard is an industry standard determined under subsection 125AA(1) of the Act and registered under Part 6 of the Act.
7. Paragraph 4(a) of the Financial Hardship Standard provides that for the purpose of subsection 125AA(1) of the Act, this industry standard applies to participants in the telecommunications industry, being CSPs that supply telecommunications products to residential, small business and not-for-profit customers.
8. Moose Mobile is a CSP that supplies mobile and internet services to the public. As a participant in the section of the telecommunications industry to which the Financial Hardship Standard applies, Moose Mobile is required to comply with the Financial Hardship Standard.

Paragraph 7(1)(a) of the Financial Hardship Standard

9. Paragraph 7(1)(a) of the Financial Hardship Standard provides that CSPs that offer to supply telecommunications products to consumers under a consumer contract must establish a payment assistance policy (**Policy**) that meets the minimum requirements in Part 2 of the Standard. These minimum requirements relate to the content to be included in the Policy and the accessibility and promotion of the Policy.
10. On 21 May 2024, the ACMA accessed Moose Mobile's Policy through Moose Mobile's website at <https://www.moosemobile.com.au>. On 21 May 2024, the ACMA reviewed Moose Mobile's Policy and formed the view that Moose Mobile contravened paragraph 7(1)(a) of the Financial Hardship Standard for the reasons set out below. A copy of Moose Mobile's Policy that the ACMA assessed is at **Attachment A**.

Breach findings

Provision of <i>Financial Hardship Standard</i>	Requirement	ACMA findings and reasons
Paragraph 8(1)(d)	A Policy must be accurate and up to date	Moose Mobile's website indicated that the Policy was last updated in 2019. Moose Mobile's Policy is not accurate and up to date as it does not meet a range of content requirements as outlined in the rows below.

		Consequently, Moose Mobile's Policy has not been updated to meet the minimum requirements under the Financial Hardship Standard.
Subparagraph 8(1)(g)(i)	<p>The Policy must be made clearly available to the public on the provider's website and on an app if the provider uses an app:</p> <p>(i) via a direct hyperlink from the home page of the website</p>	<p>Moose Mobile's Policy was found via a hyperlink 'Other Terms & Policies' on its home page, available at https://moosemobile.com.au. Moose Mobile's Policy was located on Moose Mobile's 'Terms and Policies' webpage.</p> <p>Consequently, the Policy was not made clearly available via a direct hyperlink from Moose Mobile's home page as required.</p> <p>Therefore, based on its review of Moose Mobile's Policy on 21 May 2024, the ACMA finds that it did not meet the minimum accessibility requirement under paragraph 8(1)(g) of the Financial Hardship Standard on 21 May 2024.</p> <p>A screen shot of Moose Mobile's home webpage as at 21 May 2024 is at Attachment B.</p>
Subparagraph 8(1)(g)(ii)	<p>The Policy must be made clearly available to the public on the provider's website and on an app if the provider uses an app:</p> <p>(ii) in a concise summary form on the same web page or location that the information about how to make an application and payment assistance policy are kept.</p> <p>Section 13 sets out what must be included in the summary referred to in subparagraph 8(1)(g)(ii).</p>	<p>Moose Mobile does not have summary of its Policy available on its website.</p> <p>Therefore, based on its review of Moose Mobile's Policy on 21 May 2024, the ACMA finds that it does not meet the minimum content requirement under subparagraph 8(1)(g)(ii) of the Financial Hardship Standard.</p> <p>A screenshot of Moose Mobile's 'Other Terms and Policies' webpage evidencing Moose Mobile's does not have a Policy Summary is at Attachment C.</p>
Paragraph 9(c)	<p>A Policy must include a statement of intention, which expressly recognises:</p> <p>(i) that the goal of the Policy is to prioritise keeping customers experiencing</p>	<p>Moose Mobile's Policy states 'Moose Mobile is committed to helping customers facing Financial Hardship to maintain reasonable telecommunication access and working with you to find a sustainable solution.' A copy of Moose Mobile's Policy is available at Attachment A.</p> <p>However, Moose Mobile's Policy does not</p>

	(ii) financial hardship connected; and that disconnection will only be used by the provider as a measure of last resort	state that disconnection will be used as a measure of last resort. For paragraph 9(c) to be satisfied, both requirements in subparagraph 9(c)(i) and (ii) must be met. As subparagraph 9(c)(ii) has not been met, based on its review of Moose Mobile's Policy on 21 May 2024, the ACMA finds that Moose Mobile's Policy did not meet the minimum content requirement under paragraph 9(c) of the Financial Hardship Standard.
Paragraph 9(d)	The Policy must state that customers have a right to apply for financial hardship assistance	Moose Mobile's Policy states 'We are here to assist customers who are experiencing Financial Hardship. We will work with you to help you respond to a difficult financial situation, whether this assistance is temporary or long-term.' However, Moose Mobile's Policy does not state that customers have a right to apply for financial hardship assistance. Therefore, based on its review of Moose Mobile's Policy on 21 May 2024, the ACMA finds that it does not meet the minimum content requirement under paragraph 9(d) of the Financial Hardship Standard.
Paragraph 9(g)	The Policy must set out information on support services for customers in financial hardship, including how the customer can contact financial counselling services, and the Telecommunications Industry Ombudsmans (TIO).	Moose Mobile's Policy does not set out information on how customers can contact the TIO. Therefore, based on its review of Moose Mobile's Policy on 21 May 2024, the ACMA finds that it does not meet the minimum content requirement under paragraph 9(g) of the Financial Hardship Standard.
Paragraph 10(e)	The Policy must ensure that the processes referred to in paragraphs 9(a) to (f) are accessible to consumers with disabilities, from cultural or linguistically diverse backgrounds or with other special needs. <i>The Explanatory Statement to the Financial Hardship Standard, (section 10 - Minimum content</i>	Moose Mobile's Policy does not contain any information to assist consumers with disabilities or from cultural or linguistically diverse backgrounds to access the Policy. For example: <ul style="list-style-type: none"> • no common community language translations are available • there is no information about any interpreter services • no information or weblinks to the National Relay Service are included.

	<p><i>requirements – applications), states, “[f]or example, offering the payment assistance policy and applications form (if applicable) in common community languages such as Arabic, Greek, Vietnamese and Mandarin, including information about translation services that may be available, or including the number of an interpreter service”.</i></p>	<p>Therefore, based on its review of Moose Mobile’s Policy on 21 May 2024, the ACMA finds that it does not meet the minimum content requirement under paragraph 10(e) of the Financial Hardship Standard.</p>
Paragraph 11(d)	<p>The Policy must state that customers seeking short term assistance or who are a victim survivor of domestic or family violence are not required to provide evidence to support their application</p>	<p>Moose Mobile’s Policy does not state that customers seeking short term assistance or who are a victim survivor of domestic or family violence are not required to provide evidence to support their application for financial assistance.</p> <p>Therefore, based on its review of Moose Mobile’s Policy on 21 May 2024, the ACMA finds that it does not meet the minimum content requirement under paragraph 11(d) of the Financial Hardship Standard.</p>
Paragraph 12(b)	<p>The Policy must set out the process by which the customer can make a complaint to the Telecommunications Industry Ombudsman (the TIO) for external dispute resolution</p>	<p>Moose Mobile’s Policy does not directly include information about how customers can make a complaint to the TIO.</p> <p>Therefore, based on its review of Moose Mobile’s Policy on 21 May 2024, the ACMA finds that Moose Mobile’s Policy does not meet the minimum content requirement under paragraph 12(b) of the Financial Hardship Standard.</p>
Paragraph 12(c)	<p>The Policy must state that making a complaint</p> <ul style="list-style-type: none"> • to the provider about a decision in relation to their application or seeking review of that decision, • or to the TIO <p>does not prevent the customer from agreeing to</p>	<p>Moose Mobile’s Policy does not include the required statement under 12(c).</p> <p>Therefore, based on its review of Moose Mobile’s Policy on 21 May 2024, the ACMA finds that it does not meet the minimum content requirement under paragraph 12(c) of the Financial Hardship Standard.</p>

	an arrangement for financial hardship assistance.	
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Conclusion

Based on its review of Moose Mobile’s Policy on 21 May 2024, for the reasons set out above, the ACMA finds that Moose Mobile has not complied with paragraph 7(1)(a) of the Financial Hardship Standard, as it has not established a payment assistance policy that complies with the minimum requirements in Part 2 of the Financial Hardship Standard. Consequently, the ACMA finds that Moose Mobile has contravened subsection 128(1) of the Act as it has not complied with paragraph 7(1)(a) of the Financial Hardship Standard.

ATTACHMENTS:

Attachment A: Moose Mobile’s Policy downloaded on 21 May 2024

Attachment B: Moose Mobile’s home page as at 21 May 2024

Attachment C: Moose Mobile’s ‘Other Terms and Policies’ webpage containing the Policy as at 21 May 2024