



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

TO: Southern Phone Company Limited (ACN 100 901 184)
OF: 6 Page Street
MORUYA NSW 2537

I, Giles Tanner, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Southern Phone Company Limited (ACN 100 901 184) (**Southern Phone Company**), has contravened the *Telecommunications Consumer Protections Code (C628:2015)* (**the TCP Code**) as described below;

hereby DIRECT Southern Phone Company, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**) to comply with clause 9.4.1(a) of the TCP Code.

Details of the contraventions

The ACMA has investigated Southern Phone Company's compliance with clause 9.4.1(a) of the TCP Code. As a carriage service provider providing telecommunications services to residential and/or small business consumers, Southern Phone Company is a participant in the section of the telecommunications industry to which the TCP Code applies.

The ACMA is satisfied that Southern Phone Company contravened clause 9.4.1(a) of the TCP Code, by failing to lodge compliance documents with Communications Compliance Ltd by the due date required under clause 9.8.1 of the TCP Code.

Requirement to comply with this Direction

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

If Southern Phone Company does not comply with this direction, the ACMA may apply to the Federal Court for an order that Southern Phone Company 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).

AAT review

If Southern Phone Company is dissatisfied with the ACMA's decision then, in accordance with section 562 of the Act, Southern Phone Company has the right to seek review of the reconsideration decision by the Administrative Appeals Tribunal (**AAT**).

The AAT is an independent body. The AAT can, amongst other things:

- confirm the ACMA's decision;
- vary the ACMA's decision; or
- set the ACMA's decision aside and replace it with its own decision.

An application to the AAT for review must be in writing. The AAT has a form for this purpose which may be used if preferred.

An application for review should be made within 28 days of being told about the decision. A \$920 application fee must be paid with the application. If you want to apply for the application fee to be waived, you can obtain the application form for this from the AAT.

Southern Phone Company may also request a statement in relation to the decision, under section 28 of the *Administrative Appeals Tribunal Act 1975*. Any such request should be made within 28 days of the decision and addressed to the person whose contact details are included below.

The AAT website has more information at www.aat.gov.au. If you have any questions about the AAT's procedures or requirements, please contact the AAT. You can call the AAT on 1800 228 333. The postal address for the AAT is GPO Box 9955 in each capital city.

Access to documents

Southern Phone Company also has a right to seek access to documents about the decision to give this direction, or any associated reconsideration decision, under the *Freedom of Information Act 1982* (**FOI Act**). The application must be made to the ACMA in writing (there is no special form and you must:

- state that the request is an application for the purpose of the FOI Act;
- provide sufficient information about the documents you want to obtain as is reasonably necessary to enable the ACMA to identify them; and
- give details of how notices under the FOI Act may be sent to you (e.g. postal address or email address).

The ACMA's website has more information on how to make an application at www.acma.gov.au.

Making a complaint

If you are dissatisfied with the way the ACMA handled this matter, you may contact the person whose details are provided below.

A complaint may also be made to the Commonwealth Ombudsman (the Ombudsman usually prefers that your concerns are raised with the ACMA first). There is an office of the Commonwealth Ombudsman in each capital city. Further information may be obtained at www.ombudsman.gov.au or call 1300 362 072.

Contacting the ACMA

Should you require further information, please contact:

Peter Sutton
Manager
Telecommunications Compliance, Enforcement and Education Section
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne, VIC 8010
Ph: (03) 9963 6950
Email: peter.sutton@acma.gov.au

Signature

Giles Tanner
General Manager
Communications Infrastructure Division
Delegate of the Australian Communications and Media Authority

28 August 2018