

SUPPLEMENTARY EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Telecommunications Act 1997

Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025* (the **Standard**) under subsection 125AA(1) of the *Telecommunications Act 1997* (the **Act**) and in accordance with sections 5, 6 and 7 of the *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024*.

This supplementary explanatory statement amends the explanatory statement for the Standard as set out below.

Purpose and operation of the instrument

Operation

After the final paragraph, under the heading “**Operation**” insert:

The legislative authority for the ACMA to seek civil penalties for non-compliance with a standard is subsection 128(3) of the Act, which allows a Court to impose civil penalties for a breach of an industry standard. The maximum civil penalty that may be imposed by the Court is set out in the relevant subsections of section 570 of the Act.

Section 570 in Part 31 of the Act relates to pecuniary penalties for contraventions of civil penalty provisions. Subsection 570(1) provides that “If the Federal Court is satisfied that a person has contravened a civil penalty provision, the Court may order the person to pay to the Commonwealth such pecuniary penalty, in respect of each contravention, as the Court determines to be appropriate”.

Relevantly, paragraph 570(3)(b) provides that “the pecuniary penalty payable under subsection (1) by a body corporate is not to exceed: ... (b) in any other case - \$250,000 for each contravention”. In the context of the Standard, the contraventions referred to in paragraphs 570(3)(a)-(ac) are not relevant and consequently, paragraph (b) will apply.

Subsection 570(4) relates to the pecuniary penalty payable under subsection (1) by a person other than a body corporate. It provides that the pecuniary penalty payable by a natural person is not to exceed \$50,000.