



Remedial Direction under subsection 102(2) of the *Telecommunications Act 1997*

TO: Infinity Telecom Pty Limited (ACN 625 411 636)

OF: Level 16 338-340 Pitt Street
SYDNEY NSW 2000

The Australian Communications and Media Authority (the **ACMA**), being satisfied that on 29 April 2019, Infinity Telecom Pty Limited (ACN 625 411 636) (**Infinity**) has contravened the service provider rule in clause 1 of Schedule 2 to the *Telecommunications Act 1997* (the **Act**) by contravening paragraph 7(1)(a) and subsection 8(3) of the Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (**Complaints Standard**) and paragraphs 7(1)(c) and 11(1)(a) of the Telecommunications (NBN Consumer Information) Industry Standard 2018 (**Consumer Information Standard**), and thereby contravening subsection 128(1) of the Act;

DIRECTS Infinity under subsection 102(2) of the Act to take the following action directed towards ensuring that Infinity does not contravene clause 1 of Schedule 2 of the Act by contravening the Complaints Standard, the Consumer Information Standard and subsection 128(1) of the Act and is unlikely to contravene those requirements in the future.

Infinity must:

- (a) establish a written complaints handling process that includes the minimum requirements for consumer complaints handling set out in Part 2 of the Complaints Standard by 19 August 2019, including information that meets the following requirements of the Complaints Standard:
 - (i) paragraph 8(1)(b);
 - (ii) subparagraphs 8(1)(m)(i), (ii), (vi), (vii) and (viii);
 - (iii) section 9, specifically, the timeframes in section 12; and
 - (iv) paragraph 10(g);
- (b) comply with subsection 8(2) and 8(3) of the Complaints Standard by 19 August 2019;
- (c) ensure that all advertising material available on Infinity's website complies with the requirements in subsection 11(1) of the Consumer Information Standard by Monday 19 August 2019;
- (d) prepare a written key facts sheet containing information about NBN services, entitled "Key Facts Sheet: NBN Services" which meets the minimum

requirements of sections 7, 8, 9 and 10 of the Consumer Information Standard for each NBN consumer plan offered by Infinity by Monday 19 August 2019;

- (e) make the documents specified at paragraphs (a), (c) and (d) above, and the link required by subsection 8(3) of the Complaints Standard, available on Infinity's website by Monday 19 August 2019;
- (f) by 4.00pm on Monday 26 August 2019, notify the ACMA of the process by which Infinity ensures or intends to ensure that any changes to plans or offerings are reflected in the relevant key facts sheets and advertising;
- (g) by 4.00pm on Tuesday 20 August 2019, notify the ACMA in writing via email to networkmigration@acma.gov.au that the actions in paragraphs (a) to (e) above have been completed, including:
 - (i) the dates on which those actions were completed;
 - (ii) the website address where the written complaints handling process has been made available; and
 - (iii) the website address where the written key facts sheets have been made available;
- (h) by 4:00pm on Thursday 28 November 2019, provide the ACMA in writing via email to networkmigration@acma.gov.au with information sufficient to demonstrate that at Thursday 21 November 2019 Infinity remains compliant with paragraphs (a) to (d) above, including:
 - (i) the website address where the written complaints handling process has been made available;
 - (ii) the website address where the written key facts sheets have been made available; and
 - (iii) the two most recent advertisements and the respective key fact sheets for Infinity's NBN plans.

TAKE NOTE:

1. Subsection 101(1) of the Act provides that a service provider must comply with the service provider rules that apply to the provider. Subsection 101(1) of the Act is a civil penalty provision. The service provider rules are the rules set out in Schedule 2 to the Act. Clause 1 of Schedule 2 to the Act provides that a service provider must comply with the Act.
2. A carriage service provider that is a participant in the section of the telecommunications industry to which the Complaints Standard and Consumer Information Standard applies, is required to comply with the Complaints Standard and Consumer Information Standard under subsection 128(1) of the Act.
3. Contravention of paragraph 7(1)(a) and subsection 8(3) of the Complaints Standard, and paragraphs 7(1)(a) and 11(1)(a) of the Consumer Information Standard, are therefore contraventions of subsection 128(1) of the Act and of the service provider rule in clause 1 of Schedule 2 to the Act.
4. Under subsection 102(2) of the Act, where the ACMA is satisfied that a service provider has contravened a service provider rule, the ACMA can direct a service provider to take specified action directed towards ensuring that the provider does not


contravene a service provider rule, or is unlikely to contravene a service provider rule, in the future.

5. Subsection 102(4) of the Act provides that a service provider must not contravene a direction given under subsection 102(2). Such a contravention is a contravention of the Act, and therefore a breach of the service provider rules.
6. A corporation that has contravened the civil penalty provision at subsection 101(1) of the Act may be ordered by the Federal Court to pay to the Commonwealth such pecuniary penalty as the Court determines to be appropriate, up to a maximum of \$10 million for each contravention (section 570 of the Act).

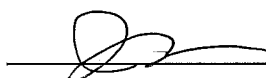
REVIEW RIGHTS

7. If Infinity is dissatisfied with this decision, it may seek a reconsideration of the decision by the ACMA under subsection 558(1) of the Act by making an application in writing to the ACMA, which sets out the reasons for the application, within 28 days after the date on which this notice of decision is given to Infinity.
8. If Infinity is dissatisfied with the ACMA's decision upon reconsideration, then subject to the *Administrative Appeals Tribunal Act 1975* (the **AAT Act**), it may apply to the Administrative Appeals Tribunal for review of the decision, within 28 days of the date on which notice of the ACMA's decision on reconsideration is given to Infinity. Infinity may also request a statement of reasons in relation to the decision on that reconsideration, under section 28 of the AAT Act.

Dated this 6th day of August 2019



Signature of Member



Signature of Member/~~General Manager~~

CREINA CHAPMAN

Name

JAMES CAMERON

Name